

Lincoln County Board of Supervisors  
Meeting: February 21, 2012

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, County Board Room, 801 N. Sales St., Merrill, WI, in session assembled pursuant to law. Chair Lussow called the meeting to order at 9:00 a.m. Pledge of Allegiance followed. Roll was called with the following present: Bailey, Berndt, Caylor, Fox, Giese, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Nelson, Pampuch, Rankin, Rusch, Saal, Woller, and Zeitz (18). Excused: Alber, Bloomer, Simon, and Weaver.

4. a. Announcements – None
- b. Service Recognitions for February 2012 - None
- c. Appointments & Re-Appointments:
  1. M/S Krueger/Woller to appoint Kathy Wulf to the Pine Crest Board of Trustees, for the term of 1/1/12 – 12/31/14. Following discussion, motion carried on a voice vote.
5. Approval of Journal – M/S Caylor/Woller to approve the minutes of January 17, 2012 as printed. Motion carried on a voice vote.
6. a. Letters, Petitions – In packet. Mr. Zeitz made note of the typo in 6.a.5 on the agenda which should read “Affecting” not “Affection”.
  - b. Memorials – None
7. Reports of Standing & Special Committees:
  - a. 2011 Preliminary Year-End Budget Report – Finance Director
  - b. 2012 Year-To-Date Budget Report – Finance Director
  - c. 2013 Budget Guidelines and Timetable – Finance Director
  - d. Administrative Coordinator’s Written Report - January - Randy Scholz - In packet.
  - e. Ad Hoc Committee Presentation – John Bailey. Art Lersch, UW-Extension, and Mr. Bailey presented the findings of the Ad Hoc Committee, Government Services Project. Each recommendation for County Board consideration will be presented in separate resolutions at the next County Board meeting.
8. Resolutions and Ordinances for Board Action

1. a. Resolution 2012-02-04

Conveyance of Right of Way to the State of Wisconsin (Town of Merrill)

WHEREAS, on January 17, 1964 the State Highway Commission ordered Lincoln County to acquire lands under state statute now numbered 84.09(3)(a) for project numbered F05-4(48) which was known as the laying out of USH 51, Merrill-Irma Road.

WHEREAS, on November 28, 2011 Lincoln County received an Order To Convey Highway Right of Way Title to the State of Wisconsin Department of Transportation pursuant to the Wisconsin State Statute 84.09(3)(b) which states: Any property of whatever nature acquired in the name of the county pursuant to this section or any predecessor shall be conveyed to the state without charge by the county highway committee and county clerk in the name of the county when so ordered by the department.

WHEREAS, the property is known as parcel 20, located in the SE NW Section 31, T32N, R7E, recorded in Volume 231, Page 557, Document Number 194916 at Lincoln County Register of Deeds Office.

NOW, THEREFORE BE IT RESOLVED, the Lincoln County Board acknowledges the WisDOT order referenced herein.

Dated this 21<sup>st</sup> day of February, 2012

Introduced by: Highway Committee Date passed: February 2, 2012 (3-2) Fiscal Impact: None

M/S Lee/Bailey to adopt. Following discussion, motion carried on a majority voice vote.

b. Resolution 2012-02-05

To Reimburse Marathon County for Lincoln County’s Pro-Rata Share of the Cost of Computer System for North Central Health Care

WHEREAS, Lincoln County along with Marathon County and Langlade County have a long-standing agreement to operate and fund a Tri-County Community Services Program with services provided by North Central Health Care; and

WHEREAS, North Central Health Care Board is considering the replacement of the current NCHC management information system including: electronic documentation, registration and billing, accounting and general ledger, payroll and human resources systems. The current estimate of the cost of the project is \$1.5 million including software, hardware, implementation and training and the first year of product maintenance; and WHEREAS, this capital improvement project is scheduled to begin in 2012 and could take up to two years to complete; and

WHEREAS, Marathon County has agreed to cover the costs of this capital improvement project as long as the other member counties agree to reimburse Marathon County for their respective shares of these costs as set forth in the existing Tri-County Agreement (i.e., Lincoln County is responsible to cover 16% of these costs); and WHEREAS, the proposal for reimbursing Marathon County for Lincoln County's share of project expenses (not to exceed \$240,000 or 16% of vendor costs – whichever is less) is as follows:

Payments will be made directly to North Central Health Care on the same percentage-of-completion schedule as contained in the RFP. NCHC will submit to Marathon County.

