
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, Meyer, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Simon, Weaver, Woller and Zeitz (22).

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

Clerk Kunkel gave a report on Workers' Compensation Five Year Claim History. Claims have gone down a lot since the County Board adopted a safety plan in July of 2004.

SERVICE RECOGNITIONS FOR JULY, 2007

Clerk read a service recognition for Joann Benedict, currently a Social Services Aide II at the Social Services Department for 15 years of service. She received a 15-year pin.

Clerk read a service recognition for Charlene Woller, currently a Program Assistant at the Solid Waste Department for 20 years of service. She received a 20-year pin.

Clerk read a service recognition for Dorothy Hughes, currently a Registered Nurse at the Pine Crest Nursing Home 20 years of service. She received a 20-year pin.

APPOINTMENTS - NONE

APPROVAL OF JOURNAL – JULY 17, 2007

Clerk reported that in Supervisor Lussow's Update of Construction Progress Report on Page 159 Supervisor Lussow also stated that the Lincoln County website was updated as of July 16, 2007 to include a feature showing construction progress photos. These photos will be continuously updated for the public to see the progress of the three Lincoln County building projects, starting with the Lincoln County Services Center. Motion was made by Supervisor Caylor, seconded by Supervisor Lussow to accept the minutes of July 17, 2007 as amended and placed on file. 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 Alber asked a question regarding the raise for the Long Term Support Supervisor. John replied that this Supervisor would be responsible for 4 to 5 Social Workers. The Administrative Coordinator's Report is placed on file.

REPORT OF STANDING & SPECIAL COMMITTEE

2006 Audit Report - Schenck

Dan Leydet, Finance Director, introduced Jason Hilger from Schenck, who spoke on the 2006 Audit Report. He reported on the Management Letter and the Basic Financial Statements ending on December 31, 2006. Discussion was held.

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

Dan presented the year-to date Budget Report for July, 2007. Discussion followed.

2008 Budget Report

Dan reported that we will have a rough time with this budget. Discussion was held.

A ten-minute Recess was taken at 7:07 p.m.
Supervisor Alber left at 7:10 p.m.

RESOLUTIONS AND ORDINANCE FOR BOARD ACTION:

Resolution 2007-08-36

Title: To Authorize Advance from General Fund to Highway Internal Service Fund (Tomahawk Shop Roof)

WHEREAS, resolution 2006-01-01 authorized an advance of up to \$634,712 from the county's General Fund to the Highway Internal Service Fund to cover the cost of repairs/replacement of the roof and heating system at the Merrill highway shop; and

WHEREAS, these projects were completed for a total of \$466,253.59 (\$168,458.41 less than anticipated); and

WHEREAS, the Highway Committee requests that up to \$100,000.00 of this balance be authorized for replacement of the roofs at the Tomahawk highway shop; and

NOW, THEREFORE BE IT RESOLVED, that up to \$100,000 from the balance approved by resolution 2006-01-01 shall be advanced to the Highway Internal Service Fund from the county General Fund to cover the costs of the recommended roof work at the Tomahawk highway shop.

BE IT FURTHER RESOLVED, that the Highway Internal Service Fund repay the General Fund the entire advanced amount over a ten year period beginning in 2008 from the Highway Equipment Fund or other non-levy funds.

Dated this 21st day of August, 2007

Introduced by: Finance Committee

Committee Action: Highway Committee Passed on 8/2/2007 4 – 0 (excused)
Finance Committee Passed on 8/3/2007 4 – 0 (Lussow excused)

Fiscal Impact: Reduction of up to \$100,000 in cash in the General Fund to be repaid in ten equal payments

Motion made by Supervisor Lee, seconded by Supervisor Weaver to adopt Resolution 2007-08-36. Randy Scholz, Highway Commissioner, explained the Resolution. Discussion was held. Resolution 2007-08-36 is adopted by a voice vote and motion is carried.

