

APRIL 17, 2007**EVENING SESSION****6:00 P.M.****HEALTH & HUMAN SERVICES BUILDING – LOWER LEVEL CONFERENCE ROOM - MERRILL**

The Lincoln County Board of Supervisors met at the Health & Human Services Building – Lower Level Conference Room – City of Merrill, 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: Berndt, Caylor, Fox, Kahle, Krueger, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Simon, Weaver, Woller and Zeitz (20). Supervisor Lee – excused. Alber arrived at 6:36 p.m.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

Clerk stated that the Annual Reports were distributed with the Packets. He also announced that the WCA Convention will be held October 7 through October 9, 2007 in Wisconsin Dells. Anyone wishing to attend are urged to sign up early as the motels are filling up fast.

SERVICE RECOGNITIONS FOR APRIL, 2007

Clerk read a service recognition for Jean M. Labbus, currently an Administrative Secretary Supervisor at the Social Services Department for 15 years of service. She received a 15-year pin.

Clerk read a service recognition for Randall L. Osness, currently a Deputy at the Sheriff's Department for 30 years of service. He received a 30-year pin.

Clerk read a service recognition for Diane M. Hanson, currently a Program Assistant at the Sheriff's Department for 30 years of service. She received a 30-year pin.

RE-APPOINTMENTS TO THE COMMISSION ON AGING COMMITTEE –**MARLENE DIETRICH AND RUBEN RADTKE**

Motion made by Supervisor Woller, seconded by Supervisor Krueger to approve the re-appointments of Marlene Dietrich and Ruben Radtke for another 3-year term to the Commission on Aging Committee expiring April 30, 2010. All Supervisors present voting aye to approve the re-appointments and motion is carried.

APPROVAL OF JOURNAL – MARCH 20, 2007

Clerk reported one correction on page 128 in Service Recognitions Randy Allen should read, "She received a 20-year pin". Motion was made by Supervisor Caylor, seconded by Supervisor Lussow to accept the minutes of March 20, 2007 as amended. 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 other bills and to give an update on the matter. John answered there was one more bill – approximately \$1,900.00. The Federal Agents were in last week to collect electronic data.

REPORT OF STANDING & SPECIAL COMMITTEE**Year-to-date Budget Report – Dan Leydet, Finance Director**

Dan presented the year-to date Budget Report for March, 2007.

Presentation of North Central Health Care Annual Report – Margaret Parson

Margaret Parsons distributed their Annual Report and explained some of their programs.

Presentation by North Central Health Care Task Force

There were four members of the North Central Health Care Task Force who explained the programs associated with North Central Health Care. They were Gail, Heidi, Rob and Gerry. North Central Health Care is composed of Marathon, Lincoln, and Langlade Counties. They focused on Mental Health/Substance Abuse and Developmental Disabilities and Services System Study. They also talked about the Financial Structure and Performance. Discussion was held.

Supervisor Alber arrived at 6:36 p.m.

RESOLUTIONS AND ORDINANCES FOR BOARD ACTION:

Resolution 2007 04-18

Title: Approval to Renew SECURUS Technologies Jail Telephone Contract

WHEREAS, the Lincoln County Sheriff's Department has had a previous contract with SECURUS Technologies, Inc. (formally Evercom Systems, Inc.), for telephone services in the jail, which has expired; and

WHEREAS, the new contract has been proposed for three (3) years, effective January 1, 2007 with an increase in percentage of profit to Lincoln County from 31% to 43%. This increase would provide an increase in revenue to Lincoln County of approximately \$14,820 over the period of the contract; and

WHEREAS, the new contract has been reviewed by Corporation Counsel and the Law Enforcement Committee and is ready for County Board approval.

NOW, THEREFORE BE IT RESOLVED, the Lincoln County Board of Supervisors authorizes the Lincoln County Board Chair to sign the proposed contract with SECURUS Technologies, Inc., as attached.

Dated this 17th day of April, 2007

Introduced by: Law Enforcement Committee

Committee Action: Law Enforcement Committee; Passed 5-0 on 03/14/07.

Fiscal Impact: The increase in revenue will be approximately \$14,820 over the three year period of the contract.

Motion made by Supervisor Caylor, seconded by Supervisor Mittelsteadt to adopt Resolution 2007-04-18. Supervisor Caylor explained the Resolution. Sheriff Jaeger also talked about the Resolution. Discussion was held. Nancy Bergstrom, Corporation Counsel, explained the contract. Discussion continued. Resolution 2007-04-18 is adopted by a voice vote and motion is carried.

