

**Lincoln County Board of Supervisors
Meeting April 19, 2011**

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, County Board Room 257, 801 N. Sales St., Merrill in session assembled pursuant to law. Chair Lussow called the meeting to order at 6:01 p.m. Pledge of Allegiance followed. Roll was called with the following present: Alber, Bailey, Berndt, Bloomer, Caylor, Fox, Giese, Krueger, Loka, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Woller, and Zeitz (21). Excused: Lee, Pampuch, and Weaver.

Announcements – Woller stated the tornado victims she spoke to wanted her to relay to the County Board their appreciation to the County, City, and Towns for their assistance throughout this disaster.

Appointments & Re-Appointments:

M/S Caylor/Woller to approve the appointment of John E. Callahan, ADRC-CW Board – citizen member. Motion carried on a voice vote.

Service Recognitions for April 2011

Clerk read service recognitions for the following employees:

15 years: Kevin Haring, Deputy, Sheriff's Office

25 years: Diane Hanson, Conservationist, Land Information & Conservation

Approval of Journal – March 15, 2011

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

Letters, Petitions and Memorial – It was asked that the Administrative & Legislative Committee review 6.a.4 and 6.a.6 for possible Lincoln County resolutions similar to these.

Memorials - None

Reports of Standing & Special Committees;

- (1) 2010 Preliminary Year-End Report – Finance Director – Report placed on file.
- (2) 2011 Year-to-Date Budget Report – Finance Director – Report placed on file.
- (3) Administrative Coordinator's Report - Report placed on file.
- (4) Ad Hoc Committee Report – John Bailey

Resolutions and Ordinances for Board Action

Resolution 2011 – 4 – 26

Title: Designate Emergency Medical (EMS) Fund Fund Balance for Anticipated 2011 Budget Shortfall
WHEREAS, the Lincoln County Clerk position was vacant during a portion of the 2011 budget process due to the untimely death of the former County Clerk; and
WHEREAS, in the course of the 2011 budget process, \$100,000 of anticipated expenditures were inadvertently omitted from the 2011 EMS budget; and
WHEREAS, the fore mentioned omission was discovered after the 2011 budget was adopted by the Lincoln County Board of Supervisors; and
WHEREAS, the EMS Fund fund balance is preliminarily determined to be \$304,874 on December 31, 2010:
NOW, THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Supervisors designate \$100,000 of the EMS Fund fund balance for the purpose of offsetting the anticipated expenditure shortfall in the EMS budget.
Dated this 19th day of April, 2011. Introduced by: Finance and Insurance Committee Committee Action:
Passed(3-0) April 8, 2011 Fiscal Impact: Establish a designation of \$100,000 within the EMS Fund fund balance.

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

Resolution 2011-04-27

Approve New Positions (Casual Employees) in the Department of Social Services – Lincoln Industries
 WHEREAS section 4.21, Lincoln County Code specifies a procedure for approval of casual employees, and
 WHEREAS section 4.21 requires the approval of casual employees follow section 4.06 NEW POSITIONS , which
 requires the approval of the oversight committee, Personnel Committee and the County Board, and
 WHEREAS the Social Services Committee and Personnel Committee have approved the hiring of casual
 employees in the Lincoln Industries unit for the purpose of filling contracts they enter into, and
 WHEREAS these employees will be ‘casual’ for specific contracts and will not be permanent positions, and
 NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation
 of the Social Services Committee and Personnel Committee:

Position: Casual Employees
Department: Department of Social Services (Lincoln Industries unit only)
Hours: Varies –tied to specific contracts
Fiscal Impact: No Fiscal Impact to County Tax Levy (as determined by the Finance Director)

Dated this 19th day of April, 2011 Introduced by: Social Service Committee Date Passed: April 9,
 2011 Committee Vote: Unanimous Introduced by: Personnel Committee Date Passed: April 5, 2011
 Committee Vote: Unanimous Fiscal Impact: No fiscal impact to County Tax Levy

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

Resolution 2011 – 4 - 28

Approving a Loan to Morning View Dairy, Merrill from the Revolving Loan Fund
 WHEREAS, Lincoln County has established a revolving loan fund, and,
 WHEREAS, after public meeting and due consideration, the Revolving Loan Fund – Loan Review Committee has
 recommended approval of the application submitted to the Revolving Loan Fund Administrator for the
 following project: Morning View Dairy, Merrill;

WHEREAS, it is necessary for the County Board to approve the application for the County to distribute the
 funds from the revolving loan fund;

NOW, THEREFORE BE IT RESOLVED, that the County Board does approve and authorize the loan for the above-
 named project; and the County Finance Director is hereby authorized to loan funds as recommended by the
 Revolving Loan Fund – Loan Review Committee and County Finance and Insurance Committee.

Dated this 19th day of April 2011 Introduced by: Revolving Loan Fund – Loan Review Committee and County
 Finance and Insurance Committee Committee Action: Revolving Loan Fund – Loan Review Committee;
 recommended approval (7-0), April 1, 2011. County Finance and Insurance Committee Action: passed (3-0)
 April 8, 2011 Fiscal Impact: \$50,000 Loan, with a four percent interest rate amortized over seven years

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

Resolution 2011 – 4 - 29

Title: Relating to the County of Lincoln Participation in the Wisconsin Community Development Block Grant for
 Economic Development Program

WHEREAS, Federal monies are available under the Community Development Block Grant Program,
 administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development;
 and

WHEREAS, after public meeting and due consideration, the Finance & Insurance Committee has recommended
 that an application be submitted to the State of Wisconsin for the following project: Morning View Dairy, LLC.

