

Lincoln County Board of Supervisors
Meeting: July 19, 2016

The Lincoln County Board of Supervisors met at the William Buedingen Training Center, W6147 State Road 86, Tomahawk, WI in session assembled pursuant to law. Chair Lee called the meeting to order at 6:00 p.m., Pledge of allegiance followed. Roll was called with the following present: Baughan, Bialecki, Breitenmoser, Crosby, Gilk, Hafeman, Heller, Koth, Lee, Loka, Mueller, Nowak, Pike, Reichelt, Rusch, Swanson, Vander Sanden, Voermans, Weaver, Woller, and Zeitz (20); Excused: Allen (1).

4. A. Announcement: None
- B. Service Recognitions for July 2016:
 - 10 Years: Tyler Iverson, Sheriff's Office
 - 15 Years: Seth Gaedtke, Lincoln Industries
- C. Appointments & Re-Appointments: None
5. Approval of the Journal: M/S Koth/Baughan to approve the June 21, 2016 as presented. Motion carried by a voice vote.
6. A. Letters: None
- B. Memorials: None
7. Reports of Standing & Special Committees:
 - A. Finance Committee: 2016 Year-to-Date Budget Report – Finance Director (Dan Leydet)
 - B. Finance Committee: 2017 Budget – Finance Director (Dan Leydet)
 - C. Administrative & Legislative Committee: Administrative Coordinator's Written Report – June (Randy Scholz)
 - D. Administrative & Legislative Committee: Private Sector Interest in Pine Crest (Randy Scholz)
 - E. Pine Crest Trustees: Building/Renovation (Lisa Gervais, Tim Meehean, Kurt Berner – Samuels Group, David Kimball – ADG, and Larry Lester – Wipfli)

Recessed for 5 minutes from 8:36 p.m. to 8:41 p.m.

8. Resolutions and Ordinances

A. 1) Resolution 2016-07-20

Lincoln County Humane Society, Inc Property – Partial Release of Reversionary Clause
WHEREAS, by a Quit Claim Deed dated 6/6/14 (Doc #507926, Lincoln Co Register of Deeds), certain property formerly part of the County Fairgrounds was transferred to the Lincoln County Humane Society, Inc subject to a reversionary clause; and
WHEREAS, the City of Merrill and the Lincoln County Humane Society Inc desire to exchange land on the Merrill Festival Grounds (formerly County Fairgrounds) to allow for a more orderly operation of their respective facilities and this reversionary clause is a cloud on the title; and
WHEREAS, the land to be exchanged is depicted on the attached aerial view map and will be described fully/legally on another recorded document releasing the reversionary clause on the exchanged land only.
NOW, THEREFORE BE IT RESOLVED, that the appropriate county officials are authorized to execute such documentation as required to extinguish the reversionary clause on the exchanged portion of the property only.

Dated this 19th day of July, 2016.

Introduced by: Public Property Committee Passed 4 -0 on 7/12/16 No fiscal impact

M/S Loka/Nowak to adopt Resolution 2016-07-20. Discussion followed. Motion carried by a voice vote.

B. 1) Ordinance 2016-07-623

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 JONATHAN AND FRIEDA SCHOWALTER FOR PROPERTY IN THE
TOWN OF SCHLEY

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 13.69 acres in NE¼NW¼ of Section 27, T32N-R8E, in the Town of Schley, with an address of W1139 County Road C, tax parcel number 22.273208.005.001.01.03 from Rural Single Family Residential to Rural Lands.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 13.69 acres described above will be rezoned from a Rural Residential 5 zoning district to a Rural Lands 4 zoning district. This ordinance shall take effect following its passage and publication.

Dated: July 19 2016

Introduced by: Land Services Date Passed: July 14, 2016 Committee Vote: 7-0 Fiscal Impact: None
M/S Bialecki/Rusch to adopt Ordinance 2016-07-623. Discussion followed. Motion carried by a voice vote.

2) Ordinance 2016-07-624

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 KEVIN AND
CYNTHIA BAUMANN FOR PROPERTY IN THE TOWN OF BRADLEY

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 4.02 acres in SW¼SE¼ of Section 10, T35N-R6E, in the Town of Bradley, with an addresses of W5858 and W5868 Clear Lake Road, tax parcel numbers 04.103506.015.009.02.00, 04.103506.015.009.03.00, 04.103506.015.009.04.00, will be rezoned from a Rural Residential 2 zoning district to a Rural Residential 1 zoning district.

