

**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING
PROCEEDINGS; THURSDAY, DECEMBER 16, 2021**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, December 16, 2021 in the Administrative Center, Room 1700. The County Clerk, Ginny Dankmeyer, took attendance. 26 supervisors were present when Chair Monica Kruse called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

District Name	Attendance
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Janssen, Barb	Present
4 Freedland, Maureen	Present
5 Mathu, Grant	Present
6 Plesha, Roger	Present
7 Padesky, Gary	Present
8 Isola, Peg	Present
9 Wacek, Dawn	Present
10 Cable, Kim	Present
11 Scheller, Patrick	Present
12 Erickson, Randy	Present
13 Tryggestad, Tina	Present
14 Larson, Margaret	Present
15 Kruse, Monica	Present
16 Ferries, Dan	Present
17 Pogreba, Jack	Present
18 Weber Strauss, Noelle	Present at 06:07 PM
19 Cornforth, Rick	Present
20 Doyle, Steve	Present
21 Burke, Vicki	Excused
22 Viner, Pamela	Present
23 Nikolay, Matt	Present
24 Hoyer, Kevin	Present
25 Hundt, David	Present
26 Hesse, Dan	Present
27 Jacobs, Thomas	Present
28 Keil, Karen	Excused
29 O'Neill, Jamie	Present

PLEDGE OF ALLEGIANCE

COMMUNICATIONS AND ANNOUNCEMENTS:

County Board Chair Report - Monica Kruse

- Supervisor Conference Reports
 - Chair Kruse noted the February meeting schedule has changed to accommodate for the WCA Legislative Exchange.
 - Supervisor Tryggestad announced the Homeless Persons' Memorial Service will be held on Tuesday, December 21, 2021 at 5pm. It will start in Burns Park and walk to Cameron Park.

(105-21/22)

- o Chair Kruse noted several Supervisors were in attendance for the dedication of the new La Crosse Center.

Administrator Report - Steve O'Malley

- Recognition of Cheryl McBride, retiring Register of Deeds – Administrator O'Malley recognized retiring Register of Deeds Cheryl McBride for over 30 years of service to La Crosse County and 15 of those years as the Register of Deeds.

APPOINTMENTS

Motion by K. Cable/R. Geary to reappoint Dan Hesse to the Agricultural Society for a one year term to expire December 31, 2022; reappoint Anita Doering, Doug Howard and Daryl Burrows to the Historic Sites Preservation Commission for a three year term to expire December 31, 2024; reappoint Mary Kessens to the La Crosse County Housing Authority for a five year term to expire December 31, 2026; reappoint Dennis Beekman and Larry Pohja to the La Crosse County Library Board for a three year term to expire December 31, 2024; reappoint Michelle McClellan to the La Crosse County Library Board for a two year term to expire December 31, 2023; reappoint Kevin Rindy, Bob Ritger, Adam Jacobson, David Steinberg, Dan Smith, Carol Drury, Mike Horstman and Marc Schultz to the Local Emergency Planning Committee for a two year term to begin the January 18, 2022 and expire January 16, 2024; reappoint Peg Isola, Karen Keil, and Roger Plesha to the Mississippi Valley Health Services for a three year term to expire December 31, 2024; Reappoint Marte Peterson to the Veterans Service Commission for a three year term to expire December 31, 2024; appoint Paula Gorsett to the Veterans Service Commission for the remainder of a term to expire December 31, 2022 to replace Timothy Mitchell Jr.; appoint Timothy Mitchell Sr. to the Veterans Service Commission as an alternate for a one year term to expire December 31, 2022; reappoint Sue Adams to the Winding Rivers Library System for a three year term to expire December 31, 2024 passed on a unanimous voice vote with 26 ayes, 1 absent - N. Weber Strauss, 2 excused - V. Burke and K. Keil.

