

MARCH 20, 2007**EVENING SESSION****6:00 P.M.****WILLIAM BUEDINGEN TRAINING ROOM – TOWN OF BRADLEY**

The Lincoln County Board of Supervisors met at the William Buedingen Training Room – Town of Bradley, in session assembled pursuant to law. The meeting was called to order at 6:00 p.m. by Chairman Powell. Pledge of Allegiance was given by the Board. Roll was called by the Clerk and the following answered present: Alber, Berndt, Caylor, Fox, Kahle, Krueger, Lee, Loka, Lussow, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Weaver, Woller and Zeitz (20). Supervisors Meyer and Simon were excused.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

There were no announcements.

SERVICE RECOGNITIONS FOR MARCH, 2007

Clerk read a service recognition for Candice Fechtner, currently a Certified Nursing Assistant at the Pine Crest Nursing Home for 15 years of service. She received a 15-year pin.

Clerk read a service recognition for Randy Allen, currently a Certified Nursing Assistant at Pine Crest Nursing Home for 20 years of service. He received a 20-year pin.

APPOINTMENT TO THE CIVIL SERVICE GRIEVANCE COMMITTEE –

DR. STEVEN SILVERMAN

APPOINTMENT TO THE CIVIL SERVICE COMMISSION –

DONALD FRISKE

APPOINTMENT – 2007 EMERGENCY FIRE WARDENS – LINCOLN COUNTY

The Appointments of the Emergency Fire Wardens in Lincoln County for 2007 as listed: Lennart Olund -Township of Birch; Tracey Seidel – Township of Bradley; Sharon Dinges – Township of Corning; Virgil Kanitz – Township of Harding; John Bailey – Township of Harrison; Deb Ziemanski – Township of Harrison; Frank Kolar – Township of King; Dave Koziel – Township of King; Richard G. Van Strydonk - Township of King; Allen Handlin – Township of Merrill; Michael Josiger – Township of Pine River; Ewald Katke, Jr. – Township of Pine River; Donna Massa – Township of Rock Falls; Robert Kressell –Township of Russell; Leslie T. Lange –Township of Schley; Mary Plamann – Township of Schley; Mike Grunenwald – Township of Scott; Marlene G. Lussow – Town of Skanawan; Edwin Schufletowski – Township of Somo; Ed & Lora Jaecks – Township of Tomahawk; and William Shore – Township of Wilson.

Motion made by Supervisor Woller, seconded by Supervisor Caylor to approve the appointments listed above. All Supervisors voting aye and motion is carried.

APPROVAL OF JOURNAL – FEBRUARY 20, 2007

Motion was made by Supervisor Mittelsteadt, seconded by Supervisor Rankin to accept the minutes of February 20, 2007 as presented. All Supervisors voting aye and motion carried.

LETTERS, PETITIONS AND MEMORIALS**Monthly Mailbox Correspondence – Any Questions**

There were no questions on the correspondence.

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report. Supervisor Zeitz asked if there were any more bills. John said there weren't any more.

REPORT OF STANDING & SPECIAL COMMITTEE

Year-to-date Budget Report – Dan Leydet, Finance Director

Dan presented the year-to date Budget Report for December, 2006 and for February, 2007. Discussion was held.

Call of the Question and Tabling Resolutions – Supervisor Zeitz

Supervisor Zeitz explained why he wanted the call of the question and tabling resolutions on the agenda. He referred to the Wisconsin Counties Official Handbook. He said that after the motion is made and the second there should always be discussion first.

RESOLUTIONS AND ORDINANCES FOR BOARD ACTION:

Resolution 2007-03-13

Title: RESOLUTION AUTHORIZING ACCEPTANCE OF A PARCEL OF LAND BY LINCOLN COUNTY TO PROVIDE PUBLIC ACCESS TO LAKE MARY

WHEREAS, Tri-Lakes, LLC platted approximately 53 acres of land in the year 2000 thereby creating 23 lots and one outlot, along with provision for walk-in public access to Lake Mary which is prescribed to be 30 feet wide on the recorded final plat; and

WHEREAS, the Lincoln County Subdivision Ordinance and Wisconsin Statutes require that public access to a navigable waterway be created and deeded to either the town or the county; and

WHEREAS, the Town of Harrison has refused title to the land dedication for public access; and

WHEREAS, the Lincoln County Forestry, Land & Parks Department has agreed to accept responsibility for the access to Lake Mary as prescribed by the approved plat;

NOW, THEREFORE BE IT RESOLVED, that the members of the Lincoln County Board of Supervisors agree to accept the public access to Lake Mary as delineated upon the Plat of Harrison Lakes Preserve.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee and the Forestry, Land & Parks Committee

Committee Actions: The Planning & Zoning Committee; passed on March 8, 2007, Forestry, Land & Parks Committee; passed on March 5, 2007

Fiscal Impact: costs for sign maintenance.

