

MAY 20, 2008

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 Lussow. Pledge of Allegiance was given by the Board. Roll was called by the Clerk and the following answered present: Alber, Bailey, Berndt, Bloomer, Caylor, Eisenman, Fox, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Rankin, Rusch, Saal, Short, Woller and Zeitz (20). Supervisors Simon and Weaver excused.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS - None

SERVICE RECOGNITIONS FOR MAY, 2008

Clerk read a service recognition for Tony D. Fischer, currently a Class-5 Fabricator/Mechanic at the Highway Department for 10 years of service. He received a travel mug, lunch cooler and tote bag.

Clerk read a service recognition for Charles B. Johnson, currently a Maintenance Worker in the Maintenance Department for 10 years of service. He received a travel mug, lunch cooler and tote bag.

Clerk read a service recognition for Connie L. Gulke, currently a Staff Aide at the Developmental Disabilities for 15 years of service. She received a fleece blanket.

Clerk read a service recognition for Joel T. Wendt, currently the Maintenance Director in the Maintenance Department for 15 years of service. He received a fleece blanket.

Clerk read a service recognition for Mary Ek, currently a Certified Nursing Assistant at the Pine Crest Nursing Home for 25 years of service. She received a Clock.

APPOINTMENTS & RE-APPOINTMENTS -

APPOINTMENTS TO THE LOCAL EMERGENCY PLANNING COMMITTEE:

Brian M. Sladek - Emergency Management Director
 Robert Lussow – County Board Chairman
 Sharon Jaeger – Merrill Courier
 Jeff Jaeger – Lincoln County Sheriff
 Doug Williams – Merrill Mayor
 Bob Odegard – Merrill Fire Chief
 John Peeters – Tomahawk Fire Chief
 Ned Seubert – Merrill Police Chief
 Shelley Hersil – Lincoln County Health Dept. Director
 Robert Pound – NTC Fire Sciences Instructor/Maine Fire Dept.
 Jane Ann Savaske- Merrill Chamber of Commerce Executive Director
 Don Friske - 35th District Assemblyman

APPOINTMENTS TO THE TRAFFIC SAFETY COMMITTEE:

Brian M. Sladek – Lincoln County Highway Safety Coordinator
 Jeff Jaeger – Lincoln County Sheriff
 Randy Scholz – Lincoln County Highway Commissioner
 Doug Duchac – Tomahawk EMS Medical Representative
 Nancy Bergstrom – Lincoln County Corporation Counsel
 Ned Seubert – Merrill Police Chief
 David Jackson – Citizen Representative
 Robert Lee – Tomahawk Mayor
 WI-DOT State Patrol Representative
 WI-DOT District #7 Representative
 WI-DOT Bureau of Transportation Safety Representative

MERRILL LIBRARY BOARD

Kay Smith – County Representative

ECONOMIC DEVELOPMENT CORPORATION COMMITTEE

R. Wayne Plant and Robert Lussow

CIVIL SERVICE GRIEVANCE COMMITTEE

Floyd Lemon – 5 year term

Motion was made by Supervisor Alber, seconded by Supervisor Zeitz to approve the appointments and re-appointments that are listed above with the exception of the Economic Development Corporation Committee to replace Supervisor Lussow with Supervisor Zeitz. Discussion was held. Clerk called roll with Supervisors Alber, Bailey, Bloomer, Eisenman, Fox and Zeitz voting aye (6); Supervisors Berndt, Caylor, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Rankin, Rusch, Saal, Short, and Woller voting nay (14). The motion failed. Motion made by Supervisor Mittelsteadt, seconded by Supervisor Woller to approve the appointments and re-appointments as they are listed above. Motion made by Supervisor Zeitz, seconded by Supervisor Fox to amend the Economic Development Corporation Committee to replace R. Wayne Plant with Supervisor Alber. Clerk called roll with Supervisors Alber, Bloomer, Fox, and Zeitz voting aye (4); Supervisors Bailey, Berndt, Caylor, Eisenman, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Rankin, Rusch, Saal, Short and Woller voting aye (16). The motion failed. Clerk called roll on the motion by Mittelsteadt, seconded by Woller with all Supervisors voting aye (20) and motion is carried.