CONSENT AGENDA

Motion by R. Plesha/D. Ferries to approve the minutes of the La Crosse County Board of Supervisors Planning Meeting held November 1, 2021, Redistricting Public Hearing held November 8, 2021, and the Public Hearing on the Budget and Annual Meeting held November 8, 2021 and the claims list for \$5,781,675.88 passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 44-12/21 RE: AUTHORIZATION TO USE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR COVID RELATED EXPENDITURES IN 2021

WHEREAS, The La Crosse County Board approved the 2022 budget on November 8th, 2021; and, **WHEREAS**, this budget included approved housekeeping changes to include a placeholder of \$22,923,224 for ARPA expenditures in a new fund ; and, **WHEREAS**, these funds cannot be spent without County Board approval; and, **WHEREAS**, COVID-19 transmission rates remain high and continue to impact the community; and, **WHEREAS**, County Departments are incurring the following types of unbudgeted and unfunded expenditures during the continued COVID-19 pandemic:

- Staffing for disease investigation, contact tracing, testing, and support to community partners,
- Equipment to onboard and support higher staffing levels in the Health Department,
- Isolation of at-risk unsheltered individuals in the community,
- Masks, plastic barriers, and other protective equipment; and,

WHEREAS, these unfunded expenditures are allowable uses for ARPA funds; and, **WHEREAS**, allowable COVID-19 expenditures are not anticipated to exceed \$705,950 through December 31, 2021. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby authorizes a maximum of \$705,950 of the total expected \$22,923,224 allocation to be spent on allowable expenditures related to the COVID-19 pandemic.

BE IT FURTHER RESOLVED, the Finance Department is authorized to make any necessary and appropriate account transfers. **FISCAL NOTE**: Allowable expenditures approved by the County Board will be tracked in Fund 295 within the County financial system.

(106-21/22)

**HEALTH AND HUMAN SERVICES BOARD
EXECUTIVE COMMITTEE**

Motion by T. Tryggestad/G. Padesky to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 45-12/21 RE: ADVISORY REFERENDUM ON CLEAN WATER

WHEREAS, there are numerous indicators that the citizens of La Crosse County are concerned about groundwater and surface water issues including contamination from nitrates, PFAS, lead in drinking water, toxic algal blooms, flooding, and over pumping from high capacity wells; **WHEREAS**, the Health and Human Service Board is directly involved in local and regional discussions focusing on surface water and groundwater issues and is statutorily charged with considering issues related to these topics; and, **WHEREAS**, the La Crosse County Board of Supervisors has passed resolutions asking for the State of Wisconsin to pursue initiatives related to surface water and groundwater issues; **NOW, THEREFORE, BE IT RESOLVED**, that the La Crosse County Board of Supervisors, in legal session assembled, does hereby approve that the following question be placed on the April 5, 2022 ballot as an advisory referendum:

Question: Shall the State of Wisconsin establish a right to clean water to protect human health, the environment, and the diverse cultural and natural heritage of Wisconsin? YES or NO

BE IT FURTHER RESOLVED, that the Corporation Counsel shall prepare an explanation of a yes or no vote to be published by the La Crosse County Clerk in accordance with statutory requirements; and, **BE IT FURTHER RESOLVED**, that this resolution and the referendum shall be filed with the La Crosse County Clerk no later than 70 days prior to the April 5, 2022 election, at which the question will appear on the ballot; and, **BE IT FURTHER RESOLVED**, that the La Crosse County Clerk is directed to send the results of the referendum to the Governor of the State of Wisconsin, the Wisconsin Counties Association, all Wisconsin County Boards, and to local members of the State Legislature. **FISCAL NOTE:** Approximately \$5,000 for the preparation and noticing of the referendum ballot.

**HEALTH AND HUMAN SERVICES BOARD
EXECUTIVE COMMITTEE**

Motion by T. Tryggestad/R. Cornforth to approve. Discussion ensued. Motion by J. Pogreba to send resolution instead of referendum was ruled out of order. Motion by J. Pogreba/B. Janssen to refer back to committee failed on a roll call vote with 22 nays, 5 ayes - D. Ferries, K. Hoyer, D. Hundt, B. Janssen and J. Pogreba, 2 excused - V. Burke and K. Keil. The motion to approve passed on a voice vote with 25 ayes, 2 nays - K. Hoyer and D. Hundt, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 46-12/21 RE: APPROVAL OF BLUFFLANDS FUNDING FOR GATEWAY 1.5 PROJECT

