

## Lincoln County Board of Supervisors

Meeting: August 16, 2016

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, 801 N Sales Street, Room 257, 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: Allen, Baughan, Bialecki, Breitenmoser, Crosby, Gilk, Hafeman, Heller, Koth, Lee, Loka, Mueller, Nowak, Pike, Reichelt, Rusch, Swanson, Vander Sanden, Voermans, Weaver, Woller, and Zeitz (22); Excused: None

4. A. Announcement: None
- B. Service Recognitions for August 2016:
  - 10 Years: Cynthia Bula, Pine Crest Nursing Home
  - 20 Years: Dawn Dunbar, Clerk of Courts
- C. Appointments & Re-Appointments:
  - 1) Appointment of Brenda Mueller to Board of Health as member at large (Term expires April 2018) M/S Loka/Zeitz to appoint Brenda Mueller to Board of Health. Motion carried by a voice vote.
5. Approval of the Journal: M/S Vander Sanden/Koth to approve the July 21, 2016 as presented. M/S Zeitz/Loka to add 1 to total members in attendance. Motion carried by a voice vote.
6. A. Letters: None
- B. Memorials: None
7. Reports of Standing & Special Committees:
  - A. Finance Committee: 2015 Audit Report (Dave Maccoux) Mr. Maccoux reviewed the report & answered questions.
  - B. Finance Committee: 2016 Year-to-Date Budget Report – Finance Director (Dan Leydet)
  - C. Finance Committee: 2017 Budget – Finance Director (Dan Leydet)
  - D. Public Property Committee: Lincoln County Property in the Schultz Building – Maintenance Director (Pat Gierl)
  - E. Administrative & Legislative Committee: Administrative Coordinator’s Written Report - July (Randy Scholz)
8. Resolutions and Ordinances

## A. 1) Resolution 2016-08-21

Approve Filling New Positions in Sheriff’s Office – Three Correction Officers

WHEREAS page 9 of the Lincoln County Personnel Policy specifies a procedure for approval of new positions, and

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

WHEREAS the Law Enforcement and Personnel Committees have approved filling the new positions

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Law Enforcement and Personnel Committees and approves filling the new positions

Positions: Three Correction Officers

Department: Sheriff’s Office

Hours: 40 hours per week

Proposed Wages: Correctional Officer - \$17.81

Discussion: Currently not able to keep staffing levels at twenty-one. The goal with adding three positions is to maintain at all times twenty-one officers and most times twenty-two officers

Fiscal Impact: One additional position at \$67,658 – Cost will be offset by additional inmates from Marathon County

Dated this 16<sup>th</sup> day of August, 2016

Introduced by: Law Enforcement/EMS Judicial Committee      Date Passed: August 10, 2016

Committee Vote: Unanimous

Introduced by: Personnel Committee      Date Passed: August 8, 2016      Committee Vote: Unanimous

M/S Loka/Bialecki to adopt Resolution 2016-08-21. Discussion followed. Motion carried by a voice vote.

## 2) Resolution 2016 -08-22

## TO PROVIDE NOTICE TO THE BOARDS OF MARATHON AND LANGLADE COUNTIES REGARDING LINCOLN COUNTY'S PREPARATIONS FOR PROVIDING COMMUNITY PROGRAMS

WHEREAS, since 1972, the governing bodies of Lincoln, Langlade and Marathon Counties have agreed to sponsor a multi-county department of community programs, known as the North Central Community Services Program or North Central Health Care (NCHC); and

WHEREAS, North Central Health Care provides services to individuals who suffer from mental illness, and alcohol and drug dependencies; and NCHC provides other services ranging from birth-to-three services to adult protective services; and

WHEREAS, the Marathon County Board is currently engaged in a process which may result in Marathon County withdrawing from the multi-county department of community programs; and

WHEREAS, withdrawal from North Central Health Care and the corresponding agreement could create increased uncertainty and disruption in continuity of services and stability in the organization we jointly sponsor which could lower current service levels, decrease quality and increase costs; and

WHEREAS, such a large shift in the nature of the partnership has come without the consideration of Lincoln County including outright exclusion from the table in the study and analysis; and

WHEREAS, Lincoln County remains committed to the Joint County Agreement to sponsor a multi-county department of community programs, including modification of the multi-county agreement to include clearer expectations on controls for service, quality and costs, and remains hopeful that Marathon and Langlade Counties also remain committed to this partnership without withdrawal; and

WHEREAS, given the actions undertaken by the Marathon County Board, Lincoln County is compelled to and is currently reviewing its options and at this time, the Administrative & Legislative Committee recommends providing notice to its' partners (Marathon County Board and Langlade County Board) regarding the preparations being made by Lincoln County to transition the delivery of its' community programs; and

WHEREAS, among the options being considered by the Committee include joining an existing multi-county department of community programs, and/or continuing North Central Health Care with Langlade County, and at this time, it is appropriate to notify our partners that Lincoln County is considering contractual arrangements with other Counties and service providers to ensure a smooth transition in the delivery of these essential services to residents of Lincoln County.

