

SEPTEMBER 20, 2006**EVENING SESSION****6:00 P.M.****WILLIAM BUEDINGEN TRAINING ROOM – TOWN OF BRADLEY**

The Lincoln County Board of Supervisors met at the William Buedingen Training Room, Town of Bradley in session assembled pursuant to law. The meeting was called to order at 6:00 p.m. by Chairman Powell. Roll was called by the Clerk and the following answered present: Alber, Berndt, Caylor, Fox, Kahle, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Weaver, Woller and Zeitz (21). Supervisor Simon was excused.

Pledge of Allegiance was given by the Board.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

There were no announcements.

SERVICE RECOGNITIONS FOR JULY, 2006

Clerk read a service recognition for George M. Janssen, currently an Equipment Operator-Class 3 at the Highway Department for 20 years of service. He received a 20-year pin.

Clerk read a service recognition for Debra J. Lemke, currently an Economic Support Supervisor at the Social Services Department for 20 years of service. She received a 20-year pin.

Clerk read a service recognition for Jeffrey J. Simon, currently a Sergeant/Investigator in the Sheriff's Department for 25 years of service. He received a 25-year pin.

APPOINTMENTS AND REAPPOINTMENTS –

There were no appointments.

APPROVAL OF JOURNALS – AUGUST 15 & 28, 2006

Clerk reported that there was one correction to the August 15, 2006. On page 65, change the Number of Resolution – Approval of Architectural Contract for Addressing Space Needs to 2006-08-46. Motion was made by Supervisor Caylor, seconded by Supervisor Woller to accept the minutes of August 15, 2006 as amended. Supervisor Mittelsteadt asked that the August 28, 2006 journal be amended by adding that the two attorneys were present by electronic media during the closed session, this was seconded by Supervisor Zeitz. The August 28, 2006 Journal was accepted as amended. All Supervisors voting aye and Motion to amend is carried.

LETTERS, PETITIONS AND MEMORIALS

Monthly Mailbox Correspondence – Any Questions - None

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report. He did announce that the Social Services Committee would be meeting on Thursday, October 5, 2006 at 6:00 p.m. The Veterans Service Committee will also meet that night. The Administrative Coordinator's Report is to be filed.

REPORT OF STANDING & SPECIAL COMMITTEE

Year-to-Date Budget Report – Dan Leydet – Finance Director

Dan Leydet, Finance Director gave an update for the month of August.

Request Removal of Supervisor Dan Caylor as Chairman of Lincoln County Health Board – Supervisor Zeitz.

Supervisor Zeitz explained this request. Chair Powell referred this to the Board of Health Committee. Supervisor Caylor made a comment and the Chair called him out of order.

Discuss Addressing Fees for Un-zoned Towns – Supervisor Zeitz.

Supervisor Zeitz explained how this came about. This item is referred to the Land Information Committee. Supervisor Alber will put this on that Agenda.

RESOLUTIONS AND ORDINANCES FOR BOARD ACTION

Resolution 2006-09-47

Title: Conveyance of Real Estate

WHEREAS, this parcel of land was taken in 1987 as tax delinquent and the parcel of said land is known as O'ROURKE & RODDEN ADD'N PARTS OF LTS 2 & 3 BLK 2 CM AT SW CR LT 3 BLK 1 WESTGATE SUB-DIV POB S 1DG 03' E 39.4' E 45.9' N 1DG 03' W 39.4' ALG S LN LT 3 BLK 1 WESTGATE; and

WHEREAS, the said parcel should have been transferred to the current owners at the time of sale, and

WHEREAS, the said parcel of land is land locked and is of no use to Lincoln County; and

WHEREAS, the Forestry Land and Parks Committee on August 2, 2006 approved the sale of the said parcel to Rick J. & Patricia A. Granato for \$1.00 plus recording fees.

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors that the said conveyance of real estate to be made by the County Clerk in behalf of Lincoln County is hereby ratified, confirmed, and approved.

Dated this 20th day of September, 2006

Introduced by: Finance & Insurance Committee

Committee Action: Finance & Insurance Committee; Passed 4-0 on 09/08/06

Fiscal Impact: \$1.00

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Caylor to adopt Resolution 2006-09-47. Jane Severt, Zoning Administrator, explained the Resolution. Discussion was held. Resolution 2006-09-47 is adopted by a voice vote and the motion is carried.

