

MARQUETTE COUNTY BOARD OF SUPERVISORS
WebEx Remote/Virtual and County Board Room of the Services Center
July 15, 2025

Pursuant to notice duly given in the manner established by the Board of Supervisors and in compliance with Sub-Chapter V of Chapter 19 of the Wisconsin Statutes, a lawfully held regular meeting of the Board of Supervisors of the County of Marquette, Wisconsin was called to order by Chairperson Borzick at 7:00 p.m. on July 15, 2025, at Montello, Wisconsin, at the time and place established by the Board of Supervisors or in accordance with law.

The Clerk electronically called the roll and the following members answered roll call:

District No. 1 Abby Swan (virtual)
District No. 2 Dennis Fenner (absent)
District No. 3 David Krentz
District No. 4 John Bennett
District No. 5 Kathy Jo Locke
District No. 6 David Benson
District No. 7 Ken Borzick
District No. 8 Mike Raddatz
District No. 9 Gary Sorensen
District No. 10 Mary P. Walters
District No. 11 Lance Achterberg
District No. 12 Chuck Bornhoeft
District No. 13 Kathleen McGwin
District No. 14 Jeff Frazer (absent)
District No. 15 Peggy Krause
District No. 16 Scott Kempley (absent)
District No. 17 Judi Nigbor

A quorum of the Board of Supervisors was declared present and open meetings law compliance was established.

Also present were Administrator Ron Barger and Corporation Counsel Ben Letendre.

A moment of silence was observed followed by the reciting of the Pledge of Allegiance.

Motion/second by Bennett/Bornhoeft to approve the agenda as presented. Motion carried.

Motion/second by Raddatz/Benson to approve the minutes of the June 17, 2025 meeting as printed. Motion carried.

There were no citizen inquiries, introductions, or employee recognitions.

The chairperson of the respective standing committees gave committee reports. Property Committee Chairperson Achterberg reported the Clerk of Court office space testing has been completed, which will be discussed at the next Property Committee meeting with next steps dependent on test results. Judicial & Public Safety Committee Chairperson Nigbor reported Marquette County has entered into a vehicle leasing agreement with Enterprise Fleet Management for the Sheriff's Office.

Motion/second by Raddatz/Bennett to approve the consent agenda under agenda item #7 adopting Resolutions 40-2025 through 42-2025. Motion carried.

Resolution No. 40-2025 ZONING AMENDMENT- TOWN OF MECAN
(Introduced by Dave Benson AND John Bennett)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for the use not allowed in the Prime Agricultural District zoning classification.
2. The rezoning will not substantially impair or limit current or future use of adjacent lands.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the farmland preservation component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

Rezone 2.838 acres into R-1, described as Lot 1 of CSM 1546 and also the West 99 feet of the North 25 feet of Lot 2 of CSM 1546, being part of the Southwest Quarter of the Northwest Quarter, all in Section 5, T15N R11E, Town of Mecan, Marquette County, WI.

Resolution No. 41-2025 ZONING AMENDMENT- TOWN OF NEWTON
(Introduced by Dave Benson AND Dave Krentz)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for the use allowed in the Agriculture-Residential District zoning classification.
2. The rezoning will not substantially impair or limit current or future use of adjacent lands.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the rural lands component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

For zoning purposes, a 3-acre parcel, being located in a part of the West half of the South half of the Northeast quarter of the Southwest quarter (NE1/4-SW1/4) lying east of 8th Road to be rezoned AG-3(2) and the balance of the 20-acre parcel to remain in AG-2, all in Section 20, T17N R09E, Town of Newton, Marquette County, WI.

Resolution No. 42-2025 ZONING AMENDMENT- TOWN OF CRYSTAL LAKE
(Introduced by Dave Benson AND John Bennett)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for the use allowed in the Agriculture-Residential District zoning classification.
2. The rezoning will not substantially impair or limit current or future use of adjacent lands.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the rural lands component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

For zoning purposes, a 5-acre parcel, being located in the Southeast corner of the Southeast quarter of the Northeast quarter (SE1/4-NE1/4) to be rezoned to AG-3(5) and the balance of the 40-acre parcel to remain in AG-2, all in Section 12, T17N R09E, Town of Crystal Lake, Marquette County, WI.

