

JUNE 17, 2008**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 9:00 a.m. by Chairman Lussow. Pledge of Allegiance was given by the Board. Roll was called by the Clerk and the following answered present: Bailey, Berndt, Bloomer, Caylor, Eisenman, Fox, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Short, Simon, Woller and Zeitz (19). Supervisors Plant and Weaver excused. Alber arrived at 6:04 p.m.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

There were no announcements.

SERVICE RECOGNITIONS FOR JUNE, 2008

Clerk read service recognition for Garrett J. Dinges, currently a Correctional Officer at the Sheriff's Department for 10 years of service. He received a travel mug, lunch cooler and tote bag.

Clerk read service recognition for Sara Sedo, currently the Director of Social Services at the Pine Crest Nursing Home for 10 years of service. She received a travel mug, lunch cooler and tote bag.

Clerk read service recognition for Tracey L. Schroder, currently a Child Support Specialist II at the Social Services Department for 15 years of service. She received a fleece blanket.

Clerk read service recognition for Rachel Beilke currently a Unit Clerk at the Pine Crest Nursing Home 15 years of service. She received a fleece blanket.

Clerk read service recognition for Kathryn A. Hass, currently a Judicial Assistant in the Circuit Court Branch 1 for 15 years of service. She received a fleece blanket.

Clerk read service recognition for Charles E. George, currently a Marketing/General Operations Manager at the Developmental Disabilities Department for 20 years of service. He received a folding chair.

Clerk read service recognition for Linda S. Rhinehart, currently a Fiscal Clerk at the Highway Department for 20 years of service. She received a folding chair.

Clerk read service recognition for Faye Mittelsteadt currently the Director of Nursing Secretary at the Pine Crest Nursing Home 30 years of service. She received a clock.

APPOINTMENTS & REAPPOINTMENTS

City of Tomahawk – TIF – District 3 – Harry Gladwin

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Meyer to approve the appointment of Harry Gladwin to the City of Tomahawk TIF, District 3. All Supervisors present voting aye and motion is carried.

Commission on Aging – Reappointment – Donna Simek – 3-year term

Motion made by Supervisor Krueger, seconded by Supervisor Woller to approve the re-appointment of Donna Simek to the Commission on Aging for another 3-year term. All Supervisors present voting aye and motion is carried.

Pine Crest Board of Trustees – Re-elections - Arlene Meyer and Ron Krueger – 3-year terms

Motion made by Supervisor Saal, seconded by Supervisor Loka to approve the re-elections of Arlene Meyer and Ron Krueger to another 3 year tem on the Pine Crest Board of Trustees. All Supervisors present voting aye and motion is carried.

APPROVAL OF JOURNAL – APRIL 28, 2008 & MAY 20, 2008

Clerk announced there is one correction to the May 20, 2008 Journal. On page 7 amend 2nd to last line in Appointments, the vote should read **nay** not aye.

Motion was made by Supervisor Caylor, seconded by Supervisor Eisenman to accept the minutes of April 28, 2008 as presented and the May 20, 2008 minutes as amended and placed on file. All Supervisors voting aye and motion carried.

LETTERS, PETITIONS AND MEMORIALS

Monthly Mailbox Correspondence – Any Questions

Supervisor Alber responded to the letter he received from Curtis and Margaret Powell. He demanded that if he was guilty of breaking an open meeting law that he be investigated by the County Board Supervisors. There was no further action.

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

Mr. Mulder had nothing to add to his report. Supervisor Zeitz asked about the payment for Corporation Counsel's legal fees. Discussion was held. Supervisor Simon stated that this should be discussed at a different time because of outstanding legal issues. Supervisor Zeitz requested a closed session for next month's meeting.

REPORT OF STANDING & SPECIAL COMMITTEE

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

Dan reported on the year-to date Budget Report for the month of June.

Acquisition of Additional Properties – Joel Wendt

Joel explained about a piece of property available north of the Jail. Discussion was held. Chair Lussow referred this agenda item to the Forestry, Land & Parks Committee.

