

**Lincoln County Board of Supervisors
Meeting March 15, 2011**

The Lincoln County Board of Supervisors met at the William Buedingen Training Room, W6147 State Road 86 – Tomahawk, 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, Bailey, Berndt, Bloomer, Caylor, Fox, Giese, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Pampuch, Rankin, Rusch, Saal, Simon, Weaver, Woller, and Zeitz (21). Excused: Eisenman.

Announcements – None.

Service Recognitions for February, 2011

Clerk read service recognition for the following employees:

10 years: Shelley Hersil (Health Officer), Darren Lemke (Highway Department), and Glenda Kummerow (Social Services Dept.)

Appointments & Re-Appointments:

M/S Woller/Mittelsteadt to approve the Lincoln County 2011 Active Emergency Fire Wardens as listed. Motion carried on a voice vote.

M/S Woller/Weaver to approve the appointment of Bruce Giese as the County Board appointee to the Lincoln County Loan Review Committee. Motion carried on a voice vote.

Approval of Journal – February 15, 2011

M/S Caylor/Zeitz to approve the minutes of February 15, 2011 as presented. Motion carried on a voice vote.

Letters, Petitions and Memorial – Alber spoke on the “Public Employment Change in Wisconsin – What it Means for Counties” educational seminar in Stevens Point on 3/28/11.

Memorials - None

Reports of Standing & Special Committees;

- (1) 2011 Year-to-Date Budget Report – Finance Director – Report placed on file.
- (2) 2012 Revised Budget Timeline – Finance Director. Because of the uncertainty at the State level, everything is backed up a month. – Report placed on file.
- (3) Administrative Coordinator’s Report - Report placed on file.

Resolutions and Ordinances for Board Action

Resolution 2011-03-22

Approval to Contract with North Central Health Care for All Adult Protective Services

WHEREAS, the State of Wisconsin has embarked on a program referred to as “Family Care” to reform the current long term care service system for the elderly, physically disabled and adults with developmental disabilities; and

WHEREAS, effective April 1, 2011 in Lincoln County, this new program will shift the responsibility to provide these services from the County (Department of Social Services and 51.437 Services) to an Aging and Disability Resource Center (ADRC-CW) and a Managed Care Organization (CCCW); and

WHEREAS, the County will continue to be responsible to provide adult protective services (APS); and

WHEREAS, currently, the Department of Social Services, 51.437 Services and North Central Health Care provide adult protective services to County residents, with each agency providing services to specific APS target groups; and

WHEREAS, for many years the County has contracted with North Central Health Care to provide a variety of mandated services including adult protective services for residents who suffer from chronic mental illness and alcohol and/or drug dependencies; and

WHEREAS, given the structural changes resulting from Family Care, it is no longer feasible or cost-effective for the County to fund/staff a combined APS system and in reviewing the available APS options, it has been determined that funding a single APS system by expanding the existing APS contracted services provided by North Central Health Care is the most efficient and cost-effective approach; and

WHEREAS, under this proposal, North Central Health Care will become the designated Adult-at-Risk Agency for all target groups and as such, would be responsible to provide all adult protective services for County residents including: employing sufficient staff and maintaining sufficient resources to receive, investigate and respond to reports of adults at risk; taking appropriate emergency action, working with Corporation Counsel to petition the Court for protective services, guardianship and protective placements when necessary; completing comprehensive evaluations and annual reviews or protective placements.

NOW, THEREFORE BE IT RESOLVED, to contract with North Central Health Care Community Services Program for all adult protective services provided to eligible residents of Lincoln County, as mandated by law.

Dated this 15th day of March, 2011. Introduced by: Social Services Committee Passed 5 - 0 on February 17, 2011 Fiscal Impact: approximately \$38,000

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

Resolution 2011 -03-23

DESIGNATE NORTH CENTRAL HEALTH CARE CENTER AS THE LEAD AGENCY FOR THE COUNTY'S ADULT LONGTERM SUPPORT COMMUNITY OPTIONS PROGRAM

WHEREAS, currently the Department of Social Services (Long Term Support Agency) is designated as the lead agency for the County's Community Options Program (COP); and

WHEREAS, upon implementation of Family Care, the only remaining funding allocation to the County for long term support is to provide services to residents who suffer from a mental illness; and

WHEREAS, North Central Health Care (NCHC) will be providing services to this target group and therefore, it is recommended that NCHCC be designated as the COP lead agency effective April 1, 2011; and

WHEREAS, this designation as the lead agency will enable NCHCC to receive COP funding directly, rather than as a pass-through from the Department of Social Services; and

WHEREAS, if the County wishes to change its designation of Community Options lead agency, it must do so by submitting to the Bureau of Long Term Support a county board resolution which identifies the designated agency.

NOW THEREFORE, BE IT RESOLVED, by the Lincoln County Board of Supervisors to designate North Central Health Care Center as the lead agency for the County's Adult Long Term Support Community Options Program.