Motion made by Supervisor Saal, seconded by Supervisor Mittelsteadt to adopt Resolution 2007-03-13. Supervisor Saal explained the Resolution. Resolution 2007-03-13 is adopted by a voice vote and motion is carried.

Resolution 2007-03-14

Title: RESOLUTION SUPPORTING THE DECISION OF THE LINCOLN COUNTY PLANNING & ZONING COMMITTEE TO DENY A REZONING PETITION

WHEREAS, William and Dorothy Wickman submitted a petition to rezone approximately 80 acres of land from an RL-4 District to an RR-3 district which have tax parcel numbers 04.253606.005.000.00.00 and 04.253506.008.000.00.00, and said parcels are located in part of Section 25, T35N-R6E in the Town of Bradley; and

WHEREAS, the Lincoln County Planning & Zoning Committee inspected the property and held a public hearing on the rezone petition; and

WHEREAS, the property is adjacent to other lands zoned RL-4 as well as Agriculture; and

WHEREAS, the Wickmans have stated that they do not intend to develop the land for some time and do not have a concept plan yet prepared for its development; and

WHEREAS, the Planning & Zoning Department has asked that the Wickmans prepare a plan showing the potential layout, road locations, number of intended lots or a density proposal so as to weigh it against the known natural resource features that exist on the property; and

WHEREAS, the rezone is not supported by the Town of Bradley Board or the Town Land Use Plan;

NOW, THEREFORE, BE IT RESOLVED, the members of the Lincoln County Board of Supervisors hereby stand by the recommendations of the Planning & Zoning Committee and confirm their recommendation to deny the rezoning petition.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: The Planning & Zoning Committee; Passed on March 8, 2007

Fiscal Impact: none

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Rusch to adopt Resolution 2007-03-14. Dan Miller, Zoning Administrator, explained the Resolution. Discussion followed. Clerk called roll with Supervisors Berndt, Caylor, Kahle, Krueger, Lee, Loka, Lussow, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Weaver and Woller voting aye (17); Supervisors Alber, Fox and Zeitz voting nay (3). Resolution 2007-03-14 is adopted by a voice vote and motion is carried.

Resolution 2007 – 03 - 15

Title: Approve the Use of Lincoln County Contingency Funds for Unbudgeted Expenses in the Administration Department

WHEREAS, due to unforeseen expenditures, the Administration Department exceeded its 2006 budget by \$123,297;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors approves the recommendation of the Finance and Insurance Committee that \$123,297 of the 2006 contingency fund be used to cover these unbudgeted expenses in the Administration Department.

Dated this 20th day of March, 2007

Introduced by: Finance Committee
Committee Action: Passed 3-0

Fiscal Impact: \$123,297 from the 2006 Contingency Fund

Motion made by Supervisor Lussow, seconded by Supervisor Woller to adopt Resolution 2007-03-15. John Mulder, Administrative Coordinator, explained the Resolution. Discussion was held. Supervisor Zeitz requested a roll call vote. Clerk called roll with all Supervisors voting aye (18); except Supervisors Fox and Zeitz voting nay (2). Resolution 2007-03-15 is adopted and motion is carried.

Resolution 2007-03-16

Title: Fund and Create Handicapped Access for the Grandstand

WHEREAS, Lincoln County has a long and proud tradition of maintaining a facility that houses a Lincoln County Fair and many positive community events; and

WHEREAS, The Public Property Committee recognizes that Lincoln County is non-compliant with the Americans with Disabilities Act by not supplying handicapped access to Grandstand events; and

WHEREAS, Lincoln County has a legal and moral responsibility to provide access to all citizens as prescribed by the Americans with Disabilities Act; and

WHEREAS, the Public Property Committee at the request of the Finance Committee designed and bid a structure to meet those needs.