This ordinance shall take effect following its passage and publication.

Dated: July 19 2016

Introduced by: Land Services Date Passed: July 14, 2016 Committee Vote: 7-0 Fiscal Impact: None
M/S Baughan/Heller to adopt Ordinance 2016-07-624. Discussion followed. Motion carried by a voice vote.

3) Ordinance 2016-07-625

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 GASSNERS OAK
PARK LLC FOR PROPERTY IN THE TOWN OF CORNING

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 8.36 acres in SE¼NE¼ of Section 11, T31N-R4E, in the Town of Corning, along County Road M, tax parcel number 06.113104.004.002.00.00 will be rezoned from a Forestry zoning district to a Rural Lands 4 zoning district.

This ordinance shall take effect following its passage and publication.

Dated: July 19 2016

Introduced by: Land Services Date Passed: July 14, 2016 Committee Vote: 7-0 Fiscal Impact: None
M/S Heller/Nowak to adopt Ordinance 2016-07-625. Discussion followed. Motion carried by a voice vote.

4) Ordinance 2016-07-626

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN CHAPTER 21,
SHORELAND ZONING.

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 21 be amended as indicated in the attachment.

This ordinance shall take effect following its passage and publication.

Dated: July 19 2016

Introduced by: Land Services Date Passed: July 14, 2016 Committee Vote: 7-0 Fiscal Impact: None

**Lincoln County Shoreland Zoning Ordinance – CHAPTER 21
Summary of Revisions Resultant from Acts 391 and 167**

Section 21.05 (c) - The Land Services Department shall initially make determinations of navigability and ordinary high water mark location. When questions arise, the Land Services Department shall contact the appropriate local office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to s.59.692 (1h).

21.05(5)(h) -The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if The Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

21.07(6)(a)(1)(e) -The roof of an existing boathouse may be used as a deck provided that:

i. The existing boathouse roof is flat

ii. The existing boathouse roof has no side walls or screens

iii. The roof may have railing that meets the Department of Safety and Professional Services

21.07(6)(g)-Devices or systems used to treat runoff from impervious surfaces

21.07(7) EXISTING EXEMPT STRUCTURES. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Addition of 21.07(7) will renumber the following sections 21.07(8)-21.07(8)(13). No language changes

21.12(6) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

21.18 (2) Facility means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch.185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

21.18 (2) Impervious surfaces means an area that releases as runoff all or a majority of precipitation that falls on it. Impervious surfaces include: roofs, decks and slotted decks, concrete, blacktop/asphalt, mill felt that is laid to impede ground cover, paver block or landscape rock, patios and walkways, brick walkways, sidewalks and driveways (unless specifically designed, constructed, and maintained to be pervious), but excludes frozen soils. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s.340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

M/S Heller/Rusch to adopt Ordinance 2016-07-626. Discussion followed. Motion carried by a voice vote.

5) Ordinance 2016-07-627

An Ordinance Creating sec. 3.30, Lincoln County Code (Delinquent Property Taxes)

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

Sec. 3.30, Lincoln County Code is created to read as follows:

3.30 Delinquent Property Taxes

(1) Pursuant to the authority granted by 74.47(2), Wis. Stats., there is hereby imposed a penalty of 0.5 percent per month or fraction of a delinquent month, in addition to the interest provided for in 74.47(1), Wis. Stats., on all delinquent general property taxes, special assessments, special charges and special taxes included in tax rolls that are delinquent on the effective date of this ordinance or become delinquent thereafter.

(2) Interest and penalty will be distributed in accordance with 74.47(3), Wis. Stats.

This ordinance shall take effect following its passage & publication.

Dated this 19th day of July, 2016

Introduced by: Finance and Insurance Committee Committee Action: Passed (5-0) on

Fiscal Impact: Anticipate annual revenue of \$150,000

M/S Koth/Baughan to adopt Ordinance 2016-07-627. Discussion followed. Motion carried by a voice vote.

9. Reports of Claims – None

10. M/S Koth/Nowak to approve the mileage and per diem for this meeting. Motion carried by a voice vote.

11. Next County Board Meeting: Tuesday, August 16, 2016, at 6:00 p.m., at the Lincoln County Service Center, 801 N Sales Street, Room 257, Merrill, WI 54452

12. M/S Vander Sanden/Reichelt to adjourn. Motion carried by a voice vote. Meeting adjourned at 8:57 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, July 19, 2016.

Christopher J Marlowe, County Clerk