APPROVAL OF JOURNAL – APRIL 15, 2008

Motion was made by Supervisor Krueger, seconded by Supervisor Woller to approve the minutes of April 15, 2008 as presented and placed on file. All Supervisors voting aye and motion carried.

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

Supervisor Alber requested that the letter from Curtis & Margaret Powell be put on the mailbox correspondence next month.

ADMINISTRATIVE COORDINATOR’S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report. His report will be placed on file. Attorney Saul Glazer reported on the Dave Haka vs. Lincoln County. He was one of the trial attorney’s for the case. He summarized the trial. David Chapleau, David Haka, Don Dunphy, Sandy Yorde, and Cathy Tupper were the main people involved. David Chapleau and David Haka complained about the way Don Dunphy and Cathy Tupper did things for billing the Child Support was wrong. The Court would decide if there was any fraud involved. Only if there was fraud would the Jury hear the rest. The Judge was very suspicious of the meeting on November 18, 2003. She felt Dave Haka wasn’t telling the truth about the meeting on November 18, 2003 and there was no evidence to support their allegations.

CLOSED MEETING:

Convene into Closed Session Pursuant to Sec. 19.85(1)(g). WI Stat. for conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is involved.

- a. Child Support Legal Issues

Motion made by Supervisor Caylor, seconded by Supervisor Lee to convene in closed session with Nancy Bergstrom, John Mulder and Attorney Saul Glazer to remain for the closed session. Clerk called roll with all Supervisors present voting unanimously to convene in closed session.

Motion made by Supervisor Lee, seconded by Supervisor Loka to re-convene in Open Session. John Mulder called roll with all Supervisors present voting unanimously to re-convene in open session.

OPEN MEETING:

Take Any Necessary Action on Items Discussed in Closed Session

There was no action taken on the item discussed in closed session.

Supervisor Alber left at 7:03 p.m. A 5-minute recess was taken.
Meeting called back to order at 7:08 p.m.

REPORT OF STANDING & SPECIAL COMMITTEE

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

Dan reported on the year-to date Budget Report. Discussion was held.

RESOLUTIONS AND ORDINANCE FOR BOARD ACTION:

Resolution 2008-05-16

Title: Payment for Construction of a Partial Basement in Lieu of a Pipe Access Tunnel from County Jail Assessment Fund.

WHEREAS, the Lincoln County Building Committee of the Lincoln County Board of Supervisors did authorize the construction of a partial basement in lieu of a pipe tunnel, and

WHEREAS, Section 302.46(2) Stats specifies that “Counties may make payments for construction, remodeling, repair or improvement of county jails from county jail funds”, and

WHEREAS, Section 302.46(1)(b) directs that the clerk of court collect and transmit the jail assessment moneys to the county treasurer by the 15th of each month and that the treasurer is required to place the amount in the county jail account and can make payments from the fund consistent with Section 302.46(2) Stats on order of the board under Section 59.25(3)(b) Stats, and

WHEREAS, the County Board is cognizant of the concerns for the use of tax moneys and seeks every possible source of non-tax revenue for purposes of providing government services, and

WHEREAS, the project is consistent with the intended use of the Jail Assessment Fund

NOW, THEREFORE, BE IT RESOLVED that payment for the above named project shall be made from the jail assessment fund.

Dated this 20th day of May, 2008

Introduced by: Building Committee

Committee Action: Building Committee Passed 5-0 on 4/15/08

Fiscal Impact: \$108,696

Motion made by Supervisor Rankin, seconded by Supervisor Caylor to adopt Resolution 2008-05-16. Joel Wendt, Maintenance Director, explained. Discussion was held. Resolution 2008-05-16 is adopted by a voice vote and motion is carried.