Dated: March 15, 2011 Introduced by: Social Services Committee Passed: 5- 0 on March 9, 2011 Fiscal Impact: none

M/S Loka/Simon to adopt. Following discussion, motion carried on a voice vote.

Resolution 2011-03-24

Waive 90 day hiring freeze for the Forestry Position

WHEREAS, Lincoln County Board adopted Resolution 2009-01-02 approving a temporary hiring freeze of 90 days for vacant positions, and

WHEREAS, a Forester position has become open effective February 24, 2011, and

WHEREAS, the Administrative and Legislative Committee believe it is in the best interest to fill the vacant Forester position as soon as possible,

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Administrative & Legislative Committee and waives the 90-day temporary hiring freeze for the Forester position.

Dated this 15th day of March, 2011 Introduced by: Administrative & Legislative Committee) Date Passed: March 1, 2011 Committee Vote: 7-0 Fiscal Impact: Loss of timber sale revenue if position remains vacant.

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

Resolution 2011-03-25

Approving L.A.W. Local 612 (Social Services Professional Social Workers Association) Contract for 2011 WHEREAS the Personnel Committee has reviewed the 2011 Tentative Agreement between Lincoln County and the Social Services Professional Union (L.A.W. 612) and recommends that the County Board approve the settlement of the contract on the terms reflected on the attached report; and NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Personnel Committee and approves the 2011 collective bargaining agreement between Lincoln County and the Social Services Professional Social Workers Association (L.A.W. Local 612). Dated this 15th day of March, 2011 Introduced by: Personnel Committee Date Passed: March 1, 2011 Committee Vote: Unanimous Fiscal Impact: \$2,584

M/S Caylor/Woller to adopt. Discussion followed.

M/S Alber/Rankin to amend to extend the contract through 2012. Roll call as follows: Alber – Yes; Bailey – No; Berndt – No; Bloomer – No; Caylor – No; Fox – No; Giese – No; Krueger – No; Lee – No; Loka – Yes; Lussow – No; Meyer – No; Mittelsteadt – No; Pampuch – No; Rankin – Yes; Rusch – No; Saal – No; Simon – No; Weaver – No; Woller – No; Zeitz – No. Motion on amendment defeated 3 – 18.

Action on original motion to adopt, motion carried on a voice vote.

ORDINANCE 2011 - 03 - 568

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 18, SUBDIVISION ORDINANCE TO EFFECT CHANGES IMPOSED BY 2009 WISCONSIN ACTS 376 & 399

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

Chapter 18, Lincoln County Code, is amended as proposed in the attachment. Dated this 15th day of March, 2011. Introduced by: The Lincoln County Planning & Zoning Committee Passed 3 – 1 in Committee on March 10, 2011 following a public hearing held in accordance with §236.45 (4). Fiscal Impact: none

Changes to Chapter 18 to address 2009 WI Acts 376 & 399

18.2.03 FINAL PLAT.

- (1) FINAL PLAT REVIEW PROCEDURE.....
- (e) Zoning Administrator Report: The Zoning Administrator or his designee shall prepare and submit to the Planning and Zoning Committee a report on the final plat, evaluating it based on its harmony with the purposes of this chapter, the preliminary plat, the comprehensive plan, the Zoning Ordinance, State and Federal law, and sound planning and subdivision principles. The report shall detail and state conformity of the final plat to the already approved preliminary plat and contain a recommendation for approval or denial of the final plat on that basis.
- (h) Criteria for Approval: If the final plat meets the requirements of this chapter, other State Statutes and County ordinances, has been submitted within ~~24~~ 36 months from the approval date of the preliminary plat (except where the Committee has approved a longer phasing for the second or greater sections of the preliminary plat area), substantially conforms to the approved preliminary plat, and meets all conditions of preliminary plat approval, the appropriate County approval authority shall approve the final plat.
- (j) Recording of Final Plat: The surveyor shall record a copy of the approved final plat with the Register of Deeds, but only after certificates and signatures of the State of Wisconsin, Lincoln County, surveyors, and others required by §236.21, Wis. Stats., are placed of the plat, other application provisions of this chapter and conditions of plat approval are met, and the County Surveyor has reviewed and approved the final plat for correctness. A duplicate reproducible copy of the approved and recorded plat shall be required on dimensionally stable polyester film (mylar), and a digital copy if the plat was prepared in a digital format. Failure to record the final plat within 12 months of County final approval and 36 months of first approval will result in the voiding of final plat approval.

18.7.08 LOTS.

(8) STREET FRONTAGE. (Am. #2006-11-490) Aside from outlots, parcels as part of a large lot split, and remainder parcels as defined in Section 18.1.15, all other new lots and condominiums shall front or abut a public street for a distance of at least 30 feet. Public streets are also required within a condominium that creates land only units unless so waived in conformance with the provisions of this chapter. Conversion condominiums must contain frontage upon a public road but it is not necessary to convert internal private roads into public roads unless the department deems it in the best interest of the public to do so and such action is supported by the Comprehensive Plan.