WHEREAS, the County approved the "Blufflands Plan" in 2016 to guide a regional approach to the conservation and recreational use of area blufflands; and, **WHEREAS**, the County signed a Memorandum of Understanding in September of 2021 to join the Blufflands Coalition to facilitate the implementation of the "Blufflands Plan"; and, **WHEREAS**, County staff has developed "Guidelines for Requesting Blufflands Funding" to provide a consistent way for community organizations and municipalities within La Crosse County to request funding assistance for blufflands projects from the County; and, **WHEREAS**, the County has received a request from the Outdoor Recreation Alliance for \$7,500.00 to help them complete the Gateway 1.5 Project in Grandad Bluff Park, and that the request follows the guidelines for requesting funding and meets all of the requirements that the County has set for providing funding. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby approves the contribution of \$7,500.00 to the Outdoor Recreation Alliance to assist in the construction of the Gateway 1.5 project; and, **BE IT FURTHER RESOLVED**, that the County Board Chair, after approval by Corporation Counsel is hereby authorized to execute a grant agreement with the Outdoor Recreation Alliance to ensure that funds will be used to complete the Gateway 1.5 Project. **FISCAL NOTE:** This \$7,500.00 contribution will be paid from

(107-21/22)

Account 100.130.1190.63100.00 Economic Development Bluffland Protection. That account currently has \$190,600.00 which has been budgeted in previous years and carried forward in 2021.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE
EXECUTIVE COMMITTEE**

Motion by P. Isola/D. Hundt to approve. Discussion ensued. Community Development Manager Brian Fukuda explained the funding to the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

ZONING ORDINANCE NO. Z438-12/21 RE: PETITION NO. 2061 FILED BY STEVEN R. BRUHA, ACTING O/B/O KATHRYN V. SCHMIDT, CAROL P. BRUHA, AND ALAN J. BRUHA TO REZONE FROM THE GENERAL AGRICULTURAL DISTRICT TO THE RURAL DISTRICT FOR A 35.72 ACRE BASE FARM TRACT FOR RESIDENTIAL USE AND ONE FUTURE SINGLE FAMILY RESIDENCE IN THE TOWN OF HOLLAND

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 2061 to amend the La Crosse County Zoning Ordinance filed by: STEVEN R BRUHA, W6698 COUNTY RD T, HOLMEN, WI, 54636 ACTING O/B/O KATHRYN V SCHMIDT, CAROL P BRUHA, AND ALAN J BRUHA, W6698 COUNTY RD T, HOLMEN, WI, 54636 and having held a public hearing on the 29th day of November 2021 for a petition to rezone from the GENERAL AGRICULTURAL DISTRICT to the RURAL DISTRICT a ±35.72-acre Base Farm Tract for continued residential use and one future single-family residence in the Town of Holland and is described as follows: Properties described as part of the SW ¼ of the NW ¼, part of the NW ¼ of the NW ¼, part of the NE ¼ of the NW ¼, and part of the SE ¼ of the NW ¼, all in Sec. 8, T 18 N, R 7 W. Tax parcels 8-117-1, 8-118-1, 8-121-0, 8-122-0. Property address W6802 County Rd T. Town of Holland. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.10(8), has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record, the Committee's recommendation is to: By a vote of SIX (6) in favor, ZERO (0) no, ONE (1) excused (Hundt), and ZERO (0) absent the committee voted to approve Zoning Petition No. 2061 subject to the recording of the following ONE (1) condition;

1. Within 45 days of Board approval, a deed restriction shall be recorded providing for the following:
 - a. No more than two single family residences are allowed within the rezoned area.
 - b. The La Crosse County Board of Supervisors has the sole power to remove or amend the deed restriction.

(IF THIS PETITION IS APPROVED AS A CONDITIONAL ZONING, DEED RESTRICTIONS MUST BE RECORDED BEFORE ZONING TAKES EFFECT.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. The County Board took the following action this 16th day of December 2021. Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/P. Scheller to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

ZONING ORDINANCE NO. Z439-12/21 RE: PETITION NO. 2062 FILED BY SPENSER NICKELATTI, D/B/A NRE PROPERTIES LLC. TO REZONE FROM RURAL DISTRICT TO THE INDUSTRIAL DISTRICT A 1.18 ACRE PARCEL FOR PROPOSED RENTAL STORAGE BUILDINGS IN THE TOWN OF ONALASKA

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 2062 to amend the La Crosse County Zoning Ordinance filed by: SPENSER NICKELATTI, D/B/A NRE PROPERTIES LLC 543 DRIFTWOOD STREET, WEST SALEM, WI 54669