NOW THEREFORE BE IT RESOLVED, to provide notice to the Boards of Marathon and Langlade Counties regarding Lincoln County's preparations for providing community programs.

Dated this 16<sup>th</sup> day of August, 2016

Introduced by: Administrative & Legislative Committee/Passed (6-0) on 8/1/16 Fiscal Impact: unknown at this time

M/S Weaver/Koth to adopt Resolution 2016-08-22. Discussion followed. Supervisor Vander Sanden called the question. Motion carried by a voice vote.

## 3) Resolution 2016-08-23

## Transportation Funding Resolution – "Just Fix It"

WHEREAS, local government in Wisconsin is responsible for about 90% of the road miles in the state; and WHEREAS, Wisconsin's diverse economy is dependent upon county and town roads as well as city and village streets and transit systems across the state; and

WHEREAS, according to "Filling Potholes: A New Look at Funding Local Transportation in Wisconsin," commissioned by the Local Government Institute of Wisconsin (LGI) the condition of Wisconsin's highways is now in the bottom third of the country; and

WHEREAS, state funding for local roads in Wisconsin has failed to keep up with costs over the past several decades which has adversely affected local transportation finances; and

WHEREAS, levy limits do not allow local government to make up for the deterioration of state funding; and

WHEREAS, Wisconsin's over-reliance on borrowing eats away at the state's segregated funding sources – the state gas tax and vehicle registration fees – which increasingly pay debt service rather than fund transportation needs; and

WHEREAS, safety is a primary concern and responsibility of local governments across Wisconsin.

Unfortunately, according to TRIP, a national non-profit transportation research group, Wisconsin had 347 non-interstate, rural road fatalities in 2013; and

WHEREAS, the County Board recognizes that our state highway and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin. Both local *and* state roads need to be properly maintained in order for our economy to grow; and  
 WHEREAS, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees; and  
 WHEREAS, the Transportation Finance and Policy Commission, appointed by the Governor and Legislature clearly found that if Wisconsin does not adjust its user fees, the condition of both our state and local roads will deteriorate significantly over the next decade.  
 NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Supervisors that we urge the Governor and Legislature to Just Fix It and agree upon a sustainable solution: one that includes a responsible level of bonding and adjusts our user fees to adequately and sustainably fund Wisconsin's transportation system. Furthermore, the Lincoln County Board of Supervisors directs the Lincoln County Clerk to send a copy of this resolution to our State Legislators and to Governor Scott Walker.

Dated: August 16, 2016

Introduced by: Highway Committee      Date Passed: August 4, 2016      Committee Vote: 5-0

Fiscal Impact: None

M/S Koth/Vander Sanden to adopt Resolution 2106-08-23. Discussion followed. Motion carried by a voice vote.

B. 1) Ordinance 2016-08-628

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 NATHAN CARR 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 5.517 acres of a 6.85 acre parcel in SW¼NW¼ of Section 2, T35N-R6E, in the Town of Bradley, with an address of W5698 County Road N, tax parcel number 04.023506.007.002.01.00 from Rural Single Family Residential to Crossroads Mixed Use.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 5.517 acres described above will be rezoned from a Rural Residential 3 zoning district to a Crossroads Mixed Use zoning district.

This ordinance shall take effect following its passage and publication.

Dated: August 16, 2016

Introduced by: Land Services      Date Passed: August 11, 2016      Committee Vote: 6-0      Fiscal Impact: None

M/S Koth/Bialecki to adopt Ordinance 2016-08-628. Discussion followed. Motion carried by a voice vote.

2) Ordinance 2016-08-629

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

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 17 be amended as indicated in the attachment; relating to Section 17.3.09 (1) Accessory Structure

This ordinance shall take effect following its passage and publication.