Resolution 2007-08-37

Title: RESOLUTION OF NON-SUPPORT FOR THE DNR PROPOSED WISCONSIN ADMINISTRATIVE RULE - NR115

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

WHEREAS, Lincoln County invested 3 years of time and money exploring ways to enhance its shoreland zoning ordinance through amendments to strike a balance between property owner's rights and protection of our water resources; and

WHEREAS, Lincoln County is one of 16 other Wisconsin counties to have already ramped up their shoreland regulations to provide additional protections to the near shore resources, and

WHEREAS, the proposed draft of NR115 would force Lincoln County to make changes to these recently adopted regulations; and

WHEREAS, those changes would require Lincoln County to enforce rules that were rejected by the stakeholders who helped formulate the new regulations, including: new height limitations for structures, aesthetic standards for development, mandatory vegetative buffer restoration any time a property is developed, more stringent impervious surface regulations that are not pragmatic in their enforcement, ambiguous mitigation strategies for stormwater retention, and new draconian administrative requirements; and

WHEREAS, it will impose another unfunded mandate upon the citizens of Lincoln County to pay for additional inspections and enforcement through additional tax dollars or higher permit fees;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors do hereby go on record opposed to the present draft of NR115 for the above stated reasons.

BE IT FURTHER RESOLVED, that the Lincoln County Board of Supervisors will not support any additional regulatory burden imposed by a new NR115, Wisconsin Administrative Code, without codified guarantees to fund the proper implementation of its provisions.

Dated this 21st day of August, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: The Planning & Zoning Committee; passed unanimously on August 9, 2007

Fiscal Impact: None if NR115 is defeated; estimated 1 additional FTE employee if NR115 is ratified as proposed.

Motion made by Supervisor Plant, seconded by Supervisor Saal to adopt Resolution 2007-08-37. Dan Miller, Zoning Administrator, explained the Resolution. Resolution 2008-08-37 is adopted by a voice vote and motion is carried.

Resolution 2007-08-38

Title: To Approve Revised Position Description – Administrative Coordinator

WHEREAS, an ad hoc committee on administrative structure was convened by the Administrative and Legislative Committee (at the direction of the County Board) to study how the county's administrative structure might be improved; and

WHEREAS, following lengthy study and deliberation, a revised position description was developed and is recommended for adoption and immediate implementation.

NOW, THEREFORE BE IT RESOLVED, that the attached Lincoln County Position Description for the Administrative Coordinator be and is hereby adopted.

Dated this 21st day of August, 2007

Introduced by: Ad Hoc Committee on Administrative Structure, an ad hoc committee of the Administrative & Legislative Committee
Committee Action

Fiscal Impact: None Anticipated

Motion made by Supervisor Woller, seconded by Supervisor Lussow to adopt Resolution 2007-08-38. Discussion was held. Supervisor Caylor requested a roll call vote. Clerk called roll with Supervisors Lee, Lussow, Meyer, Plant, Powell, Rusch, Saal, Schneider, Short, Simon, Weaver and Woller voting aye (12); Supervisors Berndt, Caylor, Fox, Kahle, Krueger, Loka, Mittelsteadt, Rankin and Zeitz voting nay (9). Resolution 2007-08-38 is adopted and motion is carried.

Resolution 2007-08-39

Title: A Resolution Opposing Amnesty for Illegal Aliens and Demanding Federal Action to Secure United States Borders

WHEREAS, the United States Constitution, Article 1, Sec. 7 mandates the national government to “repel invasions”

WHEREAS, the 1986 Immigration & Reform Bill, passed by Congress and signed by President Reagan, proved to be a failure in securing U.S. Borders.

WHEREAS, this same immigration law, by providing amnesty for illegal aliens, encouraged a further influx of 12 to 30 million illegal aliens to our nation between 1986 and the present, constituting an invasion of our nation

WHEREAS this further influx of illegals has resulted in a weakening of our national security, and explosion of violent crime, an increase in social welfare costs, a deterioration of an already strained social security and health care system, a rapid increase in prison and incarceration costs and an overall lowering of wages and standard of living for hard-working citizens of the United States.

WHEREAS, elected representatives of both major parties, including the President, continue to ignore the will of the American people by offering amnesty and guest worker status for illegal entrance into this nation

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors demands that all elected representatives and government agencies on the national level enforce the current immigration laws of our nation, provide funding to secure our national borders, provide adequate personnel for immigration law enforcement, provide an efficient system for identifying legal residents without compromising the privacy and constitutional rights of American citizens, and provide legislation that will allow local law enforcement agencies to assist in the enforcement of immigration laws.

