

## Lincoln County Board of Supervisors

Meeting: August 19, 2014

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, 801 N. Sales Street, Room 255, Merrill, in session assembled pursuant to law. Chair Lussow called the meeting to order at 6:00 p.m., Pledge of allegiance followed. Roll was called with the following present: Alber, Allen, Baughan, Breitenmoser, Caylor, Gilk, Hetfeld, Lee, Loka, Nelson, Pike, Plant, Rankin, Rusch, Schwartzman, Swanson, Vander Sanden, Weaver, Woller, and Zeitz (20). Members Excused: Lussow

4. A. Appointment of Curtis Powell District 18 Supervisor M/S Plant/Alber to appoint Curtis Powell to District 18. Roll was called Ayes: Alber, Allen, Baughan, Breitenmoser, Caylor, Gilk, Hetfeld, Lee, Loka, Nelson, Plant, Rankin, Rusch, Schwartzman, Weaver, and Woller. (16) Nay's: Pike, Swanson, Vander Sanden, and Zeitz. (4) Motion carried 16-4.
  1. Oath of Office: Clerk Marlowe administered the oath of office to Curtis Powell as District 18 Supervisor.
  2. Hold elections for Elective Committee Vacancies (Highway Committee): Supervisor Alber nominated Supervisor Powell; Supervisor Gilk nominated Supervisor Nelson. Supervisor Nelson is elected to Highway Committee (11-10).
  3. Ratify Appointment to Appointive Committee(s) Vacancies (Board of Health, Forestry, Land Services + any other vacancy created by elections above: M/S Lee/Nelson to ratify appointment of Supervisor Powell to Board of Health, Forestry, and Land Services Committees. Motion carried by voice vote.
- B. Announcements: None
- C. Service Recognitions for August 2014:
 

10 Years:	Kraig Jaeger, Highway Department
	Michael Kleinschmidt, Highway Department
25 Years:	Sharon Kasper, Pine Crest Nursing Home
- D. Appointments & Re-Appointments: None
5. Approval of the Journal –M/S Vander Sanden/Lee to accept the minutes as presented. Motion carried on a voice vote.
6. A. Letters: None
- B. Memorials: John E. Bailey (Board Member 2008-2014), James E. Gaeu (Board Member 1969-1974)
7. Reports of Standing & Special Committees:
  - A. Finance Committee: 2013 Audit Report and Management Communication – Finance Director (Dan Leydet) Director Leydet introduced Dave Maccoux of Schenck reviewed the Audit Report and Management Communication and answered questions.
  - B. Finance Committee: 2015 Budget Preliminary Tax Levy Review – Finance Director (Dan Leydet)
  - C. Finance Committee: 2014 YTD Budget Report – Finance Director (Dan Leydet)
  - D. Administrative & Legislative Committee:
 

Administrative Coordinator's Written Report – July (Randy Scholz)
8. Resolutions and Ordinances for Board Action

## A. 1) Resolution 2014-08-33

Approve Filling Authorized Position in Social Services Department – Program/Production Assistant Manager  
 WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and  
 WHEREAS the Administrative Coordinator has recommended filling the vacant position, and  
 WHEREAS the Social Services and Personnel Committees have approved filling the authorized vacant position  
 NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Social Services and Personnel Committees and approves filling the authorized vacant position  
Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 19th day of August, 2014

Introduced by: Social Services Committee      Date Passed: August 7, 2014      Committee Vote: Unanimous

Introduced by: Personnel Committee      Date Passed: August 19, 2014      Committee Vote: Unanimous

M/S Alber/Powell to adopt Resolution 2014-08-33. Discussion followed. Motion carried by voice vote.