Dated: August 16, 2016

Introduced by: Land Services      Date Passed: August 11, 2016      Committee Vote: 6-0      Fiscal Impact: None

M/S Heller/Baughan to adopt Ordinance 2016-08-629. Discussion followed. Motion carried by a voice vote.

3) Ordinance 2016-08-630

*Human Health Hazard Ordinance – revised*

An Ordinance Amending the General Code of the County of Lincoln (11.04 Nuisances – Human Health Hazards)

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

11.04 - NUISANCES—HUMAN HEALTH HAZARDS. (Cr. #273-96) is amended as follows:

(1) DEFINITIONS. In this chapter:

- (a) Human health hazard means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or to endanger life, to generate or spread infectious diseases or otherwise injuriously to affect the health of the public. ~~death if exposure to the substance, activity or condition is not abated.~~ (§254.01(2), Wis. Stats.)

(d) County means Lincoln County, Wisconsin.

(4) RESPONSIBILITY FOR HUMAN HEALTH HAZARDS. It shall be the responsibility of the property owner or occupant or person causing, permitting or maintaining the human health hazard to maintain their property in a manner free of human health hazard(s). Abatement/correction of any human health hazard that has been determined to exist may be ordered against any or all responsible persons.

(4)5) HUMAN HEALTH HAZARDS ENUMERATED. The following acts, places, conditions and things, not limited by enumeration, are hereby declared to be human health hazards. Such enumeration shall not be construed to exclude other health nuisances falling within the definition at sec. 11.04(1)(a), infra.

- (a) Waste, refuse or garbage not stored in a vermin, rodent and fly-proof enclosure or container.
- (b) Any hole or opening caused by an improperly abandoned, covered or barricaded cistern, septic tank, privy vault, well or excavation.
- (c) Any discharge/escape of toxic or noxious materials in such quantity or concentration as to endanger human health.
- (d) Untreated effluent from any cesspool, septic tank, drainfield or sewage disposal system discharged into or upon the surface of the ground, groundwater, seasonally saturated soils or surface waters.
- (e) Contamination of any well, cistern, stream, lake or other body of water by sewage, waste, industrial by-product or other materials or substances.
- (f) Carcasses of animals, birds or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death or as required by Chap. 95, Wis. Stats.
- (g) Accumulations of manure from animals and fowl that is handled, stored or disposed of in a manner and/or in such quantities as to endanger the health of any appreciable number of persons within the County.
- (h) Accumulations of decaying animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing material, tires or any other thing(s) or substances in which flies, mosquitos, disease-carrying insects, rodents or other vermin can breed, live, nest or seek shelter.
- (i) Any chemical or biological material stored, used or disposed of in such manner or quantity as to create a human health hazard.
- (j) Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy or unfit for human habitation.
- (k) Any non-functioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to assure sanitary conditions in a public building.
- (l) Failure to comply with any law or rule relating to sanitation and health including, but not limited to plumbing, water supplies, waste disposal, storage of chemical pesticides or herbicides, public buildings, and underground or above-ground storage tanks.
- (m) Stagnant water in which mosquitos, flies or other insects can multiply.
- (n) Any use of property, substance or things within the County emitting or causing any foul, offensive, noisome, nauseating, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the County.
- (o) Any use of property causing any nauseating or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, roadway or public place within the County.
- ~~(p) The operation of a non-permitted junkyard.~~

(5)6) ENFORCEMENT. It shall be the responsibility of the Board of Health or its designee to enforce the provisions of this ordinance, who shall make periodic inspections, and inspections upon complaint to insure that such provisions are not violated.

- (a) Inspection. No action shall be taken under this ordinance to abate a human health hazard unless the Board or its designee shall have inspected or caused to be inspected the premises where the nuisance or health hazard is alleged to exist and have satisfied himself that a human health hazard does in fact exist. In the event an owner or occupant shall refuse entry for inspection purposes, the Board or its designee may obtain a special warrant under §66.1220119, Wis. Stats.
- (b) Abatement.