18.8.02 RANGE OF REQUIRED IMPROVEMENTS. (Am. #2006-11-490)

(11) SHORELAND BUFFER. All newly platted lots and condominiums, except those defined as a part of a "large lot split", or are purely a conversion condominium shall be required, where applicable, to restore the shoreland buffer according to the standards contained within the Lincoln County Shoreland Ordinance. The restoration may be active or passive ~~to~~ with a plan to be submitted to and be approved by the Zoning Administrator or designee. (Cr. #2006-11-490)

18.8.05 PUBLIC LANDS AND OPEN SPACES. (Am. #2006-11-490)

(1) PROVISION OF PUBLIC LANDS AND OPEN SPACES. (Am. #2005-06-451) The subdivider of lands whose actions result in the creation of a major subdivision or major condominium as defined in Section 18.1.15, but not a conversion condominium, and that is intended for residential use shall dedicate to the public adequate land to provide for park, trail, water access, recreation and open space needs or provide a fee to allow for public land acquisition and improvement outside of the subdivision or condominium. The decision on which option to pursue shall be that of the affected town board, unless the town board elects to defer such decision to the appropriate County approval authority.

(2) SPECIFICATIONS FOR DEDICATED LAND. The dedicated land, where this option is selected, shall be ~~sufficiently square or round~~ of sufficient shape and area to be usable for recreational activities planned for the area or the type of park intended. The dedicated land shall be located so as to serve the recreation and open space needs of the subdivision or condominium, and with consideration to the preservation of significant natural areas and scenic, historic, or archaeological sites. Public access of sufficient width shall be provided to assure safe, comfortable access to the dedicated land. Where applicable, the subdivider shall grade, topsoil, and seed the land for its intended use.

18.9.02 ENFORCEMENT AND PENALTIES.

(1) INVESTIGATION AND NOTICE OF VIOLATION.

- (a) The Zoning Administrator or his designee is responsible for conducting the necessary inspection and investigation to insure compliance with this chapter and, through field notes, photographs and other means, documenting the presence of violations.
- (b) If, upon investigation, the Zoning Administrator becomes aware of a violation of this chapter, he shall notify the Planning and Zoning Committee, responsible parties and those potentially liable. Such notice shall include an order that the condition that is alleged to constitute a violation be halted or remedied and a statement that a complaint about the condition will be transmitted to the ~~District Attorney~~ Corporation Counsel for enforcement under subsection (2) if remedial action has not occurred within 10 days, or a longer time period if determined appropriate by the Zoning Administrator. Responsible parties and those potentially liable shall include but not be limited to the land owner, subdivider and contractor.
- (c) If the same or similar violation recurs within a 2-year period, whether or not it involves the same property or the same or similar conduct by the subdivider or contractor, notification of violation may be waived by the Zoning Administrator or ~~District Attorney~~ Corporation Counsel and immediate legal enforcement action can be commenced under subsection (2).

(2) ENFORCEMENT OF VIOLATIONS.

- (a) It shall be the duty of the ~~District Attorney~~ Corporation Counsel to expeditiously review all violations of this chapter reported by the Zoning Administrator, following the investigation and notices provided for in subsection (1) above, and take action as appropriate.....

(e) As a substitute for, in addition to, or in conjunction with forfeiture actions, the ~~District Attorney~~ Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking injunctive orders or restraining orders and/or by pursuing nuisance actions against the violator.

M/S Mittelsteadt/Meyer to adopt. Discussion followed.

M/Bloomer to amend to leave the District Attorney in the Enforcement and Penalties portion and take Corporation Counsel out. Motion died for lack of second.

M/S Zeitz/Saal to lay this over to next month for clarification from Corporation Counsel. Discussion followed. Voice vote too close to call. Roll call vote on motion to lay over: Alber – Yes; Bailey – Yes; Berndt – Yes; Bloomer – Yes; Caylor – No; Fox – Yes; Giese – No; Krueger – No; Lee – Yes; Loka – Yes; Lussow – No; Meyer – No; Mittelsteadt – No; Pampuch – No; Rankin – Yes; Rusch – No; Saal – Yes; Simon – Yes; Weaver – No; Woller – No; Zeitz – Yes. Motion to lay-over carried 11 – 10.

M/S Caylor/Krueger to approve the mileage and per diem for this meeting. Motion carried on a voice vote. The next County Board meeting will be April 19, 2011 at 6:00 p.m. in the County Board Room, 801 N. Sales St., Merrill.

M/S Krueger/Weaver to adjourn. Motion carried on a voice vote. Meeting adjourned at 6:56 p.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, March 15, 2011.

Sheila Pudelko, County Clerk