Resolution 2007-04-19

Title: RESOLUTION AUTHORIZING LINCOLN COUNTY TO APPLY FOR A LAKE PROTECTION GRANT TO FUND A CONTRACTED SHORELAND BUFFER SPECIALIST

WHEREAS, Lincoln County is blessed with abundant water resources; and

WHEREAS, natural vegetation growing along the shoreline offers protection of the waterways from sedimentation that degrades water quality and provides both scenic natural beauty and wildlife habitat; and

WHEREAS, the Lincoln County Shoreland Zoning Ordinance regulates the cutting of vegetation along the shoreline to preserve the benefits afforded by these vegetative buffers; and

WHEREAS, Lincoln County requires a restoration of the shoreland buffer area as a condition of approval for a permit and a variance if it is found out of compliance in certain situations; and

WHEREAS, it is difficult for landowners to determine on their own what plants to select for the restorations that best match site conditions and meet the ordinance criteria and to discern what planting techniques to use that will ensure the best chance for a successful restoration; and

WHEREAS, Lincoln County is seeking funding, through a Lake Protection Grant award from the Department of Natural Resources (75% of the project costs from the grant and 25% contributed through in-kind hours and/or accessory funding), to hire a qualified individual to assist our citizens with buffer restoration planning and monitoring under a contractual arrangement with Langlade County,

NOW, THEREFORE BE IT RESOLVED, that the members of the Lincoln County Board of Supervisors requests funds from the Lake Protection Grant program to pay for the services as described; and

BE IT FURTHER RESOLVED, that the Lincoln County Planning & Zoning Director is authorized to act on behalf of Lincoln County to submit a grant application to the DNR, to sign documents and take necessary action to undertake, direct and complete an approval lake protection project that includes contracting with Langlade County for the services described; and

BE IT FURTHER RESOLVED, that Lincoln County will comply with state rules for the program, may perform force account work and will meet the financial obligations under the grant.

Dated this 17th day of April, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: The Planning & Zoning Committee on April 12, 2007

Fiscal Impact: 25% share of the contracted position costs. Impact not to exceed \$7,000 (funds already budgeted).

Motion made by Supervisor Meyer, seconded by Supervisor Alber to adopt Resolution 2007-04-19. Dan Miller, Zoning Administrator, spoke on the Resolution. Discussion was held. Resolution 2007-04-19 is adopted by a voice vote and motion is carried.

Resolution 2007-04-20

Title: RESOLUTION APPROVING THE TOWN OF PINE RIVER AMENDMENTS TO THEIR ZONING CODE

WHEREAS, the Town of Pine River has adopted its own zoning ordinance under authority of Sections 60.62 and 61.35 of the State Statutes; and

WHEREAS, Chapter 60.62 of the State Statutes requires that a county which has a comprehensive zoning ordinance in place also approve of any amendments made to township zoning codes; and

WHEREAS, the Town of Pine River has proposed and approved some recent amendments to their ordinance as evidenced by the attached ordinance and map and cover letter provided by Randy Frokjer, Town of Pine River Attorney; and

WHEREAS, The Lincoln County Planning & Zoning Committee has reviewed the ordinance amendments and map changes at their April 12, 2007 meeting and has approved them and hereby recommends that the Lincoln County Board of Supervisors does the same pursuant to Section 60.62(3) of the State Statutes;

NOW, THEREFORE BE IT RESOLVED, that the members of the Lincoln County Board of Supervisors approve the amendments made to the Town of Pine River Zoning Ordinance.

Dated this 17th day of April, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: The Planning & Zoning Committee; Passed on April 12, 2007

Fiscal Impact: Nothing to Lincoln County.

Motion made by Supervisor Saal, seconded by Supervisor Mittelsteadt to adopt Resolution 2007-04-20. Supervisor Saal and Dan Miller, Zoning Administrator, explained the Resolution. Discussion was held. Resolution 2007-04-20 is adopted by a voice vote and motion is carried.