Forestry Department Spring Timber Sales – Supervisor Rankin

Supervisor Rankin reported on the spring timber sales held on May 14, 2008 for a total of \$496,659.40. This included 9 sells with 119 bids.

RESOLUTIONS AND ORDINANCE FOR BOARD ACTION:

Resolution 2008-06-21

Title: **Conveyance of Real Estate to William & Deborah Eastwood (Town of Bradley)**

BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 17th day of June, 2008 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:

Purchaser

William J. Eastwood
Deborah A. Eastwood

Description

Lot One (1) of Certified Survey Map No. 2112, recorded in the Office of the Register of Deeds for Lincoln County, Wisconsin, on December 12, 2007, in Volume 11 of Certified Survey Maps, on Page(s) 162, as Document No. 464172, located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), Section Three (3), Township Thirty-five (35) North, Range Six (6) East, Town of Bradley Lincoln County, Wisconsin

Amount

\$ 1,000

Dated this 17 day of June, 2008

Introduced by: Highway Committee:

Committee Action: Highway Committee; Passed 5-0 on 06/05/08

Fiscal Impact: \$1,000.00

Motion made by Supervisor Lee, seconded by Supervisor Krueger to adopt Resolution 2008-06-21. Randy Scholz, Highway Commissioner, explained the Resolution. Discussion was held. Resolution 2008-06-21 is adopted by a voice vote and motion is carried.

Resolution 2008-06-22

Title: Resolution Requesting the Wisconsin State Legislature include Wireless Emergency 911 Surcharges in the Budget Repair Bill

WHEREAS, the Wisconsin State Legislature allocates funding for Wireless Emergency 911 surcharges to the counties of the State of Wisconsin; and

WHEREAS, the current funding for Wireless Emergency 911 surcharges is scheduled to end on November 30, 2008; and

WHEREAS, the Wisconsin State Legislature has not passed legislation regarding Wireless Emergency 911 surcharges beyond November 30, 2008; and

WHEREAS, the Wireless Emergency 911 surcharge funds the maintenance of technology that locates wireless phone users who call 911 for emergency services; and

WHEREAS, approximately 57% of all 911 calls that come into Lincoln County's Communication Center are from wireless phones; and

WHEREAS, this technology greatly reduces response times to accident or crime scenes; and

WHEREAS, Lincoln County will have a shortfall of \$18,000 in the Fiscal Year 2009 budget if the State Legislature does not include Wireless Emergency 911 surcharges in the Budget Repair Bill; and

WHEREAS, all of the various computer hardware and software equipment purchased for Wireless Emergency 911 will continue to need to be replaced and upgraded and funds should be made available by the State Legislature for this purpose; and

WHEREAS, all counties in the State of Wisconsin will be adversely affected by the elimination of the current Wireless Emergency 911 surcharges.

NOW, THEREFORE BE IT RESOLVED, That the Lincoln County Board of Supervisors respectfully requests that the Wisconsin State Legislature include Wireless Emergency 911 surcharges in the Budget Repair Bills; and

BE IT FURTHER RESOLVED that the County Clerk shall forward a copy of this resolution to the Governor of the State of Wisconsin, the Majority Leader of the Wisconsin State Senate, the Speaker of the ~~Wisconsin Counties Association~~, House, and to all counties in the State of Wisconsin.

Dated this 17th day of June, 2008

Introduced by: Robert J. Lee

Fiscal Impact: - \$18,000 for 2009 Budget

Motion made by Supervisor Lee, seconded by Supervisor Caylor to adopt Resolution 2008-06-22. Supervisor Lee explained the Resolution. Motion made by Supervisor Bloomer, seconded by Supervisor Simon to amend the last paragraph to read "The Speaker of the House" not of the Wisconsin Counties Association. Amendment passed by a voice vote. More discussion held. Resolution 2008-06-22 is adopted by a voice vote as amended with 2 nays and motion is carried.