1. *Notice; Citation Authority.* If a human health hazard is found on private property, the Board or its designee shall notify the owner and the occupant of the property, by registered mail with return receipt required, of the presence of the human health hazard and order its abatement or removal ~~within 30 days of receipt of the notice.~~ Notice may also be served in the manner provided for service of a summons in circuit court; however, if the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. When the order to abate, as contained in this notice, has not been complied with, the Board or its designee may issue a citation for each violation. Each day a human health hazard is not abated beyond the time allowed in the written order shall constitute a separate violation.
  2. *Procedure.* If the human health hazard is not abated or removed on or before the date specified in the notice, the Board or its designee may enter upon the property and abate or remove the human health hazard or may contract to have the work performed. The human health hazard shall be abated in a manner which is approved by the Board or its designee.
- (c) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of human health hazards or recovering costs therefor by the County or its officials by other means as allowed by law.
- (d) Costs. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of public nuisance, the cost of abatement or removal may be recovered from the person permitting the violation or treasurer of the municipality wherein the health hazard existed. Said account, upon being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which the human health hazard was abated, and the tax shall be collected as are other taxes.

In the case of railroads or other lands not taxed in the usual way, the amount charged shall be collected as specified at §254.59(2), Wis. Stats. The only defenses an owner may have against the collection of a tax are that no human health hazard was corrected on the owner's property, that the procedure outlined in this section was not followed or any applicable defense under §74.33, Wis. Stats.

- (~~67~~) PENALTY. (Am. #308-97; #2005-09-457) Anyone maintaining a human health hazard shall forfeit not less than \$50 nor more than ~~\$5300~~ for each offense in addition to any other penalty imposed by this ordinance.
- (~~78~~) CONFLICT AND SEPARABILITY. Sections 25.01 and 25.02, *infra*, are incorporated herein by reference.
- (~~89~~) CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect following its passage and publication

Dated: August 16, 2016

Introduced by: Board of Health Date Passed: July 28, 2016 Committee Vote: 4-1 Fiscal Impact: None  
M/S Loka/Heller to adopt Ordinance 2016-08-630. Discussion followed. Motion carried by a voice vote.

4) Ordinance 2016-08-631

*Annual Vehicle Registration Fee*

An Ordinance Amending the General Code of the County of Lincoln (creating sec. 3.31 – Annual Vehicle Registration Fee)

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

Section 3.31 is created to read as follows:

3.31 Annual Vehicle Registration Fee

- (1) Authority. This ordinance is adopted pursuant to the authority granted by sec. 341.35, Wis. Stats.
- (2) Purpose. The purpose of this ordinance is to provide the Lincoln County Highway Department with a source of funds in addition to other funding sources currently being utilized to maintain and rebuild the highway infrastructure.
- (3) Definition. In this section, "motor vehicle" means an automobile or motor truck registered under sec. 341.25(1)(c), Wis. Stats, at a gross weight of not more than 8,000 pounds, that is registered in this state and is customarily kept in Lincoln County.
- (4) Annual registration fee. At the time a motor vehicle is first registered or at the time of registration renewal, the applicant shall pay a county vehicle registration fee of \$20. This fee is in addition to other fees required by chapter 341, Wis. Stats. The Wisconsin Department of Transportation (DOT) shall collect the fee.

(5) Exemptions. The following motor vehicles are exempt from the annual vehicle registration fee:

- (a) All vehicles exempted by chapter 341, Wis. Stats from payment of a state vehicle registration fee.
- (b) All vehicles registered by the state under sec. 341.26, Wis. Stats for a fee of \$5.

(6) Replacements. No county vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current county vehicle registration fee has been paid.

(7) Administrative costs. The DOT shall retain a portion of the moneys collected under this section allowed by law (currently \$0.17 per vehicle).

(8) Effective Date. This ordinance shall take effect on January 1, 2017.

This ordinance shall take effect on the date specified herein.

Introduced by: Highway Committee Passed Unanimous on 7/7/16

Finance Committee Passed Unanimous on 8/5/16      Fiscal Impact: Anticipated annual revenue of \$534,080

M/S Nowak/Vander Sanden to adopt Ordinance 2016-08-631. Discussion followed. Roll was called Aye's: Allen, Pike, Swanson, and Vander Sanden (4). Nay's: Baughan, Bialecki, Breitenmoser, Crosby, Gilk, Hafeman, Heller, Koth, Lee, Loka, Mueller, Nowak, Reichelt, Rusch, Voermans, Weaver, Woller, and Zeitz (18). Motion was defeated 18-4.

9. Reports of Claims – None

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

11. Next County Board Meeting: Tuesday, September 20, 2016, at 6:00 p.m., at the William Buedingen Training Center, W6147 State Road 86, Tomahawk, WI 54487

12. M/S Bialecki/Voermans to adjourn. Motion carried by a voice vote. Meeting adjourned at 8:22 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 16, 2016.

Christopher J Marlowe, County Clerk