THEREFORE BE IT FURTHER RESOLVED, that the Lincoln County Board of Supervisors also demands that the state government of Wisconsin and all its counties comply with the enforcement and spirit of this resolution and our current immigration laws.

THEREFORE BE IT FURTHER RESOLVED, that the Lincoln County Clerk will send a copy of this Resolution to the President of the United States; the two United States Senators representing Wisconsin; the 7th District U.S. States Representative; our elected State Representatives and the Governor of Wisconsin.

Dated this 21st day of August, 2007

Fiscal Impact: Not Applicable

Motion made by Supervisor Zeitz, seconded by Supervisor Fox to adopt Resolution 2007-08-39. Supervisor Zeitz explained the Resolution. Supervisor Weaver made a motion to table Resolution 2007-08-39. This motion failed because there was no second. Discussion was held. Supervisor Caylor called the question, seconded by Supervisor Weaver. Clerk called roll with Supervisors Fox, Simon and Zeitz voting aye (3); Supervisors Berndt, Caylor, Kahle, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Rusch, Saal, Schneider, Short, Weaver, and Woller voting nay (18). Resolution 2007-08-39 failed.

Resolution 2007 - 08 - 40

Opposition to 2007 Assembly Bill 438

WHEREAS, 2007 Assembly Bill 438 creates a nine-member task force to study the responsibilities and obligations of county government and to develop a plan to reduce the number of counties in this state from 72 to 18 or fewer; and

WHEREAS, 2007 Assembly Bill 438 requires that the task force's proposal regarding a reduction in the number of counties be prepared by 2011; and

WHEREAS, the suggestion of 18 counties or fewer is an arbitrary number that lacks substantiated research to support the proposition that Wisconsin citizens would be better served by 18 counties or fewer; and

WHEREAS, numerous commissions and task forces such as the Kettl Commission have devoted a great deal of time, energy and resources to the state and local government partnership and the delivery of services; and

WHEREAS, the Kettl Commission provided a substantive and innovative report with numerous worthwhile recommendations regarding local government service delivery and efficiencies that were never considered by the state Legislature; and

WHEREAS, Wisconsin citizens would be better served by a discussion relating to local government issues in their entirety, rather than creating a committee charged with attempting to implement a subjective reduction in the number of Wisconsin counties; and

WHEREAS, the state/local government partnership, how local government services are provided and funded, and Wisconsin's taxation structure and system are issues that should be discussed before state policy makers arbitrarily modify the number of Wisconsin counties; and

WHEREAS, any examination of the number of counties and structure of county government in Wisconsin should consider the current and future social and economic trends, current and future demographics and the examination should consider a practical and lasting solution that serves Wisconsin Citizens for generations to come; and

WHEREAS, numerous issues have to be considered and implemented for the reduction of counties to occur; and

WHEREAS, issues that must be resolved include but are not limited to: existing labor contracts between a respective county and its labor unions, real estate documentation such as deeds and plats, zoning authority and land use issues, human service contracts and services, general contracts between a respective county and a service provider, and more; and

WHEREAS, the initial cost of transforming from 72 counties to 18 counties or fewer would be substantial to Wisconsin taxpayers and;

WHEREAS, the costs borne by taxpayers to implement such a reduction in counties would come at a time when the state of Wisconsin has continuous structural budget deficits and other pressing issues such as an aging population and an antiquated taxation system.

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Supervisor opposes 2007 Assembly Bill 438 and directs the County Clerk to send copies of this resolution to Governor Doyle, Senator Breske, Representative Don Friske.