## 2) Resolution 2014-08-34

Approve Filling Authorized Position in Social Services Department – Social Worker

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Social Services and Personnel Committees have approved filling the authorized vacant position NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Social Services and Personnel Committees and approves filling the authorized vacant position

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 19th day of August, 2014

Introduced by: Social Services Committee      Date Passed: August 7, 2014      Committee Vote: Unanimous

Introduced by: Personnel Committee      Date Passed: August 4, 2014      Committee Vote: Unanimous

M/S Hetfeld/Alber to adopt Resolution 2014-08-34. Discussion followed. Motion carried by voice vote.

## 3) Resolution 2014-08-35

Approve Filling Authorized Position in Sheriff Office – Corrections Officer

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Lincoln County Sheriff has recommended filling a vacant position, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Law Enforcement Committee and Personnel Committee approved filling the authorized vacant position

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Law Enforcement Committee and Personnel Committee and approves filling the authorized vacant position:

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 19<sup>th</sup> day of August, 2014

Introduced by: Law Enforcement Committee      Date Passed: August 13, 2014      Committee Vote: Unanimous

Introduced by: Personnel Committee      Date Passed: August 19, 2014      Committee Vote: Unanimous

M/S Lee/Baughan to adopt Resolution 2014-08-35. Discussion followed. Motion carried by voice vote.

## 4) Resolution 2014-08-36

Approve Filling Authorized Positions in Highway Department – Highway Worker

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant positions, and

WHEREAS the Highway and Personnel Committees have approved filling the authorized vacant positions

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Highway and Personnel Committees and approves filling the authorized vacant positions

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 19th day of August, 2014

Introduced by: Highway Committee      Date Passed: August 8, 2014      Committee Vote: Unanimous

Introduced by: Personnel Committee      Date Passed: August 4, 2014      Committee Vote: Unanimous

M/S Vander Sanden/Pike to adopt Resolution 2014-08-36. Discussion followed. Motion carried by voice vote.

## 5) Resolution 2014-08-37

Jurisdictional Transfer of a Wayside Located at USH 8 & CTH A

WHEREAS the Wisconsin Department of Transportation, hereinafter called the State, in 1955 constructed a wayside along USH 8 at the existing CTH A intersection in the Town of Bradley, Lincoln County for the good and in the interest of the traveling public, and

WHEREAS the State is planning to complete a project along USH 8 (State Project ID: 1590-14-70) in the towns of Bradley and King, Lincoln County from Klade Road to Gatewood Heights Road, through the USH 51 interchange (currently scheduled in 2022) for the good and in the interest of the traveling public, and WHEREAS as part of the above mentioned project, the State is planning to construct a new park and ride lot along Gatewood Height Road, just east of the USH51/USH8 interchange, for use by local commuters and long distance travelers, and

WHEREAS the State and Lincoln County, hereinafter called the County, negotiated the future jurisdictional and maintenance responsibilities for the above mentioned wayside and future park and ride lot along USH 8, and WHEREAS Section 84.02(8), Wisconsin Statutes, enables the State to enter into jurisdictional transfer agreements with local units of government, thereby facilitating alterations in the state truck highway system, and

NOW, THEREFORE BE IT RESOLVED, the parties hereto do mutually agree to the below described transfer of jurisdictional responsibility under the conditions described within this agreement:

Designation – USH 8 Wayside (Site W-35-4)

Location – Intersection of USH 8 and CTH A in T35N, R6E, Section 11, Town of Bradley

Parcel Size – 4.5 acres

Receiving jurisdiction – Lincoln County

1. The State Will:

- A. Execute a quitclaim deed to the County, transferring the USH 8 wayside site's right-of-way property and all improvements (restroom building tanks, wells, parking area, access driveway, information board, signs, landscaping, lighting, trash receptacles, picnic tables, grills, etc.) located on this site. All or a portion of the right-of-way property will revert back to state ownership if needed for future improvements along USH 8 or if the County no longer needs the property for public use.
- B. Provide the plat to the County for the transferred property.
- C. Provide as built plans to the County for the wayside site.
- D. Remit a one-time Lump Sum payment of \$35,000 (State Project ID: 1009-40-43) to the County for a 15 year fix to the parking area and driveway pavement at the wayside site. The State will make the payment in the fall of 2014. The check will be made payable to:
 