(108-21/22)

and having held a public hearing on the 29th day of November 2021 for a petition to rezone from the RURAL DISTRICT to the INDUSTRIAL DISTRICT a ±1.18-acre parcel for proposed rental storage buildings in the Town of ONALASKA and is described as follows: Properties described as part of the NW ¼ of the NE ¼ of Sec. 25, T 17 N, R 8 W. Tax Parcel 10-2034-0. Property address W7401 County Road ZN. Town of Onalaska. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.10(8), has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record, the Committee's recommendation is to: By a vote of SIX (6) in favor, ZERO (0) no, ONE (1) excused (Hundt), and ZERO (0) absent the committee voted to approve Zoning Petition No. 2061 subject to the recording of the following with ONE (1) condition;

1. Prior to or as a condition of the issuance of a zoning permit, screening shall be installed along and parallel to the eastern property line. Screening shall consist of vegetation or fencing sufficient to provide a visual barrier and designed and installed in accordance with applicable County and Town codes. If the abutting property is no longer used as a residence at the time the application for a zoning permit is submitted, or if requested by the property owner this condition is no longer required.

(IF THIS PETITION IS APPROVED AS A CONDITIONAL ZONING, DEED RESTRICTIONS MUST BE RECORDED BEFORE ZONING TAKES EFFECT.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. The County Board took the following action this 16th day of December 2021. Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/G. Padesky to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

ZONING ORDINANCE NO. Z440-12/21 RE: PETITION NO. 2063 FILED BY THOMAS BROWN, D/B/A TOM'S BOBCAT & SNOWPLOWING INC., O/B/O MICHAEL C. MEYER, MARY M. MEYER-NELSON, MARICA M. LIEGEY, MURRAY B. MEYER TRUST AND MARILYN M. MEYER TRUST TO REZONE FROM THE RURAL DISTRICT TO THE COMMERCIAL DISTRICT A 9.069 ACRE PARCEL FOR PROPOSED FUTURE COMMERCIAL USE BY TOM'S BOBCAT & SNOWPLOWING INC. IN THE TOWN OF MEDARY

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 2063 to amend the La Crosse County Zoning Ordinance filed by: THOMAS BROWN, D/B/A TOM'S BOBCAT & SNOWPLOWING INC, N3620 SMITH VALLEY ROAD, LA CROSSE, WI 54601, O/B/O MICHAEL C MEYER, MARY M MEYER-NELSON, MARCIA M LIEGEY, MURRAY B MEYER TRUST AND MARILYN J MEYER TRUST, P.O. BOX 178, MARION, WI 54950 and having held a public hearing on the 29th day of November 2021 for a petition to rezone from the RURAL DISTRICT to the COMMERCIAL DISTRICT a ±9.069-acre parcel of land for proposed future commercial use by Tom's Bobcat & Snowplowing INC in the Town of MEDARY and is described as follows: Properties described as part of Gov't Lot 8, located in N ½ of the NE ¼ of Sec. 28, T 16 N, R 7 W. Tax Parcel 9-1290-1. State Road 16. Town of Medary. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.10(8), has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record, the Committee's recommendation is to: By a vote of SIX (6) in favor, ZERO (0) no, ONE (1) excused (Hundt), and ZERO (0) absent the committee voted to approve Zoning Petition No. 2061 subject to the recording of the following with NO

(109-21/22)

(0) conditions. (IF THIS PETITION IS APPROVED AS A CONDITIONAL ZONING, DEED RESTRICTIONS MUST BE RECORDED BEFORE ZONING TAKES EFFECT.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. The County Board took the following action this 16th day of December 2021. Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/P. Scheller to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

FIRST CONSIDERATION OF ORDINANCE

ORDINANCE NO.190 TO AMEND S. 7.04 ENTITLED "SPEED LIMITS" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson to move the first reading. The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County web site at: www.lacrossecounty.org. Upon adoption and publication, it will be incorporated into the La Crosse County General Code of Ordinances.

FIRST CONSIDERATION OF ORDINANCE

ORDINANCE NO. 191 TO AMEND S. 15.02, 15.04 AND 15.05 ENTITLED "SOLID WASTE MANAGEMENT" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson to move the first reading. The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County web site at: www.lacrossecounty.org. Upon adoption and publication, it will be incorporated into the La Crosse County General Code of Ordinances.