Payments will be limited to 16% of actual vendor costs or \$240,000 – whichever is less and shall be payable only through calendar year 2013, regardless of the progress of the project. Any expenditures for this purpose thereafter shall require additional authorization by Lincoln County.

NOW THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors to reimburse Marathon County as outlined above.

Dated: February 21, 2012

Introduced by: Finance and Insurance Committee Date Passed: February 3, 2012 Committee Vote: (4-0)

Fiscal Impact: Up to \$240,000

M/S Berndt/Caylor to adopt. Following discussion, motion carried on a voice vote.

c. Resolution 2012-02-06

To Approve Changes to ADRC-CW Intergovernmental Cooperation Agreement between Lincoln, Langlade, Marathon and Wood Counties

WHEREAS, the "Intergovernmental Cooperation Agreement by and between Langlade County, Lincoln County, Marathon County and Wood County", hereafter referred to as the "Intergovernmental Agreement", pursuant to sec. 66.0301, Wis. Stats., was fully executed by all four Member Counties in December, 2009; and WHEREAS, the Aging and Disability Resource Center of Central Wisconsin (ADRC-CW) Board has the authority to "oversee the provision of services and to provide governance for the programs provided to the Member Counties " as established in the "Intergovernmental Agreement;" and

WHEREAS, since the December, 2009 execution of the "Intergovernmental Agreement", the Wisconsin Department of Health Services has provided new direction to the ADRC-CW Board regarding the required composition of an Aging and Disability Resource Center Board and Board term limit requirements in order to meet the requirements of the Wisconsin Elders Act; and

WHEREAS, the ADRC-CW Board, upon review of the new board composition and term limit requirements, are recommending a revision to the current "Intergovernmental Agreement" as outlined in the attached proposed "First Amendment to the Intergovernmental Agreement;" and

WHEREAS, the ADRC-CW Board, upon further review of the "Intergovernmental Agreement", are further recommending a change to the existing language of the "Intergovernmental Agreement" that currently limits the ADRC-CW Board's ability to enter into leases or contracts to three years or less; and

WHEREAS, the Lincoln County Administrative & Legislative Committee recommends approval of the proposed "First Amendment to the Intergovernmental Agreement" as attached ; and

NOW THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does hereby approve the attached "First Amendment to the Intergovernmental Agreement" of the Aging and Disability Resource Center of Central Wisconsin "Intergovernmental Cooperation Agreement by and between Langlade County, Lincoln County, Marathon County, and Wood County"

Dated this 21<sup>st</sup> day of February, 2012.

Introduced by: Administrative & Legislative Committee (passed 7-0 on 2/6/12) Fiscal Impact: None

Aging and Disability Resource Center of Central Wisconsin  
Intergovernmental Cooperation Agreement  
By and Between  
Langlade County, Lincoln County, Marathon County  
And Wood County

Proposed First Amendment to the Intergovernmental Agreement

~~Strikeout~~ indicates language that is recommended for deletion

4.02 Powers and Duties of Board.

C. The Board shall have the authority to enter into leases or contracts necessary for the provision of services provided under this Agreement. ~~Said leases or contracts shall not exceed three (3) years unless approved by the Governing bodies of each Member County.~~

4.04 Board Membership

~~Representatives and Citizen Members shall be appointed for terms of no less than three (3) years. In the event that the Board receives written notice from the appointing Member County of the replacement of the Representative, or the death or resignation of the Representative, the Member County may appoint a Representative to replace the previously appointed Representative for the remainder of the term of that Representative. Representatives of any Member County which withdraws from this agreement shall be removed effective the date of the withdrawal. Citizen members will be replaced based upon their population representation using the appointment process. The initial term of the Representatives shall be designated as one year, two years and three years in order to create a rotating schedule for Representatives to serve on the Board from each Member County. The Governing Body of each Member County shall designate the terms of the initial Representatives. A Representative's term shall not exceed two (2) consecutive three (3) year terms.~~