Resolution 2006-09-49

Title: Resolution Supporting Opposition Preemption

WHEREAS, the Environmental Protection Agency identifies secondhand smoke as a Group A carcinogen with no known safe level of exposure, and

WHEREAS, The Surgeon General's 2006 report *The Health Consequences of Involuntary Exposure to Tobacco Smoke* concludes exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer, and

WHEREAS, The Surgeon General's 2006 report concluded that establishing smoke-free workplace policies does not have an adverse economic impact and is the only way to ensure that secondhand smoke exposure does not occur in the workplace, and

WHEREAS, all citizens deserve to be protected from exposure to secondhand smoke in workplaces and environments open to the public, and

WHEREAS, governmental bodies have a responsibility to protect the health of the communities they serve, and

WHEREAS, preemption runs counter to standard legislative practice of setting minimum standards that local governments may exceed, the Lincoln County Board of Health supports:

- 1) Legislation that preserves the right of local government to enact and enforce smoke free ordinances.
- 2) State legislation that sets a "floor" or minimum requirement while allowing communities to enact stronger ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Supervisors, does hereby encourage the Wisconsin Legislature to strengthen state laws to fully protect workers and the public from the known health dangers in secondhand smoke by adopting legislation that creates smoke-free workplaces; and

BE IT FURTHER RESOLVED that any state legislation or regulation must preserve the right of the local levels of government to adopt more restrictive measures to protect citizens from secondhand smoke.

Dated this 20th day of September, 2006

Introduced by: County Board of Health

Committee Action: County Board of Health Committee; Passed 6-0 on 09/07/06

Fiscal Impact: No Fiscal Impact

Motion made by Supervisor Alber, seconded by Supervisor Plant to adopt Resolution 2006-09-49. Michelle Grimm, Health Educator, explained the Resolution. Resolution 2006-09-49 is adopted by a voice vote and motion is carried.

Resolution 2006-09-50

Title: RESOLUTION AUTHORIZING ACCEPTANCE OF A PARCEL OF LAND BY LINCOLN COUNTY TO PROVIDE PUBLIC ACCESS TO THE WISCONSIN RIVER

WHEREAS, Naterra Land, Inc. has platted approximately 18 acres in the Town of Scott into 11 parcels on the Wisconsin River; and

WHEREAS, the Lincoln County Subdivision Ordinance and Wisconsin Statutes require that public access to a navigable waterway be created and deeded to either the town or the county; and

WHEREAS, the Lincoln County Forestry, Land & Parks Department has agreed to assume maintenance responsibility for the walk in access to the Wisconsin River as prescribed by the approved plat; and

WHEREAS, a development agreement has been drafted and signed by Jane Severt and Keith Rusch which identifies the construction responsibilities of Naterra Land, Inc. in order to accept the public access;

NOW, THEREFORE BE IT RESOLVED, that the members of the Lincoln County Board of Supervisors agree to accept the public access to the Wisconsin River as delineated upon the Plat of Wisconsin River Heights.

Dated this 20th day of September, 2006

Introduced by: The Planning & Zoning Committee

Committee Action: The Planning & Zoning Committee; Passed on August 10, 2006

Fiscal Impact: costs to perform period mowing of trail and sign maintenance.

Motion made by Supervisor Saal, seconded by Supervisor Mittelsteadt to adopt Resolution 2006-09-50. Supervisor Saal, Zoning Committee Chair, spoke on the Resolution. Dan Miller, Zoning Administrator, also spoke on the Resolution. Discussion was held. Resolution 2006-09-50 is adopted by a voice vote and motion is carried.

Resolution 2006 - 09 - 51

Title: Approval of Courthouse Security Officer position in the Sheriff's Department for ~~2006~~ 2007 Budget

WHEREAS the County Board has created a process for the creation of new positions and is outlined in Section 4.06 of the Lincoln County Code of Ordinances, and

WHEREAS various Departments have made requests for new positions, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendations of the Personnel Committee and approves the following position:

Position: Courthouse Security Officer
Department: Sheriff's Department
Hours: 40 hours per week
Proposed Wages: Per Union Contract
Discussion: Full time sworn Deputy
Fiscal Impact: Approximately an additional \$65,000 on tax levy

Dated this 20th day of September, 2006

Introduced by: Personnel Committee

Committee Action: Personnel Committee Passed 3-1 on 9/12/06 Lussow voting no; Caylor Absent.

Motion made by Supervisor Woller, seconded by Supervisor Saal to adopt Resolution 2006-09-51. There is one correction to the Title – Change the year to 2007, not 2006. Supervisor Saal explained the Resolution. Discussion was held. Chief Soucy explained the difference between a Bailiff and a Sworn Officer. More discussion held. A request to have Judge Hartley speak on this was granted. Clerk called roll with Supervisors Alber, Berndt, Fox, Loka, Meyer, Plant, Rusch, Saal, Schneider, Short and Woller voting aye (11); and Supervisors Caylor, Kahle, Krueger, Lee, Lussow, Mittelsteadt, Powell, Rankin, Weaver and Zeitz voting nay (10). Resolution 2006-09-51 is adopted and motion is carried.