RESOLUTION NO. 47-12/21 RE: AUTHORIZATION TO TRANSFER \$200,000 FROM CARROLL HEIGHTS CASH BALANCE TO A NEW FUND CALLED "THE OAKS" – A STATE ONLY LICENSED NURSING HOME AS PART OF THE HILLVIEW CAMPUS

WHEREAS, Hillview Health Care Center, in collaboration with La Crosse County Human Services Department and local hospitals, has identified a need to provide care to individuals with significant behavioral symptoms; and, **WHEREAS**, these individuals include seniors with dementia, mental illness, and those in need of crisis stabilization; and, **WHEREAS**, La Crosse County already has experience in operating "Ravenwood", a state only licensed nursing home on the Lakeview Campus which serves a similar population; and, **WHEREAS**, Hillview Health Care Center staff have applied with the State of Wisconsin Department of Health Services for a license to operate a State only nursing home to support our local community in meeting gaps in care; and, **WHEREAS**, the plan is to convert one hallway within the walls of the current Hillview Health Care Center into this 10-bed facility, with remodeling and start-up costs estimated to be \$200,000. **NOW THEREFORE BE IT RESOLVED**, that \$200,000 be transferred from Carroll Heights cash balance to a new fund called "The Oaks", and the Finance Director is authorized to take the actions necessary to effectuate the purposes of this resolution. **FISCAL NOTE:** Transfer \$200,000 from Carroll Heights Fund cash account 618-11101.970 to The Oaks Fund cash account 612-11101.970. The balance in the Carroll Heights cash account as of November 23, 2021 was \$2,374,733.53.

VETERANS, AGING AND LONG TERM CARE COMMITTEE EXECUTIVE COMMITTEE

Motion by R. Plesha/A. Richmond to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 48-12/21 RE: APPLICATION FOR 2022 COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES HOUSING AWARD

(110-21/22)

WHEREAS, La Crosse County approved the submission of a grant application on behalf of the Southwest Wisconsin Housing Consortium by Resolution #37-10/12; and, **WHEREAS**, the State awarded the Southwest Wisconsin Housing Region awards in 2012, 2104, 2016, 2018 and 2020 for the Community Development Block Grant Housing Award; and, **WHEREAS**, La Crosse County has been the lead county for the Southwest Wisconsin Housing Region; and, **WHEREAS**, it is in the best interest of La Crosse County to apply for this grant again to sign all necessary contracts to implement this program. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby approves the application for the 2022 Community Development Block Grant Small Cities Housing Award for the Southwest Wisconsin Housing Consortium. **BE IT FURTHER RESOLVED**, that the County Board Chair is hereby authorized to sign all necessary documents with the State and with consortium members to implement this Community Development Block Grant Housing Program, after approval by Corporation Counsel. **FISCAL NOTE**: The 2022 Community Development Block Grant Housing Award is estimated at \$2,000,000 to be distributed to consortium members.

EXECUTIVE COMMITTEE

Motion by K. Cable/T. Tryggstad to approve. Discussion ensued. Planner Charlie Handy responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 49-12/21 RE: DESIGNATION OF AN OFFICIAL NEWSPAPER FOR 2022

WHEREAS, La Crosse County Board Rule 2.02(6) per Wisconsin Statutes Section 985 requires the designation of an official newspaper for La Crosse County; and, **WHEREAS**, the La Crosse Tribune meets the qualifications per Wisconsin Statutes 985.03; and, **WHEREAS**, it is in the best interest of La Crosse County to designate the La Crosse Tribune as the official newspaper because of its distribution and circulation in the county; and, **WHEREAS**, the current year designation by resolution terminates on December 31, 2021. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse Tribune is designated and approved by the La Crosse County Board of Supervisors as the official newspaper for La Crosse County for the year 2022 and expiring December 31, 2022. **FISCAL NOTE**: No fiscal impact for designating the official newspaper.

EXECUTIVE COMMITTEE

Motion by K. Cable/M. Larson to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 50-12/21 RE: AUTHORIZATION FOR DESIGNATION OF DEPOSITORIES

WHEREAS, per WI. Statutes Chapter 34 and 59, the County Board shall designate one or more depositories; and, **WHEREAS**, the Executive Committee has met and they have designated depositories which meet the state statutes requirements. The following financial institutions have been designated as official depositories for La Crosse County funds:

Wells Fargo Bank NA, La Crosse & Onalaska
State Bank Financial, La Crosse & Onalaska
WNB Financial, Holmen
Coulee Bank, La Crosse, Onalaska & Holmen
Farmers State Bank of Bangor
Park Bank, La Crosse & Holmen
Associated Bank, La Crosse, Onalaska & Holmen
Dana Investment Advisors, Waukesha
River Bank, La Crosse & Holmen