Resolution 2008-05-17

Title: Authorize the Release of \$451,500 from Capital Improvement Project (CIP) Funds for Information Technology Projects

WHEREAS, in July of 2007 the Information Technology Director submitted CIP requests for fiber optic connectivity and a phone system totaling \$500,000; and

WHEREAS, the CIP Committee delayed funding for this request until the bids were received for the building project and the need for CIP funding was known; and

WHEREAS, the bids for the building project were received and accepted and additional funds totaling \$451,500 will be needed for the phone system, fiber connectivity project, server room, and cabling projects; and

WHEREAS, the current balance of unencumbered CIP designated funds is \$2,110,084,

NOW, THEREFORE BE IT RESOLVED, that the County Board does approve and authorize the transfer of \$451,500 from designated Capital Improvement funds to the Information Technology Department.

Dated this 20th day of May, 2008

Introduced by: Capital Improvement Project Committee

Committee Action: Capital Improvement Project Committee; Passed 5-0 on 5/2/2008

Fiscal Impact: \$451,500 from Capital Improvement Project designated funds

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Lee to adopt Resolution 2008-05-17. Dan Leydet, Finance Director, explained. Don Schlising, IT Director, also spoke on this. Discussion was held. Resolution 2008-05-17 is adopted by a voice vote and motion is carried with 1 nay.

Resolution 2008-05-18

Title: Appeal for Exemption from State Mandate Relating to Provider Agency Audits

WHEREAS, Wisconsin Statute 66.036 allows municipalities and counties to apply for state mandate waivers for a four year period; and

WHEREAS, Federal Circular OMB A-133 requires provider agencies that spend more than \$300,000 in federal funds in a year to have a compliance audit and State audit requirements set that threshold at \$25,000; and

WHEREAS, the cost of these audits for the provider agencies is between \$4,000 and \$5,000 and a waiver of such requirements would result in savings of service dollars and these savings would benefit the citizens of Lincoln County who are eligible for services; and

NOW, THEREFORE BE IT RESOLVED, that Lincoln County requests a waiver exemption for audit requirements for service providers to a threshold of \$75,000 to require an audit and adopts this resolution and forwards a certified copy of this resolution with a record vote with the application for appeal.

Dated this 20th day of May, 2008

Introduced by: Finance and Insurance Committee

Committee Action: Finance and Insurance Committee; Passed 5-0 on 5/2/2008

Fiscal Impact: None

Motion made by Supervisor Caylor, seconded by Supervisor Lee to adopt Resolution 2008-05-18. Dan Leydet, Finance Director, explained. Discussion was held. Resolution 2008-05-18 is adopted by a voice vote and motion is carried.

Resolution 2008 -- 05 -- 19

Title: Approval of 4 Correctional Officer positions in the Sheriff's Department for 2008 Budget

WHEREAS the expansion of the jail will require additional staffing, and

WHEREAS the Sheriff's Dept has formulated a schedule for the new hires so they will be fully trained when the new jail is ready for occupancy, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendations of the Personnel Committee and approves the following position:

Position: Correctional Officers (4)
Department: Sheriff's Department
Hours: 40 hours per week
Proposed Wages: Per Union Contract
Discussion: Timing of the hiring will be staggered. Approx Start dates:
 1 - July 1, 2008
 1 - mid Sept, 2008
 2 - end of Nov. 2008
Fiscal Impact: Approximately an additional \$60,000 on tax levy this year.

Dated this 20th day of May, 2008

Introduced by: Personnel Committee

Committee Action: Law Enforcement 5-0 on 3/19/08; Personnel Committee 4-0 on 4/1/08 (Rusch Absent)
 Finance Committee 5-0 on 5/2/08

Fiscal Impact: 2008 – Approx. \$60,000 and 2009 – Approx. \$241,433

Motion made by Supervisor Caylor, seconded by Supervisor Lee to adopt Resolution 2008-05-19. Supervisor Lee explained. Discussion was held. Resolution 2008-05-19 is adopted by a voice vote and motion is carried.

Resolution 2008 -- 05 – 20

Title: Approval of 2 union contracts

WHEREAS the Personnel Committee has reviewed the tentative agreements between Lincoln County and the Social Services Para-Professionals Union (LAW Local 612) and the Sheriff's Dept Supervisory Association (WPPA), and recommends that the County Board approve the settlement of the contracts, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Personnel Committee and approves the 2008-2009 collective bargaining agreement between Lincoln County and the Social Services Para-Professionals Union (LAW Local 612) and the Sheriff's Dept Supervisory Association (WPPA), as summarized in the respective attachments dated April 22, 2008 and April 27, 2008 and authorizes the necessary County officials to sign the contract.