WHEREAS, it is necessary for the County Board to approve the preparation and filing of an application for the
 County to receive funds from this program; and

WHEREAS, the County Board has reviewed the need for the proposed project and the benefit to be gained
 there from;

NOW, THEREFORE BE IT RESOLVED, that the County Board does approve and authorize the preparation and
 filing of an application for the above-named project; and the Board Chairman is hereby authorized to sign all
 necessary documents on behalf of the County; and that authority is hereby granted to the Finance & Insurance

Committee to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution. Dated this 19th day of April, 2011 Introduced by: Finance & Insurance Committee Committee Action: Finance & Insurance Committee; Passed (3-0) on April 8, 2011 Fiscal Impact: \$150,000 grant revenue. Lincoln County will be the fiscal Agent for the Wisconsin Department of Commerce grant to loan to the recipient.

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

Resolution 2011 – 4 - 30

Approving a Loan to JPs Café Express, LLC dba Ike’s Café, Tomahawk from the Revolving Loan Fund WHEREAS, Lincoln County has established a revolving loan fund, and, WHEREAS, after public meeting and due consideration, the Revolving Loan Fund – Loan Review Committee has recommended approval of the application submitted to the Revolving Loan Fund Administrator for the following project: JPs Café Express, LLC dba Ike’s Café, Tomahawk; WHEREAS, it is necessary for the County Board to approve the application for the County to distribute the funds from the revolving loan fund; NOW, THEREFORE BE IT RESOLVED, that the County Board does approve and authorize the loan for the above-named project; and the County Finance Director is hereby authorized to loan funds as recommended by the Revolving Loan Fund – Loan Review Committee and County Finance and Insurance Committee. Dated this 19th day of April 2011 Introduced by: Revolving Loan Fund – Loan Review Committee and County Finance and Insurance Committee Committee Action: Revolving Loan Fund – Loan Review Committee; recommended approval (7-0), April 1, 2011. County Finance and Insurance Committee Action: passed (3-0) on April 8, 2011 Fiscal Impact: \$10,000 Loan, with a four percent interest rate amortized over seven years.

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

Resolution 2011-04-31

Approve Appointment of Dan Miller to the Position of Solid Waste Manager

WHEREAS, the Solid Waste Committee recommends the appointment of Dan Miller as the Solid Waste Manager

NOW, THEREFORE BE IT RESOLVED, this 19th day of April 2011, that the Lincoln County Board of Supervisors approve the appointment of Dan Miller as Lincoln County Solid Waste Manager effective April 20, 2011 BE IT FURTHER RESOLVED that this appointee will continue to be at Step 9 (\$66,581.00), Grade 14 on the salary plan. Dated this 19th day of April 2011. Introduced by: Solid Waste Committee Dated Passed: March 23, 2011 Fiscal Impact: Savings \$1,497

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

Resolution 2011 -04-32

TO DECLARE A STATE OF EMERGENCY FOR TORNADO OF APRIL 10, 2011

WHEREAS, a tornado struck Lincoln County on April 10, 2011; and

WHEREAS, the tornado and flooding caused damage estimated to be in the tens of millions of dollars; and

WHEREAS, the tornado impaired housing, manufacturing, transportation, delivery of goods and services/supplies, the provision of medical care, fire and law enforcement protection services; and

WHEREAS, a “Disaster Declaration” proclamation was executed on April 10, 2011, by the Chair of the Lincoln County Board of Supervisors as the chief executive officer of the County of Lincoln; and

WHEREAS, decisions have been made by county government employees and officers which in their discretion have been necessary and expedient for the health, safety, welfare and good order of the county, including decisions for the protection of county property and for the safety of county government officers and employees, and to insure the continuing provision of government services, both routine and connected to disaster relief efforts; and

WHEREAS, the county will need to be eligible for, and utilize state and federal relief for losses to the county and its’ residents; and

NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors of Lincoln County hereby declares that a State of Emergency has existed in Lincoln County from April 10, 2011 and shall continue until further order of this body; and

BE IT FURTHER RESOLVED, that the "Disaster Declaration" proclamation executed by the board chair is hereby ratified; and

BE IT FURTHER RESOLVED that decisions made to this date by officers and employees of the county of Lincoln which in their discretion were necessary and expedient for the protection of the health, safety, welfare and good order of the county, its residents, officers and employees and for the protection of county property are hereby ratified by the Lincoln County Board of Supervisors. Submitted by: Robert Lussow, Chair.

Saal mentioned the County has waived the permitting fees for rebuilding where possible. This will have to go back to Committee for formal action and then to the Board, making the action retro.

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

AMENDED 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 ACT 376 AND OTHER CHANGES TO CHAPTER 18.

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 19th day of April, 2011.

Introduced by: The Lincoln County Planning & Zoning Committee Passed 3 – 0 in Committee on April 14, 2011 following a public hearing held in accordance with §236.45 (4). Fiscal Impact: none

Drafted by: Daniel J. Miller This ordinance shall take effect following its passage and publication.

Changes to Chapter 18 to address 2009 WI Act 376

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 on 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.

OTHER CHANGES THAT ARE PROPOSED

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 Meyer/Mittelsteadt to adopt. Following discussion, motion carried on a voice vote.

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 May 17, 2011 at 6:00 p.m. at the William Buedingen Training Room, W6147 State Road 86, Tomahawk.

M/S Krueger/Zeitz to adjourn. Motion carried on a voice vote. Meeting adjourned at 6:51 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, April 19, 2011.

Sheila Pudelko, County Clerk