MBIA Municipal Investors Corp.
Trust Point, La Crosse
Governmental Employees Credit Union, La Crosse

Wells Fargo Securities
Firefighters Credit Union, La Crosse, Onalaska & Holmen
U. S. Bank, La Crosse & Onalaska
Union State Bank of West Salem, West Salem
First National Bank of Bangor & La Crosse
Altra Federal Credit Union, La Crosse, Onalaska & Holmen
Verve a Credit Union, La Crosse, Onalaska & Holmen
Bremer Bank, Onalaska
State of Wisconsin Investment Pool, Madison
American Deposits Management, Delafield WI

(111-21/22)

Co-Op Credit Union, Onalaska
Marine Credit Union, La Crosse & Onalaska
BMO Harris Bank, La Crosse & Onalaska
PMA Securities, LLC, Milwaukee
Bluff View Bank, Holmen

Institutional Capital Management, Milwaukee
Citizens State Bank, La Crosse & Onalaska
Merchants Bank, Onalaska
1st Community Credit Union, West Salem

NOW THEREFORE BE IT RESOLVED, that the County Board appoint the financial institutions designated above as official depositories for La Crosse County funds: **BE IT FURTHER RESOLVED**, that the aforementioned depositories are officially designated until there is a change in state statutes or they are amended by the La Crosse County Board. **FISCAL NOTE:** No Fiscal Impact

EXECUTIVE COMMITTEE

Motion by K. Cable/P. Isola to approve. Discussion ensued. Treasurer Amy Twitchell responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 51-12/21 RE: AUTHORIZING LA CROSSE 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. 63-2/18, 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 provided 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

(112-21/22)

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 Section 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 a summary 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, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and **WHEREAS**, the County, by this Resolution, shall authorize the County's corporation counsel to finalize and execute any escrow agreement and

(113-21/22)

other document or agreement necessary to effectuate the Settlement Agreements and the other agreements referenced herein; **NOW, THEREFORE, BE IT RESOLVED**, that the La Crosse County Board of Supervisors hereby approves:

1. The execution of the Distributors Settlement Agreement and any and all documents ancillary thereto and authorizes the Board Chair to execute same.
2. The execution of the Janssen Settlement Agreement and any and all documents ancillary thereto 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 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 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 that the County hereby establishes 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** that 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 up to, but in no event exceeding, an amount equal to 20% 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 20% of the proceeds from the Settlement Agreements attributable to Local Governments (as that term is defined in the Allocation 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 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. **FISCAL NOTE:** No cost to La Crosse County.

EXECUTIVE COMMITTEE

Motion by K. Cable/R. Cornforth 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 27 ayes, 2 excused - V. Burke and K. Keil.

RESOLUTION NO. 52-12/21 RE: ADOPTION OF CONTRACT FOR SHERIFF DEPUTY UNION EMPLOYEES FOR 2022 AND 2023

WHEREAS, La Crosse County and the representatives from the Sheriff Deputy Union have concluded collective bargaining negotiations; and, **WHEREAS**, the parties have reached a

(114-21/22)

tentative agreement. **NOW THEREFORE BE IT RESOLVED** that the tentative base wage adjustment will be 4% in 2022 and 2% in 2023 for all covered employees under the collective bargaining agreement. **BE IT FURTHER RESOLVED** that the tentative base wage adjustment of 4% in 2022 for Union employees will be applied to LE Sergeants to manage compression. **BE IT FURTHER RESOLVED**, the Finance Department and Human Resources Department are authorized to take the necessary actions to implement the contractual base wage increases, effective January 2, 2022. **FISCAL NOTE:** There is sufficient funding within the 2022 departmental budget and salary contingency to cover the estimated cost of \$113,800.

EXECUTIVE COMMITTEE

Motion by K. Cable/D. Hesse to approve. Discussion ensued. Administrator O'Malley responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

SUGGESTIONS FOR FUTURE AGENDA TOPICS

- Supervisor Doyle asked for an update from Corporation Counsel on pending claims against the County
- Supervisor Freedland asked to discuss an opportunity for non profits to request ARPA funds
- Supervisor Hundt asked for funds to be given to the festivals in the area during the January cycle to help them recover from COVID losses.

ADJOURN

Motion by J. Pogreba/G. Mathu to adjourn at 7:06 PM passed on a unanimous voice vote with 27 ayes, 2 excused - V. Burke and K. Keil.

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, December 16, 2021 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 17 OF DECEMBER 2021.