4.04 Board Membership.

~~Five~~ Seven citizen members shall also serve as members of the Board. Citizen Members will be selected at large from the service areas and shall be individuals who receive services from the ADRC-CW or are affiliated with individuals who receive services from the ADRC-CW. Citizen Members will represent the following populations: ~~One~~ Two (2) -Developmentally Disabled, 1 One (1) -Physically Disabled, ~~Three~~ Four (4)- Elderly. The Citizen Members shall be recommended to the Member Counties by the remaining members of the ADRC-CW Board and shall be appointed by the Member Counties in accordance with their normal appointment process.

M/S Rusch/Meyer to adopt. Following discussion, motion carried on a voice vote.

d. Resolution 2012-02-07

Title: Adopting the Lincoln County All Hazards Mitigation Plan Update

WHEREAS, Lincoln County recognizes the threat that natural hazards pose to people and property; and WHEREAS, undertaking hazard mitigation actions before disasters occur can reduce the potential for harm to people and property and save tax payer dollars; and

WHEREAS, an adopted All Hazards Mitigation Plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, Lincoln County adopted its initial All Hazards Mitigation Plan on July 19, 2005; and

WHEREAS, Lincoln County participated jointly in the planning process with the other local jurisdictions within Lincoln County to prepare this update to the existing multi-jurisdictional All Hazards Mitigation Plan;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors, hereby adopts the Lincoln County All Hazards Mitigation Plan Update as an official plan; and

BE IT FURTHER RESOLVED, that the Lincoln County Emergency Management Director will submit, on behalf of the County and other participating jurisdictions, the adopted All Hazards Mitigation Plan Update to Wisconsin Emergency Management and Federal Emergency Management Agency officials for final review and approval.

Dated this 21st day of February, 2012

Introduced by: Emergency Management Committee Committee Action: EM Committee Passed

Unanimously on 02/02/12 Fiscal Impact: Continued eligibility for certain state and federal grant programs.

M/S Woller/Giese to adopt. Following discussion, motion carried on a voice vote.

## e. Resolution 2012-02-08

RESOLUTION SUPPORTING H.R. 2250 IN THE U.S. HOUSE OF REPRESENTATIVES AND U.S. SENATE BILL 1392 TO PROVIDE ADDITIONAL TIME FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO ISSUE ACHIEVABLE STANDARDS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS, PROCESS HEATERS, AND INCINERATORS, AND FOR OTHER PURPOSES.

WHEREAS, the U.S. Congress has issued the Clean Air Act (42 U.S.C. §7401 et seq. (1970)); and WHEREAS, Section 112 of the Clean Air Act requires maximum achievable control technology (MACT) standards for major sources (those that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants); and WHEREAS, MACT standards have been proposed for Industrial and Commercial Boilers on a pollutant-by-pollutant basis instead of a source-specific basis (40 CFR Part 63 [EPA-HQ-OAR-2002-0058; FRL-9503-6] RIN 2060-AR13 National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, Federal Register / Vol. 76, No. 247 / Friday, December 23, 2011 / Proposed Rules); and

WHEREAS, the proposed MACT standards do not account for fuel and process variability; and WHEREAS, the proposed MACT standards do not include health-based compliance alternatives; and WHEREAS, the compliance costs associated with the proposed standards will impose potentially crippling capital and operating costs on a major source in our community, and WHEREAS, in January 2011, President Obama directed federal agencies to consider the most cost effective approaches to regulations (Executive Order 13563); and WHEREAS, Lincoln County residents and businesses anticipate that significant economical harm may result from the rule as proposed.

NOW, THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors supports both H.R. 2250 and S. 1392 that together provide legislative remedy to the MACT rule according to their respective provisions. NOW, THEREFORE BE IT FURTHER RESOLVED that this resolution be sent to the President, all Wisconsin U.S. Senators and Representatives, all appropriate Congressional Committees, all Wisconsin counties and the Wisconsin Counties Association.