NOW, THEREFORE BE IT RESOLVED, that in order to provide handicapped citizens with adequate access to Grandstand events according to the Americans with Disabilities Act, the Public Property Committee respectfully requests approval to fund and construct this project.

Dated this 20th day of March, 2007

Introduced by: Public Property Committee

Committee Action: Public Property Committee; Passed unanimously - 4-0 on March 13, 2007

Fiscal Impact: \$51,000

Motion made by Supervisor Alber, seconded by Supervisor Zeitz to adopt Resolution 2007-03-16. Supervisor Alber explained the Resolution. Discussion followed. Clerk called roll with all Supervisors voting aye (19); except Supervisor Weaver voting nay (1). Resolution 2007-03-16 is adopted and motion is carried.

Resolution 2007-03-17

Title: Re-evaluate the Fee Assessment for Access to the Property of Linda R. Krueger

WHEREAS, the Lincoln County Forestry Department issues permits to cross county property and where as property owner (Linda Krueger) feels that the cost of the permit is inflated and not reasonable; and

WHEREAS, the only option for Linda Krueger is to request the Lincoln County Board of Supervisors to re-evaluate the fee structure as it is inconsistent with previous permits; and

WHEREAS, a deadline to pay the fee was set at a time table not allowing Linda Krueger an opportunity to appeal the Forestry Department's inflated cost.

NOW, THEREFORE BE IT RESOLVED Linda Krueger asks the Lincoln County Board of Supervisors to send this issue to Administrative and Legislative Committee for re-evaluation and review and for extension of the time table on fees for this permit.

Dated this 20th day of March, 2007

Introduced by: Ron Mittelsteadt

Fiscal Impact: Unknown

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Alber to adopt Resolution 2007-03-17. Chair Powell called a point of order before the discussion began. He referred to the Official County Board of Supervisors Rules – Section 2.08 (5) – Administrative & Legislative Committee (c) (iii) – define policy verses administrative issues when they come into question; (c) (v) – periodically review the County rules and order policies and recommend changes when appropriate; and (c) (vi) serve as mediator when conflicts arise between departments, personnel, elected officials, County Board members and committees. So in that point, if you decide to do it, it is appropriate that this Committee could do it. The other point that was raised previously is, is this the hearing tonight? The Chair would rule that it is not the hearing because the Resolution states that it would be sent to Committee for resolution. Given that, he had talked to Ms. Krueger and her representative and it is their desire that there would not be a hearing held tonight before the Board but that it would be sent to the Administrative & Legislative Committee for review. Discussion was held. Supervisor Mittelsteadt called a point of order. He said he did not want Supervisor Saal to elaborate on what would be going before the Administrative and Legislative Committee. More discussion was held. A roll call vote was requested. Clerk called roll with Supervisors Alber, Caylor, Fox, Kahle, Krueger, Lee, Loka, Lussow, Mittelsteadt, Powell, Rankin, Rusch and Zeitz voting aye (13); Supervisors Berndt, Plant, Saal, Schneider, Short, Weaver and Woller voting nay (7). Resolution 2007-03-17 is adopted and motion is carried.

ORDINANCE 2007-03-495

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

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

Chapter 17.2.03, Lincoln County Code is amended such that parcel no. 04.253506.014.001.00.00; further described as 21.2 acres in part of the NW ¼ of the SE ¼ of Section 25, T35N – R6E, in the Town of Bradley, be rezoned from a RL-4 district to a Rural Residential - 3 district for purposes of allowing subdivision of the parcel for residential development.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Caylor, seconded by Supervisor Woller to adopt Ordinance 2007-03-495. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-03-495 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-496

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

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

Chapter 17.2.03, Lincoln County Code is amended such that a portion of parcel no. 04.023506.008.001.00.00; further described as about 26 acres in part of Section 2, T35N – R6E, in the Town of Bradley, be rezoned from a Forestry district to a Rural Lands - 4 district for purposes of allowing the 61.65 acre parcel to be split for sale purposes. (The intent is to maintain 35 acres zoned Forestry with the sawmill business property and to rezone the remaining undeveloped land to Rural Lands – 4).