Lincoln County Treasurers  
Lincoln County Service Center  
801 North Sales Street, Suite 204  
Merrill, WI 54452
- E. Construct a new park and ride along Gatewood Heights Road in the Town of King, just east of the USH 51/USH 8 interchange. This lot will be constructed in conjunction with the project along USH 8 (State Project ID: 1590-14-70), which is currently scheduled for 2022.

2. The County Will:

- A. Accept the jurisdictional of and maintenance responsibility for the USH 8 wayside site (Site W-35-4) and all improvements (restroom building, holding tanks, wells, parking area, access driveway information board, signs, landscaping, lighting, trash receptacles, picnic tables, grills, etc.) located on the site in their current condition as described within this agreement.
- B. Accept the wayside site's right-of-way property.
- C. Agree that the ownership of all or a portion of the wayside site's property will revert to the State if needed for future improvements along USH 8 or if the County no longer needs the property for public use.
- D. Accept maintenance responsibilities for the new park and ride lot constructed along Gatewood Height Road, just east of the USH 51/USH 8 interchange. Specific responsibilities are identified in a separate maintenance agreement between the State and County, which will be executed concurrently with this agreement.

BE IT FURTHER RESOLVED, the effective date of this agreement shall be September 1, 2014.

LINCOLN COUNTY

Robert Lussow, County Board Chair

STATE OF WISCONSIN

Rory Rhinesmith, Division of Transportation  
Systems Development

Christopher Marlowe, County Clerk

Fiscal Impact:

Receiving \$35,000 to cover upgrades for ATV/Snowmobile parking & Signage

Dated this 19th day of August, 2014

Introduced by: Highway Committee Date Passed: August 8, 2014 Committee Vote: Unanimous

M/S Lee/Nelson to adopt Resolution 2014-08-37. Discussion followed. Motion carried by voice vote.

6) Resolution 2014-08-38

TO AUTHORIZE THE GRANT OF AN EASEMENT ALONG AND UNDER THE HIAWATHA TRAIL FOR  
NATURAL GAS SERVICE TO WPS CORPORATION

WHEREAS, Lincoln County Board of Supervisors, by Resolution No. 29-88, did authorize the jurisdictional transfer and purchase of the railroad right-of-way between Tomahawk and Heafford Junction; and

WHEREAS, by its decision in Docket No. AB-343 (Sub.-No. 1X), the Interstate Commerce Commission granted an Abandonment Exemption subject to interim trails use under the National Trails System Act, 16 U.S.C. 1247(d); and

WHEREAS, the abandoned line, now known as the Hiawatha Trail, has been developed for recreational use subject to the limitations of this federal law; and

WHEREAS, WPS Corporation has natural gas service in the easement area and wishes to extend it to other customers; therefore, has a need for this easement; and

WHEREAS, this easement will enhance natural gas service to Lincoln County residents.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does hereby authorize the grant of an easement under the terms and conditions set forth therein and as attached hereto in exchange for Three Hundred and Seventy Five Dollars (\$375).

Dated this 19th day of August, 2014.

Introduced by: Forestry, Land and Parks Committee Committee Action: Forestry, Land and Parks Committee; Passed unanimously on August 11, 2015 Fiscal Impact: \$375.00

M/S Vander Sanden/Nelson to adopt Resolution 2014-08-38. Discussion followed. Motion carried by voice vote.