Dated this 21st day of February, 2012

Fiscal Impact: Millions of dollars out of the local economy.

M/S Lussow/Nelson to adopt. Following discussion, motion carried on a voice vote.

## 2. a. Ordinance 2012-02-582

To Amend Chapter 3.25, Lincoln County Code – Coroner's Fees

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

Chapter 3.25 is amended to read as follows:

3.25 CORONER; FEES. Except in situations involving indigents, ~~\$75.00~~ \$100.00 shall be collected for the issuance of a cremation permit in accordance with sec. 59.36, Wis. Stats, \$75.00 as the fee for signing death certificates and \$75.00 for issuing a disinterment and reinterment permit pursuant to sec. 69.18, Wis. Stats. This ordinance shall take effect from and after its passage and publication.

Dated this 21st day of February, 2012.

Introduced by: Law Enforcement, EMS & Judicial Committee Committee Action: Passed 5 – 0 February 8, 2012

Fiscal Impact: \$3500

M/S Lee/Caylor to adopt. Following discussion, motion carried on a voice vote.

## b. Ordinance 2012-02-583

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, SECTIONS 17.1.12 AND 17.2.03, ZONING ORDINANCE AS A RESULT OF A COMPREHENSIVE PLAN AMENDMENT AND REZONING PETITION SUBMITTED BY CHARLES AND REBECCA JAECKS FOR PROPERTY IN THE TOWN OF TOMAHAWK

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

Section 17.1.12 of the Lincoln County Code and the Planned Land Use Map (Map # 4) of Volume 2 of the Lincoln County Comprehensive Plan, shall be amended to change the planned land use category for the

approximately 4.75 acres described as part of the SE ¼ SW ¼ of Section 2, T34N R5E, or tax parcel number 30.023405.012.004.00.00, having an address of W7950 Hwy. 86 from "Rural Lands" to "Planned Business";

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 4.75 acres described above will be rezoned from Rural Lands 4 to Planned Business.

This ordinance shall take effect after its passage and publication.

Dated this 21st day of February, 2012

Introduced by: Lincoln County Planning and Zoning Committee Date Passed: February 9<sup>th</sup>, 2012

Committee Vote: 5 – 0 Fiscal Impact: None

M/S Saal/Nelson to adopt. Following discussion, motion carried on a voice vote.

c. Ordinance 2012-02-584

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, 17.2.03, ZONING ORDINANCE AS A RESULT OF A REZONING PETITION SUBMITTED BY FLOYD GOYTOWSKI FOR PROPERTY IN THE TOWN OF SCHLEY

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

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 70.0 acres described as the SE ¼ SW ¼ and part of the NE ¼ SW ¼ Section 26, T32N R7E, or tax parcel numbers 22.263207.012.000.00.00 and 22.263207.009.002.02.00 having an address of W3152 Sunrise Road will be rezoned from Forestry to Rural Lands 4.

This ordinance shall take effect after its passage and publication.

Dated this 21st day of February, 2012

Introduced by: Lincoln County Planning and Zoning Committee Date Passed: February 9<sup>th</sup>, 2012

Committee Vote: 5 - 0 Fiscal Impact: None

M/S Mittelsteadt/Nelson to adopt. Following discussion, motion carried on a voice vote.

9. Reports of Claims – None.

10. M/S Caylor/Krueger to approve the mileage and per diem for this meeting. Motion carried on a voice vote.

Chair Lussow encouraged people to attend the meeting with DOT on Thursday regarding the proposed changes to the County Rd. C/51 intersection.

11. Next County Board Meeting: Tuesday, March 20, 2012, at 6:00 p.m., at the William Buedingen Training Room, W6147 State Road 86 – Tomahawk,

12. M/S Krueger/Giese to adjourn. Motion carried on a voice vote. Meeting adjourned at 10:29 a.m.

I, Sheila Pudelko, County Clerk in and for said Lincoln County, Wisconsin do hereby certify the within and foregoing is a true and accurate recital of all proceedings by and before the Board of Supervisors at their regular meeting, February 21, 2012.

Sheila Pudelko, County Clerk