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Caylor to adopt Ordinance 2007-03-496. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-03-496 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-497

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

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

Chapter 17.2.03, Lincoln County Code is amended such that parcel nos. 04.263406.003.001.01.01, 04.263406.003.001.01.02, 04.263406.003.001.01.03, 04.263406.003.001.01.04, 04.263406.014.001.01.03 and 04.263406.014.001.02.03 and further described as 65.92 acres in part of Section 26, T34N – R6E, in the Town of Bradley, be rezoned from a Rural Lands - 2 to a Rural Lands - 4 district for purposes of allowing each of the recently created 10+ acre parcels to be buildable. This rezoning will be conditioned upon Midwest Land Company having a wetland delineation performed by the proposed access into Lot 6 of CSM #1913 from Hill Crest Road and ensuring that Outlot 1 of CSM #2019 becomes enjoined and made part of Lot 6 of CSM #1913.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Caylor to adopt Ordinance 2007-03-497. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-03-497 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-498

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

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

Chapter 17.2.03, Lincoln County Code is amended such that lands encompassing the Muskellunge Lake Condominium Association and all of units 1-11, located in part of Section 12, T35N – R6E, in the Town of Bradley, be rezoned from a Recreation district to a Rural Residential 2 district for purposes of accommodating seasonal and year ‘round homes as it has been converted from a resort.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Alber, seconded by Supervisor Rusch to adopt Ordinance 2007-03-498. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-03-498 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-499

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

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

Chapter 17.2.03, Lincoln County Code is amended such that 40 acres located in the SE ¼ of the SW ¼ of Section 20, T32N – R8E, in the Town of Schley, having a tax parcel no. of 22.203208.012.000.00.00, be rezoned from an Agriculture district to a Rural Lands - 4 district for purposes of accommodating a split and a sale of the property and future development of the eastern 20 acres into two home sites.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Caylor to adopt Ordinance 2007-03-499. Dan Miller, Zoning Administrator, explained the Ordinance. Ordinance 2007-03-499 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-500

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

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

Chapter 17.2.03, Lincoln County Code is amended such that 40 acres located in the SW ¼ of the NE ¼ of Section 21, T35N – R5E, in the Town of Wilson, having a tax parcel no. of 32.213505.003.000.00.00, be rezoned from a Forestry district to a Rural Lands - 4 district for purposes of accommodating the building of a year 'round home on the property.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Alber, seconded by Supervisor Caylor to adopt Ordinance 2007-03-500. Dan Miller, Zoning Administrator, explained the Ordinance. Ordinance 2007-03-500 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-03-501

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

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

Chapter 17.2.03, Lincoln County Code is amended such that 3+ acres located in the SE ¼ of the SE ¼ of Section 22, T35N – R6E, in the Town of Bradley, having a tax parcel no. of 04.223506.016.002.00.00 off of County Trunk Hwy A, be rezoned from a Rural Residential 3 district to a Rural Residential 5 district to accommodate a Conditional Use Request for an Expanded Home Occupation – (trucking business) on the property.

Any areas designated as wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 20th day of March, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on March 8, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell
Chairman

Robert D. Kunkel
County Clerk

Motion made by Supervisor Alber, seconded by Supervisor Mittelsteadt to adopt Ordinance 2007-03-501. Dan Miller, Zoning Administrator, explained the Ordinance. Ordinance 2007-03-501 is adopted by a voice vote and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN –

JAIL ASSESSMENT VOUCHERS FOR APPROVAL –

STAINLESS SPECIALISTS, INC	\$824.92
OLDCASTLE SCHOFIELD	\$659.00
CAYLOR’S CORNERS	\$403.34

Motion made by Supervisor Alber, seconded by Supervisor Krueger to approve the Jail Assessment Vouchers listed above. All Supervisors present voting aye and motion is carried.

REPORT OF MILEAGE AND PER DIEM

Motion made by Supervisor Caylor, seconded by Supervisor Mittelsteadt to approve the report on mileage and per diem. Motion carried – all ayes.

Next meeting will be held at the Health & Human Services Building, City of Merrill on April 17, 2007 at 6:00 p.m.

Motion made by Supervisor Krueger, seconded by Supervisor Lussow to adjourn the meeting at 7:25 p.m. Motion carried – all ayes.

STATE OF WISCONSIN)

) SS

COUNTY OF LINCOLN)

I, Robert D. Kunkel, County Clerk in and for said Lincoln County, Wisconsin do hereby certify that the within and foregoing is a true and correct copy of all proceedings by and before the Board of Supervisors at their regular meeting, March 20, 2007.

Robert D. Kunkel, Lincoln County Clerk