Dated this 20th day of May, 2008

Introduced by: Personnel Committee

Committee Action: Personnel Committee Passed on 5-0 on 5/9/08.

Fiscal Impact: 2008 – Approx. \$53,278 increase over 2007 and 2009 – Approx. \$45,669 increase over 2008

Motion made by Supervisor Woller, seconded by Supervisor Caylor to adopt Resolution 2008-05-20. John Mulder, Administrative Coordinator, explained. Discussion was held. Resolution 2008-05-20 is adopted by a voice vote and motion is carried.

ORDINANCE 2008-05-522

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, SECTION 17.6.03, GENERAL SIGNAGE STANDARDS, SUCH THAT (i) IS ADDED UNDER (2).

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

Chapter 17.6.03(2)(i) is created to read – “Digital signs or LED lighted signs are prohibited except for the purpose of displaying hour-and-minute, date or temperature.”

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

Dated: This 20th day of May, 2008

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed 5-0 on May 8, 2008

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow Robert D Kunkel
Chairman County Clerk

Motion made by Supervisor Meyer, seconded by Supervisor Saal to adopt Ordinance 2008-05-222. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion was held. Motion made by Supervisor Caylor, seconded by Supervisor Zeitz to layover until the June 17, 2008 meeting. All Supervisors voting aye to layover until the June meeting and motion is carried.

ORDINANCE 2008-05-523

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, SECTIONS 17.1.12 AND 17.2.03, ZONING ORDINANCE AS A RESULT OF A COMPREHENSIVE PLAN AMENDMENT AND REZONING PETITION SUBMITTED BY THE WISCONSIN PUBLIC SERVICE CORPORATION, FOR THEIR PROPERTY IN THE TOWN OF HARDING.

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

The Lincoln County Comprehensive Plan, Volume II: Plan Recommendations, Chapter IV: Land Use Plan, Section K: Town Land Use Plans, Number 3: Town of Harding Land Use Plan, Subsection C – Planned Land Use Map, shall be amended to change the planned land use category for 25 of the 35 acres owned by WPSC, described as that portion of Government Lot 7 that lies 200 feet landward of the ordinary high water mark of Lake Alexander, in Section 32, T32N – R6E, in the Town of Harding from Public Recreation to Rural Single Family Residential.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the 25 acres described above will be conditionally rezoned from a Forestry district to a Rural Residential - 4 district. The conditions of said rezone include:

- 1) No more than 9 single family residential structures (or units inside of a condominium development) will be allowed in any future development proposal for the 25 acre non-project land parcel.

- 2) Both the Town of Harding and Lincoln County will have review authority of any future development plans to ensure conformity with the stated goals of the land use plan, comprehensive plan and compliance with applicable codes.
- 3) The development plan shall comport to sections 17.3.03(11) and 18.8.05(7) of the Lincoln County Code (conservation neighborhood design principles). The following shall be integrated into the development plan:
 - a) The 25% open space preservation shall consist of a trail network or a combination of trails and a common recreation space within the development
 - b) One multiple-slip pier may be located near the northwest end of the development. No more than 7 licenses for private use of the pier may be conveyed to owners within the development and each license shall be afforded only one watercraft per license. The location of the pier and pathway (below) are subject to joint approval by the Town of Harding, Lincoln County, and Wisconsin Department of Natural Resources.
 - c) No private access paths may be located through the natural shoreline area except that one 6 foot wide access path shall be created from the public road to the shoreline to serve as primary public access to the shore and one 6 foot wide access to the multiple-slip pier would be allowed for access for owners in the development.
 - d) These conditions shall be incorporated into the restrictive deed covenants to be on the record for the property.
- 4) Conditions shall be placed on the property owned by Wisconsin Public Service Corporation along Tesch Road in Section 25, T32N, R5E, Town of Harding, by irrevocable, permanent restrictive deed covenants and as conditions of this grant as follows:
 - a) The property shall be placed in a conservation easement.
 - b) There shall be no building or structures placed on the property at any time.
 - c) There shall be afforded a maximum of one dock on the adjacent project lands with allowance for one watercraft.
- 5) Wisconsin Public Service shall afford parking spots for two vehicles at the public access trailhead.
- ~~6) Only one watercraft owner will be allowed at the multi-slip pier.~~