Resolution 2007-04-21

Title: Conveyance of Real Estate

BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 17th day of April, 2007 that the following conveyance of real estate to be made by the County Clerk in behalf of Lincoln County, be and same are hereby ratified, confirmed, and approved:

<u>Purchaser</u>	<u>Description</u>	<u>Amount</u>
Scott A. Borchardt William Schulz	The West One Hundred (100) feet of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW ¼) of Section Thirty Four (34) Township Thirty-four (34) of Range Seven (7) East	\$5,900.00

Dated this 17th day of April, 2007

Introduced by: Highway Committee:

Committee Action on conveyance of land to Scott A. Borchardt and William Schulz
April 12, 2007 - Passed 5-0

Fiscal Impact: \$5,900.00

Motion made by Supervisor Lussow, seconded by Supervisor Alber to adopt Resolution 2007-04-21. Randy Scholz, Highway Commissioner, explained the Resolution. Resolution 2007-04-21 is adopted by a voice vote and motion is carried.

Resolution 2007-04-22**Title: LEGAL PUBLICATION**

WHEREAS, because there are now two newspapers in Lincoln County certified to publish legal notices, the Finance & Insurance Committee has examined where the county's legal notices should be published; and

WHEREAS, after taking into account cost, circulation, etc., the Committee resolved (at its 3/9/07 meeting) to publish legally required or legally mandated notices in both the Courier and the Leader; and

WHEREAS, departments should exercise discretion regarding other advertisements, placing them in the publication(s) most likely to give notice in the area or to the person(s) affected; and

WHEREAS, because legal notices will be published in more than one newspaper, Lincoln County cannot designate either publication as its official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that effective with passage of this resolution, "LEGAL NOTICES" are to be published in both the Leader and the Courier.

Dated this 17th day of April, 2007

Introduced by: Finance & Insurance Committee

Committee Action: Passed 4 - 0 on 3/9/07 and 5 - 0 on 4/4/07

Fiscal Impact: doubling of legal notice costs

Motion made by Supervisor Simon, seconded by Supervisor Lussow to adopt Resolution 2007-04-22. Supervisor Woller asked that she be allowed to abstain from voting on this Resolution. There was no objection from the other Supervisors. Jeff Hovind, Merrill Courier, and Kathy Tobin, Tomahawk Leader, spoke on this item. Discussion was held. Nancy Bergstrom, Corporation Counsel, explained the Resolution. Clerk called roll with Supervisors Berndt, Fox, Loka, Lussow, Plant, Powell, Rusch, Short, Simon and Zeitz voting aye (10); Supervisors Alber, Caylor, Kahle, Krueger, Meyer, Mittelsteadt, Rankin, Saal, Schneider, and Weaver voting nay (10). Resolution 2007-04-22 is defeated.

Resolution - 2007 -04-23**Title: OPPOSITION TO WI RECYCLING FEE INCREASE AS PROPOSED IN GOVERNORS BUDGET**

WHEREAS, the State of Wisconsin mandated recycling in 1990 under Wisconsin Act 335 and later under Administrative Code NR 544, and

WHEREAS, NR 544 requires Towns, Villages, Cities or Counties, hereafter Municipalities, to become Responsible Units for Recycling and as such are required to establish and pay for Effective Recycling Programs, and

WHEREAS, the State of Wisconsin originally promised to cost share 66% of Municipalities' costs for maintaining Effective Recycling Programs, and

WHEREAS, the State of Wisconsin currently reimburses municipalities an average of less than of 30% of their residential recycling costs, with Lincoln County's Responsible Units paying last year \$340,000 to recycle and the state only reimbursing the RU's \$80,000, and

WHEREAS, during the last four biennium budget cycles, the State has taken from the current \$3 per ton recycling fee over eighty million dollars (\$80,000,000) away from the recycling fund to pay for other State programs, and

WHEREAS, the State of Wisconsin is using monies raised for the purpose of supporting Municipal Recycling Programs as part of a failed attempt to balance the State's budget; and

WHEREAS, the Governor is now proposing to increase the State recycling fee from \$3 to \$6 per ton, and

WHEREAS, the State of Wisconsin has imposed levy limits on Municipalities putting many under severe financial constraints, and

WHEREAS, additional costs of a \$3 increase to the recycling fee to Lincoln County Responsible Units, will be approximately \$75,000 a year; and

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board opposes the diversion of Segregated Recycling funds to General Purpose Revenues; and

BE IT FURTHER RESOLVED that the Lincoln County Board opposes any increase to the Recycling Fee, and

BE IT FURTHER RESOLVED that the Lincoln County Board supports requiring all Recycling Fund monies be used to off-set costs for Responsible Unit Effective Recycling Programming.