Resolution 2008 -- 06 – 23

Title: ~~Setting~~ Setting Salaries for Elected Officials

WHEREAS the County Board adopted Resolution 2008-01-03 setting the salaries for elected officials in 2009, and

WHEREAS the County Clerk, County Treasurer, and Register of Deeds must run for election in the fall of 2008 for a four year term covering 2009 through 2012, and

WHEREAS the Personnel Committee recommends that the elected officials receive the same across the board increases as non-represented employees during the subsequent three years of the next term of office along with an additional contribution to the post employment health plan of \$50 per month effective January 1, 2011 and

WHEREAS persons holding the elected positions listed above are not eligible for vacation pay, holiday pay, or longevity pay, nor are they eligible for sick leave accrual except to the extent it was earned in County employment outside their elective office, and

WHEREAS persons holding the elected positions are eligible to participate in other benefits on the same terms as they are available to other County management employees, and

WHEREAS no fees or any portion thereof may be retained by any elected official,

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors does hereby approve the recommendations of the Personnel Committee

Dated this 17th day of June, 2008

Introduced by: Personnel Committee

Committee Action: Personnel Committee 5-0 on 6/3/08

Fiscal Impact: 2010 – unknown
 2011 – \$3,600 plus % increase
 2012 - \$3,600 plus % increase

Motion made by Supervisor Caylor, seconded by Supervisor Eisenman to adopt Resolution 2006-06-23. John Mulder, Administrative Coordinator, explained the Resolution. There is a typo in the Title – Delete Settling and insert Setting. Discussion was held. Resolution 2008-06-23 is adopted by a voice vote and motion is carried.

Resolution 2008-06-24

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE LINCOLN COUNTY BOARD OF SUPERVISORS

Title: Opposition to H.R. 2421, The Clean Water Restoration Act of 2007

WHEREAS, H.R. 2421, the Clean Water Restoration Act of 2007 (CWRA) would amend the federal Water Pollution Control Act as it relates to the jurisdiction of the waters of the United States; and

WHEREAS, Counties ~~pl~~**at**~~play~~ a vital role in meeting the goals of the Clean Water Act to protect the health, welfare and safety of our citizens; and

WHEREAS, the bill removes the term “navigable” from the definition of the Clean Water Act has unintended consequences for state and local governments that are far-reaching and expensive; and

WHEREAS, Lincoln County is committed to and proud of the work we’ve done to implement the Clean Water Act to clean our waterways and wetlands; and

WHEREAS, the CWRA expands federal regulation to include waters that have not been subject to the Clean Water Act such as private wells, roadside ditches, potholes and man-made impoundments and activities affecting those waters; and

WHEREAS, H.R. 2421 could lead to bureaucratic obstacles and increased costs to county governments nationwide while doing very little to enhance environmental protections of waterways and wetlands.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors oppose H.R.2421 due to its expansion of federal boundaries to water areas not under federal jurisdiction.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to all Wisconsin Counties, all United States Representatives and Senators from Wisconsin, U. S. Rep. James Oberstar of Minnesota, and all Wisconsin Legislators representing Lincoln County.

Dated this 17th day of June, 2008

Fiscal Impact: None

Motion made by Supervisor Zeitz, seconded by Supervisor Mittelsteadt to adopt Resolution 2008-06-24. Supervisor Zeitz stated there is a typo in the second “Whereas” delete ~~pl~~~~at~~ and insert **play**. He also explained the Resolution. Discussion was held. Resolution 2008-06-24 is adopted by a voice vote with 2 nays and motion is carried.