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 May, 2008

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed 5-0 on May 8, 2008

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow Robert D. Kunkel

Chairman County Clerk

Motion made by Supervisor Caylor, seconded by Supervisor Eisenman to adopt Ordinance 2008-05-523.

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Caylor to amend the Ordinance per what Dan distributed during the recess. These include the addition of #2; the added sentence in #3 (b); the addition of #3 (d); the addition of 4 (c); and the deletion of #6. Discussion was held. Ordinance 2008-05-523 is amended by a voice vote with one nay and motion to adopt is carried by a voice vote with one nay.

ORDINANCE 2008-05-524

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, SECTIONS 17.1.12 AND 17.2.03, ZONING ORDINANCE AS A RESULT OF A COMPREHENSIVE PLAN AMENDMENT AND REZONING PETITION SUBMITTED BY THE WISCONSIN PUBLIC SERVICE CORPORATION, FOR THEIR PROPERTY IN THE TOWN OF SCOTT.

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

The Lincoln County Comprehensive Plan, Volume II: Plan Recommendations, Chapter IV: Land Use Plan, Section K: Town Land Use Plans, Number 10: Town of Scott Land Use Plan, Subsection C – Planned Land Use Map, shall be amended to change the planned land use category for 23 of the 37 acres owned by WPSC, described as all that part of the NE ¼ of the SE ¼ and Government Lot 3 lying east of lands depicted in CSM 384 and CSM 385 and further excepting that part that lies within 200 feet of the ordinary high water mark of Lake Alexander, all in Section 5, T31N – R6E, in the Town of Scott from Rural Lands to Rural Single Family Residential.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the 23 acres described above will be conditionally rezoned from a Rural Lands 2 district to a Rural Residential 3 district. The conditions of said rezone include:

- 1) No more than 7 single family residential structures will be allowed in any future development plans for the parcel.
- 2) Both the Town of Scott and Lincoln County will have review authority of any future development plans to ensure conformity with the stated goals of the land use plan, comprehensive plan and compliance with applicable codes.
- 3) The development plan shall comport to sections 17.3.03(11 and 18.8.05(7) of the Lincoln County Code (conservation neighborhood design principles). The following shall be integrated into any development plan:
 - a) The area identified on the north end of the property as wetland and the area between this wetland and the project lands shall be preserved and incorporated in to the open space element of the development.
 - b) One multiple-slip pier may be located for the use of the owners in the development and a 6 foot wide maximum path shall be created for access to that pier. The multiple-slip pier will be limited to no more than 7 lot or unit owners licensed to use this pier with one watercraft per owner. Access and pier location to be jointly approved by the town of Scott, Lincoln County and the DNR. No other private paths to the shoreline will be allowed.
 - c) One 6 foot wide public access path from the proposed public road to the shoreline shall be created by Wisconsin Public Service, to be jointly approved by the town of Scott, Lincoln County and the DNR, with 2 parking spots at the trail head.
 - d) These conditions shall be incorporated into the restrictive deed covenants to be on record for the property.

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 May, 2008

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed 5-0 on May 8, 2008

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow Robert D. Kunkel
Chairman County Clerk

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Meyer to adopt Ordinance 2008-05-524. Dan Miller, Zoning Administrator, explained the Ordinance. Ordinance 2008-05-524 is adopted by a voice vote and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN

Jail Assessments - Per Mar Security \$345.44

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

The next meeting will be the Regular County Board Meeting to be held on Tuesday, June 17, 2008 at 6:00 p.m. at the Human Services Building – Lower Level Conference Room.

Motion made by Supervisor Krueger, seconded by Supervisor Plant to adjourn the meeting at 7:45 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, May 20, 2008.

Robert D. Kunkel, Lincoln County Clerk