BE IT RESOLVED that this resolution be forwarded, by the County Clerk, to the Wisconsin Counties Association, and our legislative representatives.

Dated this 17th day of April, 2007

Introduced by: Solid Waste Committee

Committee Action: Solid Waste Committee; Passed

Fiscal Impact: (\$75,000 per year increase)

Motion made by Supervisor Loka, seconded by Supervisor Zeitz to adopt Resolution 2007-04-23. Robert Reichelt, Solid Waste Manager, explained the Resolution. Clerk called roll with all Supervisors voting aye (20); except Supervisor Alber voting nay (1), and motion is carried.

Resolution – 2007 – 04-24

Title: INCLUDE ALL WASTE GENERATORS TO PAY INTO THE WI RECYCLING FUND

WHEREAS, the State of Wisconsin mandated recycling in 1990 under Wisconsin Act 335 and later instituted a recycling fee on waste generators to help pay for it, and

WHEREAS, state statute 289.645 says a generator of solid waste shall pay a recycling fee for each ton or equivalent volume of solid waste that is disposed of at a licensed solid waste disposal facility and

WHEREAS, the intent of the State was to make all municipal waste generators pay the recycling fee unless exempt like industrial waste generators as stated under 289.645 (4), and

WHEREAS, some municipal waste generators who transfer waste out of state are not contributing to the recycling fund and are indirectly utilizing the fund to offset their recycling costs, and

WHEREAS, these inequities also create an un-level playing field resulting in some WI waste haulers or municipal landfill owners going out of business who can't compete against those who don't contribute to the recycling fund, and

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board hereby supports a clarification of statute 289.645 to include the recycling fee be paid by state licensed solid waste transfer facilities if waste is hauled out of state to avoid the discrepancies previously mentioned, and

BE IT FURTHER RESOLVED that this resolution be forwarded, by the County Clerk, to the Wisconsin Counties Association and our legislative representatives.

Dated this 17th day of April, 2007

Introduced by: Solid Waste Committee

Committee Action: Solid Waste Committee; Passed

Fiscal Impact: (\$75,000 per year increase)

Motion made by Supervisor Rankin, seconded by Supervisor Krueger to adopt Resolution 2007-04-24. Robert Reichelt, Solid Waste Manager, explained the Resolution. Resolution 2007-04-24 is adopted by a voice vote with one nay (Alber) and motion is carried.

Resolution – 2007- 04-25

Title: EXEMPT RECYCLING FEE ON THE FIRST 50,000 TONS OF WASTE GOING TO ALL WI LICENSED WASTE FACILITIES

WHEREAS, statute 289.645 requires DNR to charge solid waste disposal facilities a per ton recycling fee for all solid waste other than high-volume industrial waste, and

WHEREAS, the intent of the recycling fee was to have all waste generators contribute into a fund that would be used to help offset the cost of recycling, and

WHEREAS, the governor's proposed budget includes an increase of the recycling fee from \$3 to \$6 per ton increasing the cost to Lincoln Co taxpayers by approximately \$75,000 per year, and

WHEREAS, Lincoln County's responsible recycling units representing a population of approximately 30,000 people, last year paid over \$340,000 to recycle and only received about \$80,000 back from the state recycling fund, and

WHEREAS, municipalities who are struggling with levy limits and with increasing recycling costs also have waste disposal costs and will end up paying the additional \$3 per ton recycling fee, and

WHEREAS, the state can make up the revenue offset by a 50,000 ton exemption on all WI licensed waste facilities by including transfer stations who transfer WI generated waste out of state which is not accounted for at the present time and by increasing the recycling fee per ton rate if necessary, and

NOW, THEREFORE, BE IT RESOLVED that Lincoln County Board hereby strongly encourages the state to help local communities and taxpayers by exempting the recycling fee for all WI licensed waste facilities on the first 50,000 tons, and

BE IT FURTHER RESOLVED, that this resolution be forwarded to the County Clerk, to the Wisconsin Counties Association and our legislative representatives.