ORDINANCE 2008-05-522

AN AMENDED 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 price per gallon of gas or diesel, 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. Laid over for additional consideration at May 20th County Board. Amended by Planning & Zoning Committee action on June 12, 2008. Brought back to County Board for reconsideration.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow **Robert D. Kunkel**
Chairman **County Clerk**

Motion made by Supervisor Saal, seconded by Supervisor Meyer to adopt Ordinance 2008-05-522. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion was held. Motion made by Supervisor Caylor, seconded by Supervisor Simon to send back to the Committee for a period of three months. Clerk called roll with Supervisor Berndt, Bloomer, Caylor, Eisenman, Fox, Krueger, Lee, Loka, Rankin, and Simon voting aye (10); Supervisors Alber, Bailey, Lussow, Meyer, Mittelsteadt, Rusch, Saal, Short, Woller, and Zeitz voting nay (10). Motion failed. Clerk called roll on adopting Ordinance 2008-05-522 with Supervisors Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rusch, Saal, Short, and Woller voting aye (9); Supervisors Alber, Bailey, Berndt, Bloomer, Fox, Lee, Loka, Lussow, Rankin, Simon, and Zeitz voting nay (11). Motion to adopt Ordinance 2008-05-522 was defeated.

ORDINANCE 2008-06-525

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 JOHN KABLITZ, FOR HIS PROPERTY IN THE TOWN OF BRADLEY.

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 1: Town of Bradley Land Use Plan, Subsection C – Planned Land Use Map, shall be amended to change the planned land use category for 10 acres owned by John Kablitz, described as the N½ of the N½ of the SW¼ of the NW¼, in Section 5, T35N – R6E, in the Town of Bradley from Rural Lands to Rural Single Family Residential.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the 10 acres described above will be rezoned from a Rural Lands 2 district to a Rural Residential - 5 district.

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 17th day of June, 2008

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on June 12, 2008

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow **Robert D. Kunkel**
Chairman **County Clerk**

Motion made by Supervisor Saal, seconded by Supervisor Meyer to adopt Ordinance 2008-06-525. Dan Miller, Zoning Administrator, explained the Ordinance. Ordinance 2008-06-525 is adopted by a voice vote and motion is carried.

ORDINANCE 2008-06-526

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN - CHAPTER 17, SECTION 17.2.03, ZONING ORDINANCE AS A RESULT OF A REZONING PETITION SUBMITTED BY LAWRENCE CARSTENSEN, FOR HIS PROPERTY IN THE TOWN OF BRADLEY.

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

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 82.3 acres described as the following tax parcels in the NW¼ of Section 8, T35N-R6E: 04.083506.007.001.00.00, 04.083506.008.002.00.00 and 04.083506.006.001.00.00 in the Town of Bradley, will be rezoned from a Forestry district to a Rural Lands - 4 district.

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 17th day of June, 2008

Introduced by: The Planning & Zoning Committee

Committee Action: Planning & Zoning Committee - Passed on June 12, 2008

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow	Robert D. Kunkel
Chairman	County Clerk

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Saal to adopt Ordinance 2008-06-526. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion was held. Motion made by Supervisor Bloomer, seconded by Supervisor Alber to return the fees to Lawrence Carstensen. Motion is carried. Ordinance 2008-06-526 is adopted by a voice vote and motion is carried.

ORDINANCE 2008-06-527

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN
(Employment at will, Salary upon promotion, and Court appearances)

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

Chapter 4, Lincoln County Code is amended to read as follows:

4.01 INTERPRETATION OF CHAPTER.

- (1) The Lincoln County Board possesses the sole right to operate County government. The County Board must and does reserve the right to change its employment policies, practices and employee benefits when necessary and consistent with State and federal law to meet changing conditions or reduced funding levels. The Lincoln County Board of Supervisors retains the right to change employment policies at any time with or without notice.
- (2) Nothing herein should be construed or interpreted by anyone as a guarantee of permanent, continuous employment with the County. These personnel policies do not constitute contracts of employment, and any oral or written statements to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee.

- (3) Lincoln County may terminate the employment relationship at-will at any time, with or without notice or cause, unless otherwise provided by law, collective bargaining agreement, or specific statutory protection.
- (4) Where applicable these policies shall be superseded by, and subject to all federal and state laws. While policies and procedures contained herein are generally applicable to all employees, some may be modified by negotiated collective bargaining agreements. If information herein conflicts with the provisions of a union contract, the terms of that contract will control.
- (5) The authority to adopt policies or work rules consistent with this chapter is vested with the County Board of Supervisors. The authority to implement procedures consistent with this chapter shall be with the Personnel Committee and the Administrative Coordinator.
- (6) Specific policies or rules ~~may be adopted~~ proposed for adoption by departments for situations that apply specifically to the operations of their department must be approved in advance by the Administrative Coordinator, Corporation Counsel and the oversight committee. Such policies or rules may not conflict with those contained herein without approval of the County Board.