Dated this 21st day of August, 2007

Introduced by: Administrative and Legislative Committee

Committee Action: Administrative and Legislative Committee unanimously on 8/13/07 (Caylor absent)

Fiscal Impact: undetermined

Motion made by Supervisor Woller, seconded by Supervisor Simon to adopt Resolution 2007-08-40. John Mulder, Administrative Coordinator, explained the Resolution. Discussion was held. Resolution 2007-08-40 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-08-510

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 5.8 acres described as lot 3 of CSM No.1887 and located in Govt Lots 1 & 2 of Section 13, T35N – R6E, in the Town of Bradley, having a tax parcel number 04.133506.002.001.03.00, be rezoned from a Rural Lands – 4 and a Rural Residential 2 (currently split zoned) district to a Rural Residential 3 district to allow the parcel to be split into two building 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 21st day of August, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed unanimously on August 9, 2007.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell Robert D. Kunkel
Chairman County Clerk

Motion made by Supervisor Meyer, seconded by Supervisor Saal to adopt Ordinance 2007-08-510. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-08-510 is adopted and motion is carried.

ORDINANCE 2007-08-511

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 14.37 acres described as the south 951 feet of the east 660 feet of the NW¼ of the NW¼ of Section 24, T31N – R6E, in the Town of Scott, having a tax parcel number 24.243106.006.003.00.00, be rezoned from a Rural Residential 3 district to a Cross Roads Mixed Use district to allow the parcel to be developed commercially.

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 21st day of August, 2007

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed unanimously on August 9, 2007 contingent upon the Town of Scott approval.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Curtis G Powell Robert D. Kunkel
Chairman County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Mittelsteadt to adopt Ordinance 2007-08-511. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Ordinance 2007-08-511 is adopted by a voice vote and motion is carried.

ORDINANCE 2007-08-512

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:
Sections 4.14 and 4.15 are amended to read as follows:

4.14 HOURS OF WORK. (Am. #234-93 Am. #377-2001)

- (1) **HOW DESIGNATED.** Offices and departments shall be open for business and service during the hours designated by the department, as approved by the department's oversight committee or board, except on designated holidays.
- (2) **NONUNION EMPLOYEES.** All full time nonunion employees will work an average 40 hour week. The 40 hour figure noted above is an average. It is expected that an employee will work the hours needed to complete the duties of his job.
- (3) **UNION EMPLOYEES.** Union employees are to work the hours as stated in the applicable contract.
- (4) **WORKWEEK.** The normal workweek is Monday through Sunday, beginning the first shift on Monday. Pine Crest and the Sheriff's department may have a different pay period for the purposes of the Fair Labor Standards Act.
- (5) **REST PERIODS.** Rest period or coffee breaks of 15 minutes will be counted as hours worked. Breaks are given at the discretion of management. If necessary for continuity of services, rest periods are to be taken on a staggered basis within a department. Employees may be docked for excessive break time.

- (a) Full-time employees may take two such breaks; one during the first half of their work schedule, and the other during the second half of their work schedule. Part time employees will receive one 15 minute break for each four hours worked in any day.
 - (b) Rest periods may not be combined with or added to an employee's meal period unless special conditions warrant the supervisor's approval.
 - (c) Employees who choose to remain at work during rest breaks are not entitled to leave before the normal quitting time and will not receive extra pay for the time worked.
- (6) LUNCH BREAKS. Breaks for lunch (either half hour or hour depending on the employee's schedule) will not be paid or considered time worked.