Resolution 2006 - 09 - 52

Title: Approval of Recreational Officer position in the Sheriff's Department for 2007 Budget

WHEREAS the County Board has created a process for the creation of new positions and is outlined in Section 4.06 of the Lincoln County Code of Ordinances, and

WHEREAS various Departments have made requests for new positions, and

WHEREAS the Administrative Coordinator, the appropriate oversight Committee and the Personnel Committee have reviewed the requests and recommend that certain positions be created in the 2007 Budget, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendations of the Administrative Coordinator, appropriate oversight committees and the Personnel Committee and approve the following position:

Position: Recreational Officer
Department: Sheriff's Department
Hours: 40 hours per week
Proposed Wages: Per Union Contract
Discussion: Full time sworn Deputy
Fiscal Impact: Costs of Approximately \$65,000 salary and fringe to be funded by fees, grants, and Forestry revenue.

Dated this 20th day of September, 2006

Introduced by: Personnel Committee

Committee Action: Forestry Committee: Passed 4-0 on 8/2/06 Saal absent

Personnel Committee: Passed 3-1 on 9/12/06 Saal voting no; Caylor absent

Motion made by Supervisor Woller, seconded by Supervisor Alber to adopt Resolution 2006-09-52. Chief Soucy explained the Resolution. Warden Rick Peeters from the DNR spoke on this Resolution. Discussion was held. Jane Severt, Forestry Administrator, also spoke on this. More discussion was held. Motion made by Supervisor Caylor, seconded by Supervisor Woller to send the Resolution back to Personnel Committee for more information. Clerk called roll with Supervisors Caylor, Kahle, Krueger, Lee, Lussow, Meyer, Mittelsteadt, Rankin, Saal, Schneider, Woller and Zeitz voting aye (12); and Supervisors Alber, Berndt, Fox, Loka, Rusch, Short, and Weaver voting nay (9). Resolution 2006-09-52 will be sent back to the Personnel Committee and the motion is carried.

Resolution 2006 - 09 - 53

Title: Approval of Registered Sanitarian position in the Health Department for 2007 Budget

WHEREAS the County Board has created a process for the creation of new positions and is outlined in Section 4.06 of the Lincoln County Code of Ordinances, and

WHEREAS various Departments have made requests for new positions, and

WHEREAS the Administrative Coordinator, the appropriate oversight Committee and the Personnel Committee have reviewed the requests and recommend that certain positions be created in the 2007 Budget, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendations of the Administrative Coordinator, appropriate oversight committees and the Personnel Committee and approve the following position:

Position: Registered Sanitarian
Department: Health Department
Hours: 40 hours per week
Proposed Wages: Grade 9 Non-represented pay plan
Hiring Range \$18.35 to \$19.40/hr (2006 rates)

Discussion: This position would replace the expired contract with a Sanitarian and would be filled with the current Environmental Specialist

Fiscal Impact: Costs would be covered by existing revenues of Environmental Health Program.

Dated this 20th day of September, 2006

Introduced by: Personnel Committee

Committee Action: Board of Health: Passed unanimously on 9/7/06

Personnel Committee: Passed unanimously on 9/12/06; Caylor absent

Motion made by Supervisor Loka, seconded by Supervisor Lussow to adopt Resolution 2006-09-53. Supervisor Loka explained the Resolution. Shelly Hersil, Health Director also explained the Resolution. Discussion was held. Resolution 2006-09-53 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-09-487

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN CHAPTER 17, ZONING ORDINANCE.

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 17.2.03, Lincoln County Code is amended such that parcel no. 08.213205.009.000.00.00; further described as the NE¹/₄ of the NW¹/₄ of Section 21, T32N – R5E, in the Town of Harding, be rezoned from a Forestry district to a Rural Lands - 2 District so as to allow the owners to construct a year ‘round home on the property.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of September, 2006

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on September 14, 2006.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Lussow to adopt Ordinance 2006-09-487. Supervisor Saal explained the Ordinance. Ordinance 2006-09-487 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-09-488

**AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN
CHAPTER 17, ZONING ORDINANCE.**

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 17.2.03, Lincoln County Code is amended such that parcel no. 04.113406.001.002.00.00; further described as 20 acres in the NE¼ of the NE¼ of Section 11, T34N – R6E, in the Town of Bradley, be rezoned from a Rural Lands - 2 district to a Rural Residential - 5 district so as to allow the property to be further subdivided.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of September, 2006

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on September 14, 2006.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

ROBERT D. KUNKEL
County Clerk

Motion made by Supervisor Alber, seconded by Supervisor Lussow to adopt Ordinance 2006-09-488. Ordinance 2006-09-488 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-09-489

**AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN
CHAPTER 17, ZONING ORDINANCE.**

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 17.2.03, Lincoln County Code is amended such that parcel no. 14.323206.008.002.02.00; further described as 2 acres in part of Section 32, T32N – R6E, in the Town of Merrill, be rezoned from a Rural Lands - 4 district to a Rural Residential - 2 district so as to allow the property to be further subdivided.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of September, 2006

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on September 14, 2006.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell

Chairman

ROBERT D. KUNKEL

County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Mittelsteadt to adopt Ordinance 2006-09-489. Supervisor Mittelsteadt explained the Ordinance. Ordinance 2006-09-489 is adopted by a voice vote and motion is carried.