4.13 PROMOTIONS, DEMOTIONS AND TRANSFERS. (Am. #333-98)

- (1) A promoted employee shall serve a probationary period of 3 months in the new position.
- (2) If an employee is demoted or transferred to a position in a lower pay range, he shall be paid at a rate to be determined by the Personnel and Administration Committee on an individual case basis
- (3) SALARY UPON PROMOTION: Employees who are promoted will be placed in the new pay grade at the step that provides a minimum of 2.5% pay increase or to the minimum of the new grade, whichever is greater. However, no employee will receive an increase that exceeds the pay grade maximum. The effective date for determining the pay increase shall be the same day as the effective date of the promotion.

4.64 COURT APPEARANCES JURY DUTY. (Rnbd. #286-96)

- (1) General Provisions: The employee should notify the Department Head or supervisor immediately upon receipt of a summons/subpoena for jury/witness duty that is scheduled during the employees normal work hours.
- (a) No pay shall be allowed when such service falls on an employee's day off.
 - (b) The employee who completes jury duty or is not empanelled on the jury must return to work as soon as possible.
 - (c) The County will continue to provide health insurance benefits for the full-term of the jury duty absence.
 - (d) Accrual of benefit calculations such as vacation, and sick leave will not be affected during paid jury/witness duty leave.
 - (e) If the appearance as a witness is not work related, the employees will be required to take accrued vacation or compensatory time, or make up the time if no leave is available. Employees will not be required to turn over any witness fee or mileage reimbursement.
 - (f) If there is a question about whether the appearance is work related or not, a determination will be made by the Administrative Coordinator in consultation with the department head.

(2) Jury Duty. Non-represented employees called for jury duty shall be paid their regular rate of pay for hours normally scheduled to work, provided their jury service fee, excluding mileage and meal stipend, is turned over to the County. No overtime or compensatory time credit will be given for hours beyond the normal workday.

~~(3) Witness Fees. -4.65 WITNESS FEES. (Rnbd. #286-96) An employee summoned to appear as a witness at an out of County proceeding may be reimbursed for the difference between the fee for appearance as a witness, excluding mileage, and the employee's regular pay, provided the employee furnishes documentation of receipt of such witness fee to the Payroll Department. The employee will not be entitled to mileage and meal reimbursement from the County.~~

An employee summoned to appear to appear as a witness that is work related will be paid their normal hours as worked, but will be required to turn over any witness fee and mileage reimbursement to the County. The county will either provide transportation or pay mileage as necessary and in conformance with the County's expense reimbursement policy.

This ordinance shall take effect following its passage and publication.

Dated this 17th day of June, 2008

Introduced by: Personnel Committee

Committee Action: Passed by Personnel Committee 5-0 on 6/3/08

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

Robert H. Lussow ROBERT D. KUNKEL
Chairman County Clerk

Motion made by Supervisor Caylor, seconded by Supervisor Simon to adopt Ordinance 2008-06-527. John Mulder, Administrative Coordinator, explained the Ordinance. Discussion was held. Ordinance 2008-06-527 is adopted by a voice vote with 2 nays and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN –

There were no claims against the County of Lincoln.

REPORT OF MILEAGE AND PER DIEM

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

Next meeting will be held at the William Buedigen Training Room – W6147 State Road 86 - Town of Bradley, Tomahawk, WI on July 15, 2008 at 6:00 p. m.

Motion made by Supervisor Bloomer, seconded by Supervisor Mittelsteadt 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, June 17, 2008.

Robert D. Kunkel, Lincoln County Clerk