4.15 APPLICATION OF FAIR LABOR STANDARDS ACT

- (1) **FAIR LABOR STANDARDS ACT STATUS.** The Federal Fair Labor Standards Act (the "Act") regulates hours of work and overtime pay for employees covered by the Act. Employees are classified in accordance with the Federal Fair Labor Standards Act (FLSA) as either exempt or non-exempt. Exempt employees include positions that are either executive, administrative, or professional as defined by the FLSA, and as such are "exempt" from overtime compensation requirements of the Act. Non-exempt employees, or those covered by the Act, are all other employees. If the employee has a question as to which category his/her position is in, the employee should contact the Administrative Coordinator for clarification.
- (2) **EXEMPT EMPLOYEES.** Positions that are "exempt" from FLSA will be paid in accordance with the terms of the Act, and will not receive additional compensation for additional hours worked beyond their normal work hours. Exempt employees are expected to work whatever hours are necessary beyond the regular workweek to assure that a complete and adequate job is done. Compensatory time is not allowed nor will it be recognized by the County as an obligation to the "exempt" employee at any time during the employee's tenure. All exempt employees will be entitled to alter their attendance during regular work hours in recognition of hours worked beyond the normal work week. Such altered attendance will be at the discretion of the employee's department head, and will be granted if the needs of the department allow for such alteration. "Exempt" employees are expected to record all time off that falls under one of the paid leave programs using forms provided by the County. All other time away from work during the normal work hours will not be tracked.
- (3) **NONEXEMPT EMPLOYEES.** Under the provisions of the Fair Labor Standards Act as applied to public employees, overtime and/or compensatory time may be accrued by "nonexempt" employees. A nonexempt employee is paid one and one-half (1½) times his/her regular rate of pay or granted time off at one and one-half (1½) times his/her regular hours for all time worked in excess of 40 hours in a work week.
 - a. Overtime should be approved in advance by the department head or supervisor. Overtime hours worked in an emergency, without prior approval, shall be subject to review and reasonable approval/disapproval upon proper request in writing. Department Heads are responsible to ensure overtime use is regulated carefully so that excess overtime is not allowed. Overtime is scheduled and distributed as fairly as possible among those qualified to perform the work.
 - b. Nonexempt employees who work at least 36¼ hours and up to 40 hours in a work week with the approval of the department head will be paid at the straight time rate of pay for all hours worked under 40 hours in a week unless otherwise indicated in the appropriate collective bargaining agreement. Holidays, funeral leave, vacation, and sick leave will be considered as time worked

for the purposes the 40 hour calculation. Compensatory time will not be considered time worked for the purpose of determining the 40 hours of work.

- c. Compensatory time may be substituted for overtime payments only after an agreement has been reached with the employee. In the absence of such an agreement, the employee must receive additional pay, calculated as above, for all time worked in excess of 40 hours in a work week must be paid. Overtime obligations must be paid at the next payroll following the period in which the hours were worked. Compensatory time off will not be considered time worked for purposes of determining 40 hour of work
- d. Compensatory Time:
1. Nonexempt employees who work more than 40 hours in a work week and select compensatory time instead of overtime pay shall be granted compensatory time at time and ½ for the hours over 40.
 2. The compensatory time balance may not exceed 20 hours without the approval of the department head. County departments may choose to limit the compensatory time accrual and pay out one and one-half (1½) times the straight rate for accumulated hours. Employees must review departmental rules to determine the department's specific overtime/compensatory time policy.
 3. Whenever possible, compensatory time is to be taken within thirty (30) days of the date it is earned; and must be taken with the prior approval of the department head.
 4. Compensatory time will be granted in increments of not less than ½ hour.
 5. Compensatory time off cannot exceed available compensatory time balances.
 6. The use of compensatory time must not conflict with the needs of the department. Under normal circumstances, it is expected that compensatory time be used on an on-going basis as the workload permits, and not as a vacation supplement or addition.

Dated this 21st day of August, 2007

Introduced by: Personnel Committee

Committee Action: Personnel Committee - Passed unanimously on 08/7/078

Fiscal Impact: Estimated less than \$2,000 per year

LINCOLN COUNTY, WISCONSIN

Curtis G. Powell Robert D. Kunkel
Chairman County Clerk

Motion made by Supervisor Lussow seconded by Supervisor Caylor to adopt Ordinance 2007-08-512. John Mulder, Administrator Coordinator, explained the Ordinance. Discussion followed. Ordinance 2007-08-512 is adopted by a voice vote and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN –

Disallowance Claim - Verizon vs. Lincoln County – Claim #108599906001 – Dated 7/25/2007

Motion made by Supervisor Simon, seconded by Supervisor Caylor to approve the disallowance as listed above. Motion carried all ayes.

Jail Assessment**Trantow Do-It Center****\$2,253.91**

Motion made by Supervisor Lee, seconded by Supervisor Caylor to approve the Jail Assessment listed above. Motion carried – all ayes.

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 September 18, 2007 at 6:00 p.m.

Motion made by Supervisor Lussow, seconded by Supervisor Lussow to adjourn the meeting at 8:02 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, August 21, 2007.

 Robert D. Kunkel, Lincoln County Clerk