B. 1) ORDINANCE 2014 -08-609

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN – CHAPTER 17, 17.1.12 AND 17.2.03, ZONING ORDINANCE AS A RESULT OF A COMPREHENSIVE PLAN AMENDMENT AND REZONING PETITION SUBMITTED BY BRIAN MCCARTHY AND JOE HENRICHS FOR PROPERTY IN THE TOWN OF BRADLEY

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

Chapter 17.1.12, Lincoln County Code and the Planned Land Use Map (Map #4) of Volume 2 of the Lincoln County Comprehensive Plan dated 2001 shall be amended to change the planned land use category for the approximately 5.01 acres in NE¼NE¼ of Section 03, T35N-R6E, in the Town of Bradley, with an address of N12014 County Road L, tax parcel number 04.033506.001.003.02.00 from Rural Single Family Residential to Crossroads Mixed Use.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 5.01 acres described above will be rezoned from a Rural Residential 1 zoning district to a Crossroads Mixed Use zoning district.

This ordinance shall take effect following its passage and publication

Dated: August 19, 2014

Introduced by: Lincoln County Land Services Committee Date Passed: August 14, 2014 Committee Vote: 6-0 Fiscal Impact: None

M/S Plant/Rusch to adopt Ordinance 2014-08-609. Discussion followed. Motion carried by voice vote.

2) ORDINANCE 2014 -08-610

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 MARY LEDERFOR PROPERTY IN THE TOWN OF RUSSELL

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 39 acres in the NW¼NE¼ of Section 36, T33N-R8E, in the Town of Russell, with an address of W283 1<sup>st</sup> Avenue, tax parcel number 20.363308.002.001.00.00 will be rezoned from an Agriculture zoning district to a Rural Lands 4 zoning district. This ordinance shall take effect following its passage and publication

Dated: August 19, 2014

Introduced by: Lincoln County Land Services Committee Date Passed: August 14, 2014 Committee Vote: 6-0  
Fiscal Impact: None

M/S Vander Sanden/Pike to adopt Ordinance 2014-08-610. Discussion followed. Motion carried by voice vote.

### 3) ORDINANCE 2014-08-611

An Ordinance Amending the General Code of the County of Lincoln (Amending Section 16.08(5) (a) (1) (b) - All-Terrain and Utility Terrain Vehicle Routes Designation – Year –Round Use)

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

Section 16.08 (5)(a)(1)(b) is amended to read as follows:

#### 1. Year-Round Use

- b). Camp Avenue from .55 miles north of CTH E ~~the junction of Armstrong Creek Road~~ to Newwood Road.

This ordinance shall take effect following its passage and publication.

Dated this 19<sup>th</sup> day of August, 2014.

Introduced by: Forestry, Land & Parks Committee Passed 5 - 0 on July 14, 2014 Fiscal Impact: None  
M/S Lee/Nelson to adopt Ordinance 2014-08-611. Discussion followed. Motion carried by voice vote.

### 4) ORDINANCE 2014 -08-612

#### ALL TERRAIN VEHICLE ROUTES

An Ordinance Amending the General Code of the County of Lincoln 7.04(2) All-Terrain Vehicle Routes

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

Chapter 7.04(2), Lincoln County Code is amended to read as follows:

#### **7.04(2) ALL-TERRAIN VEHICLE ROUTES DESIGNATED.**

- (a) CTH "X".  
1. From the junction with STH 17 to Vascheau Road ~~south to 1<sup>st</sup> Avenue.~~  
Posted ATV speed limit is 35 MPH.
- (b) CTH "J".  
1. From the junction with STH 107 to 1<sup>st</sup> Street ~~Bradley Street to Town Hall Road.~~ Posted ATV speed limit is 35 MPH.  
2. From the junction with CTH "H" to the Langlade County Line. ~~Langes Road to Turtle Lake Road.~~ Posted ATV speed limit is 35 MPH.
- (d) CTH "H".  
1. From the junction with CTH "A" to Pier Street ~~Gerbick Lake Lane to CTH V.~~ Posted speed limit is 35 MPH.  
2. ~~From the junction with Copper Lake Avenue to Horseshoe Lake Drive. Posted ATV speed limit is 35 MPH. (Cr. #2013-12-601)~~
- (e) CTH "T".  
1. From the junction with STH 86 to USH 8 ~~Carpenter Road south a distance of 5.4 miles to existing trail entrance.~~ Posted ATV speed limit is 35 MPH.
- (f) CTH "O".  
1. From the junction with STH 86 to CTH "E" ~~Swamp Road to Eagle Waters Road.~~ Posted ATV speed limit is 35 MPH.
- (i) CTH "H" (Cr. #2010-03-552)  
1. ~~From the junction with CTH "D" to Gerbick Lake Lane. Posted ATV speed limit is 35 MPH.~~
- (j) CTH "X".  
1. ~~From the junction with 1st Avenue to Vascheau Road. Posted ATV speed limit is 35 MPH.~~
- (k) ~~CTH "H". (Cr. #2010-07-559; Rltd. #2010-08-560)~~  
1. ~~From the junction with CTH D to CTH A. Posted ATV speed limit is 35 MPH.~~
- (l) ~~(i) CTH "A".~~

- 1. From the junction with USH 8 to STH 17 ~~This Road to Willow Lane~~. Posted ATV speed limit is 35 MPH.
- ~~(m)~~ (j) CTH "N".
  - 1. From the junction with CTH "L" to the Oneida County Line. Posted ATV speed limit is 35 MPH.
- ~~(n)~~ (k) CTH "Y".
  - 1. From USH 8 to Oneida County line. Posted ATV speed limit is 35 MPH.
- ~~(o)~~ (l) CTH "U".
  - 1. From the junction with USH 8 to CTH A. Posted ATV speed limit is 35 MPH.
- ~~(p)~~ (m) CTH "V".
  - 1. From the junction with CTH S to CTH H. Posted ATV speed limit is 35 MPH.
- ~~(q)~~ (n) CTH "S".
  - 1. From the junction with CTH H to CTH V. Posted ATV speed limit is 35 MPH.
- ~~(r)~~ (o) CTH "C".
  - 1. From the junction with STH 17 to Town Hall Road. Posted ATV speed limit is 35 MPH.
- (p) CTH "R".
  - 1. From the junction with CTH K to Heinemann Road. Posted ATV speed limit is 35 MPH.

This ordinance shall take effect after its passage and publication.

Dated this 19<sup>th</sup> day of August, 2014.

Introduced by: Highway Committee      Date passed: 8/8/14 (all ayes)      Fiscal Impact: none

M/S Plant/Lee to adopt Ordinance 2014-08-612. Discussion followed. M/S Alber/Gilk to amend after 7.04(2) All-Terrain Vehicle Routes Designated by adding "When using designated routes riders operate at their own risk and must follow manufacturer's recommendations regarding operations of ATVs." Discussion followed. M/S Powell/Hetfeld to refer back to committee. Supervisor Alber asked for point of order. Corporation Counsel Bergstrom stated that "referring back to committee" takes precedence over amendment. Discussion followed. Vote called on "referring back to committee". Motion carried by voice vote.

- 9. Reports of Claims – Caitlyn Roberts (April 19, 2014) – Denial recommended by Insurer: Discussion followed. M/S Loka/Powell to deny claim. Motion carried by voice vote.
- 10. M/S Vander Sanden/Gilk to approve the mileage and per diem for this meeting. Motion carried on a voice vote.
- 11. Next County Board Meeting: Tuesday, September 16, 2014, at 6:00 p.m., at William Buedingen Training Center, W6147 State RD 86, Tomahawk, WI 54487
- 12. M/S Plant/Nelson to adjourn. Motion carried on a voice vote. Meeting adjourned at 7:30 p.m.

STATE OF WISCONSIN)  
 ) SS  
 COUNTY OF LINCOLN )

I, Christopher J Marlowe, 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, August 19, 2014.

Christopher J Marlowe, County Clerk