Supervisor Caylor requested a 5-minute recess.

Chair Powell called the meeting back to order.

Motion made by Supervisor Weaver, seconded by Supervisor Alber to convene in Closed Session with Jim Bestul, John Mulder and Nancy Bergstrom to remain in closed session. Supervisor Zeitz stated that he spoke to Mr. Bestul and he would like this to be in Open Session. Chair Powell asked Corporation Counsel if the Motion is amendable. The motion can be amended. Motion made by Supervisor Zeitz, seconded by Supervisor Mittelsteadt to stay in Open Session for Resolution 2006-09-54. Discussion was held. Corporation Counsel's advice is that it would be better to go into closed session. On a voice vote that motion failed. Chair Powell asked the Clerk to call roll.

Clerk called roll with Supervisors Alber, Caylor, Kahle, Krueger, Lee, Loka, Lussow, Meyer, Plant, Powell, Rankin Rusch Saal, Schneider, Short Weaver and Woller voting aye (17); Supervisors Berndt, Fox, Mittelsteadt, and Zeitz voting nay. Motion to go into closed session passed.

CLOSED SESSION:

Convene into Closed Session Pursuant to Sec. 19.85(1)(c) for considering employment, promotion, compensation, or performance evaluation data of any public employee.

- a. **Social Services Director**

OPEN SESSION:

Motion made by Supervisor Alber, seconded by Supervisor Lussow, to reconvene back into Open Session. John Mulder called roll with all Supervisors present voting aye. Motion is carried

Resolution 2006 - 09 - 54

Title: Confirming the dismissal of Jim Bestul as Social Services Director

WHEREAS the County Board adopted Resolution 2006-01-05 appointing Jim Bestul to the non-represented position of the Social Services Director effective February 20, 2006, and

WHEREAS per Section 4.09 (1) of the Lincoln County Code of ordinances non-represented employees serve a on year probationary period, and all employees during their probationary period are subject to termination without recourse, and

WHEREAS the Social Services Committee reviewed Mr. Bestul's performance after 6 months of employment and gave have an unfavorable evaluation and asked him to resign, and

WHEREAS Mr. Bestul has refused to resign, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Social Services Committee and terminates the employment of Jim Bestul as the Social Services Director effective September 20, 2006.

Dated this 20th day of September, 2006

Introduced by: Social Services Committee

Committee Action: Social Services Committee: Passed 3-1 on 8/17/06 - Krueger voting no, Kahle absent

Motion made by Supervisor Loka, seconded by Supervisor Weaver to adopt Resolution 2006-09-54. Clerk called roll with Supervisors Alber, Berndt, Caylor, Kahle, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Weaver, Woller, and Zeitz voting aye (19); Supervisors Fox and Krueger voting nay (2). Resolution 2006-09-54 is adopted and motion is carried.

REPORT OR ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN –

Approval of Jail Assessment Vouchers –

Per Mar Security Services \$1,070.74 and \$86.25

Motion made by Supervisor Meyer, seconded by Supervisor Woller to approve the Jail Assessment Vouchers listed above. All Supervisors present voting aye and motion is carried.

REPORT OF MILEAGE AND PER DIEM

21 Supervisors will be paid mileage and per diem for attendance at the September 20, 2006 County Board Meeting per roll call. Motion made by Supervisor Caylor, seconded by Supervisor Woller to approve the report on mileage and per diem. Motion carried – all ayes.

Next regular meeting will be held at the Health & Human Services Building – Lower Level Conference Room in the City of Merrill on October 17, 2006 at 6:00 p.m.

Motion made by Supervisor Lussow, seconded by Supervisor Krueger to adjourn the meeting at 8:35 p.m. Motion carried – all ayes.

STATE OF WISCONSIN)

) SS

COUNTY OF LINCOLN)

I, Robert D. Kunkel, County Clerk in and for said Lincoln County, Wisconsin do hereby certify that the within and foregoing is a true and correct copy of all proceedings by and before the Board of Supervisors at their regular meeting, September 20, 2006.

Robert D. Kunkel, Lincoln County Clerk