Dated this 17th day of April, 2007

Introduced by: Solid Waste Committee

Committee Action: Solid Waste Committee; Passed

Fiscal Impact: (\$75,000 per year increase)

Motion made by Supervisor Weaver, seconded by Supervisor Fox to adopt Resolution 2007-04-25. Robert Reichelt, Solid Waste Manager, explained the Resolution. Resolution 2007-04-25 is adopted by a voice vote with one nay (Alber) and motion is carried

Resolution 2007-04-26

Title: Supporting State Funding for Court System Interpreters

WHEREAS, Wisconsin's population continues to grow more linguistically diverse and most counties around the state rely on court interpreters daily; and

WHEREAS, language is the most basic tool of the courts and fair treatment in court depends upon a person's ability to tell his or her side of the story and understand the proceedings; and

WHEREAS, current law only requires courts to provide interpreters for criminal, juvenile (chs.48 and 938) and mental health (chs.51 and 55) cases while all cases are discretionary; and

WHEREAS, most counties provide court interpreters in all case types to ensure equal access, but only receive state reimbursement if the parties are indigent; and

WHEREAS, this formula puts a strain on the county's overly burdened budget and can result in interpreter costs being assessed to the parties themselves which arguably constitutes unfair treatment based upon national origin which federal law prohibits;

NOW, THEREFORE BE IT RESOLVED by the Lincoln County Board of Supervisors that it supports the following:

- 1) A modification in the statutes to require court interpreters be appointed in all cases regardless of indigency; and
- 2) An increase in state funding for reimbursement to counties resulting in growth of LEP population; and
- 3) An increase in state funding for reimbursement to counties for interpreter expenses in all cases regardless of indigency

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to all state legislators representing Lincoln County.

Dated this 17th day of April, 2007

Introduced by: EMS/Judicial Committee

Committee Action: EMS/Judicial Committee; Passed 5-0 on 04/11/07.

Fiscal Impact: potential for increase state revenues.

Motion made by Supervisor Caylor, seconded by Supervisor Mittelsteadt to adopt Resolution 2007-04-26. Cindy Kimmons, Clerk of Circuit Courts, explained the Resolution. Discussion was held. Resolution 2007-04-26 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-04-502

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

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

Chapter 12.05, Lincoln County Code is created to read as follows:

12.05. Entrance Permits. Pursuant to sec. 86.07(2), Wis. Stats. (incorporated herein by reference) the Highway Department shall issue permits for the construction and alteration of driveways/access onto the county trunk highway system. Regulations governing access (including fees) shall be established by the Highway Committee.

This ordinance shall take effect following its passage and publication.

Dated this 17th day of April, 2007

Introduced by: Highway Committee

Committee Action: Passed

Fiscal Impact:

LINCOLN COUNTY, WISCONSIN

CURTIS G. POWELL

Chairman

ROBERT D. KUNKEL

County Clerk

Motion made by Supervisor Lussow, seconded by Supervisor Rankin to adopt Ordinance 2007-04-502. Randy Scholz, Highway Commissioner, explained the Ordinance. Discussion was held. Clerk called roll with all Supervisors voting aye (21) and Ordinance 2007-04-502 is adopted and motion is carried.

ORDINANCE 2007-04-503

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

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

Section 4.08 (2) is amended to read as follows:

4.08 NOTICE OF VACANCY.

(1) Vacancies in represented positions must be posted as provided in the applicable collective bargaining agreement.

(2) ~~Vacancies in non-represented positions not filled by internal promotion or represented positions not filled by posting must be advertised in the official County newspaper. Additional advertising shall be placed when deemed necessary by the department head and/or oversight committee and the Personnel Director.~~ The Administrative Coordinator shall direct recruitment efforts to meet the current and projected County human resource needs. Recruitment shall be tailored to the position to be filled and directed to sources likely to yield qualified candidates.

Dated this 17th day of April, 2007

Introduced by: Personnel Committee

Committee Action: Personnel Committee - Passed unanimously on 04/10/07 (Saal absent)

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

CURTIS POWELL

ROBERT D. KUNKEL

Chairman

County Clerk

Motion made by Supervisor Caylor, seconded by Supervisor Lussow to adopt Ordinance 2007-04-503. John Mulder, Administrative Coordinator, explained the Ordinance. Discussion was held. Clerk called roll with all Supervisors voting aye (19); except Supervisors Alber and Fox voting nay (2). Ordinance 2007-04-503 is adopted and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN – NONE

REPORT OF MILEAGE AND PER DIEM

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

Next meeting will be held at the William Buedingen Training Room – Town of Bradley on May 15, 2007 at 6:00 p.m.

Motion made by Supervisor Krueger, seconded by Supervisor Mittelsteadt to adjourn the meeting at 7:36 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, April 17, 2007.

Robert D. Kunkel, Lincoln County Clerk