Separate consideration of resolutions per agenda item #8.

Resolution No. 43-2025 DELEGATING THE AUTHORITY TO ENTER INTO SETTLEMENT AGREEMENTS WITH OPIOID DEFENDANTS TO THE MARQUETTE COUNTY ADMINISTRATOR
(Introduced by Ken Borzick AND Kathleen McGwin)

Upon roll call Resolution No. 43-2025 was adopted as follows: Ayes 14; Noes 0; Absent 3

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 LLP (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;

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, 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 settlement agreement between the County and Opioid Defendants;

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(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021;

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 Marquette County;

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;

WHEREAS, it is anticipated that several additional settlements will be proposed by various Opioid Defendants and recommended for approval by the PEC;

WHEREAS, Marquette 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 Marquette County Board;

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 Marquette 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 officers 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 County share of proceeds from any such settlement is consistent with the shares established in 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.

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

1. The County Board hereby delegates authority to the County Administrator 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 County share of proceeds from any such settlement is consistent with the shares established in 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 Marquette County Administrator shall provide notice to Corporation Counsel, the Executive and Finance Committee, and the County Board of the proposed settlement and the terms related thereto.

3. The County Administrator 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.

Resolution No. 44-2025 RESOLUTION AUTHORIZING GENERAL FUND TRANSFERS TO CLOSE THE 2024 BOOKS OF ACCOUNT

(Introduced by Mary Walters AND Ken Borzick)

Upon roll call Resolution No. 44-2025 was adopted as follows: Ayes 14; Noes 0; Absent 3

WHEREAS, The Executive & Finance Committee has reviewed the post-audit year-end report of expenses and revenues for 2024, and

WHEREAS, in accordance with Section 65.90 (5)(a) of the Wisconsin State Statutes transfers from the General Fund require County Board authorization, and

WHEREAS, several expenditure accounts have exhausted their 2024 budget appropriations and need funds transferred from the General Fund and it is understood many of these same departments and other departments had excess revenue or were under their expenditure budgets to more than offset these expenditures;

NOW, THEREFORE, BE IT RESOLVED, that the Marquette County Board approves the transfer of funds from the General Fund Reserve as follows:

Judicial- \$20,387.16
Treatment Court- \$5,718.80
Medical Examiner- \$14,314.44
Economic Development- \$35,604.05
Special Accounting & Auditing- \$22,856.00
Sundry Unclassified- \$748.00
Net Proceeds from Tax Deed Sales- \$188,536.17
Treasurer- \$14,433.76
Register of Deeds - \$26,462.93
EMS- \$5,476.96
Emergency Management- \$11,767.22
Health Department- \$10,557.67
Veterans Graves- \$1,821.02
Zoning- \$20,592.31
UDC- \$854.20
Animal Control- \$1,397.88

Continuing Appropriations
Common Use Equipment Outlay- \$639.16
Sheriff Capital Outlay- \$25,012.80
Special Sanitary- \$3,110.00
Human Services Fund- (CS Placements) \$225,521.51
Human Services Fund- (CFS Alt Care) \$330,863.49

General Fund Transfers Total \$966,675.53

The fiscal and personnel reports, grant updates, and correspondence were reviewed as presented by Administrator Barger. Administrator Barger reported department budgets would be sent out next week, with some departments taking them to their oversight committees for approval in August. Shared Revenue discussion took place with board and Administration input.

Corporation Counsel Ben Letendre reported West & Dunn began their services July 1st and had since visited the county four times. He noted a formal report would be submitted the following month.

Calendar planning was reviewed for the August 2025 meetings. It was noted the Parks & Rural Planning and Executive & Finance Committee meetings were moved to August 13th at their normal times and Land & Water Conservation and Ag & Extension Education Committees were moved to August 19th at their normal times. The meeting was declared adjourned subject to the call of the Chairperson. The meeting was adjourned at 7:23 p.m.

CERTIFICATE
STATE OF WISCONSIN)
) SS
County of Marquette)

I, Kiley Lloyd, County Clerk in and for Marquette County, Wisconsin, do hereby certify that the foregoing is a true copy of the proceedings of the County Board of Supervisors of said County at their meeting held in-person and remotely by using WebEx by me as such officer.


Kiley Lloyd, County Clerk