

DECEMBER 16, 2008

EVENING SESSION

6:00 P.M.

LINCOLN COUNTY SERVICE CENTER – 801 N. SALES STREET – MERRILL WI 54452
 COUNTY BOARD ROOM

The Lincoln County Board of Supervisors met at the Lincoln County Service Center County Board Room at 801 N. Sales Street – City of Merrill, 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, Eisenman, Fox, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Short, Simon, Woller, and Zeitz (19). Supervisor Caylor excused. Supervisor Weaver absent.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS -

ANNOUNCEMENTS:

Chair Lussow stated the appointment of Arlan Anderson to District 10 Supervisor needs approval.

Motion made by Supervisor Alber, seconded by Supervisor Krueger to approve the appointment of Arlan Anderson to be the District 10 Supervisor. Motion carried 18 – 1.

Oath of Office was given to Arlan Anderson by County Clerk Kunkel.

Supervisor Lee stated that Chief Deputy Michael Soucy passed away and he asked the members to observe a minute of silence for Chief Deputy Soucy.

Hold Elections for Elective Committees Vacancies created by Resignation.

Land Information, Conservation and U.W. Committee

Supervisor Fox nominated Supervisor Alber, seconded by Supervisor Bailey. Supervisor Lussow nominated Supervisor Anderson, seconded by Supervisor Short. Supervisor Alber received 9 votes and Supervisor Anderson received 11. Supervisor Anderson is elected to the Land Information, Conservation and U.W. Committee.

Highway Committee

Supervisor Loka nominated Supervisor Eisenman, seconded by Supervisor Lee. Supervisor Meyer nominated Supervisor Saal, seconded by Supervisor Lussow. Supervisor Zeitz nominated Supervisor Bailey, seconded by Supervisor Lussow. Supervisor Eisenman received 6 votes; Supervisor Saal received 6 and Supervisor Bailey received 8. The second time around Supervisor Eisenman received 5 votes; Supervisor Saal received 4 votes and Supervisor Bailey received 11. Supervisor Bailey is elected to the Highway Committee.

Building Committee

Supervisor Woller nominated Supervisor Anderson, seconded by Supervisor Mittelsteadt. Motion made by Supervisor Meyer, seconded by Supervisor Eisenman to cast a unanimous vote for Supervisor Anderson. Supervisor Anderson is elected to the Building Committee.

2009 Lincoln County Board Meeting Schedule

Motion made by Supervisor Lee, seconded by Supervisor Loka to have December's meeting up in Tomahawk. This motion was withdrawn. Chair Lussow stated that the 2009 Lincoln County Board Meeting Schedule will be kept as presented. Motion made by Supervisor Bloomer to hold all County Board Meetings at the County Seat. Chair will present this at the Administrative & Legislative Committee Meeting in January. Supervisor Mittelsteadt had a point of order – the Chair is the one responsible to approve the schedule.

Clerk Kunkel spoke on auto insurance and mileage rates. County Board members need to bring in a copy of their auto insurance. The mileage rate will be going down to \$0.55 as of January 1, 2009.

SERVICE RECOGNITIONS FOR DECEMBER, 2008

Clerk read a service recognition for Daniel Adamec, currently a Class 4 State Patrol Helper in the Highway Department for 20 years of service. He received a folding chair.

Clerk read a service recognition for Jerry Zastrow, currently a Forestry Foreman in the Forestry, Land & Parks Department for 20 years of service. He received a folding chair.

Clerk read a service recognition for Stephen Huth, currently a Forestry Worker in the Forestry, Land and Parks Department for 35 years of service. He received a clock.

APPOINTMENTS & RE-APPOINTMENTS & RE-ELECTIONS

APPOINTMENT: CIVIL SERVICE COMMISSION – ANDREW SHANEY TO A 5-YEAR TERM

Motion made by Supervisor Bailey, seconded by Supervisor Loka to approve the appointment of Andrew Shaney to the Civil Service Commission for a 5-year term. Motion carried – all ayes.

RE-APPOINTMENT: NORTH CENTRAL HEALTH CARE COMMITTEE – E. RICHARD SIMON

Motion made by Supervisor Rankin, seconded by Supervisor Eisenman to approve the re-appointment of E. Richard Simon to the North Central Health Care Committee. Motion carried – all ayes.

RE-ELECTIONS: PINE CREST BOARD OF TRUSTEES – KATHY WULF AND ELAINE ROSKOS

Motion made by Supervisor Anderson, seconded by Supervisor Krueger to approve the re-elections of Kathy Wulf and Elaine Roskos to the Pine Crest Board of Trustees. Motion carried – all ayes.

APPROVAL OF JOURNAL – NOVEMBER 12, 2008

Motion was made by Supervisor Mittelsteadt, seconded by Supervisor Saal to approve the minutes of November 12, 2008 as presented and placed on file. All Supervisors voting aye and motion carried.

LETTERS, PETITIONS AND MEMORIALS

Monthly Mailbox Correspondence – Any Questions

Supervisor Bloomer moved that letter G – A Resolution from Supervisor Bloomer – Funding Humane Society at the 2007 Level to be placed on the January County Board Agenda and not on the Finance & Insurance Committee Agenda. Chair stated that it will be going to the Finance Committee. Supervisor Bloomer wanted to make a motion regarding this – point of order by Supervisor Mittelsteadt that the Chair has the authority to pick which Committee some agenda item will go. Supervisor Bloomer requested time to speak on this subject. Chair told him he had three minutes to state his case. Chair called him out of order when he failed to stay on the subject. Motion made by Supervisor Lee, seconded by Supervisor Mittelsteadt to recess for 3 minutes. Motion carried – all ayes. After recess the Board re-convened back into session Supervisor Bloomer spoke on letter G.

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report.

REPORT OF STANDING & SPECIAL COMMITTEE

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

Dan reported on the year-to date budget report. Discussion followed on overages in County Departments Budgets.

Recognition to Health Department for moving to Level III – Terri Timmers

Terry Timmers presented a certificate to Shelley Hersil for moving to Level III.

Fall Timber Sales

Supervisor Rankin reported that there were 97 bids, 15 sales for \$508,376.10.

Appointments to Committee Vacancies Created by Resignation

The Committees affected by the resignation are the Law Enforcement, EMS/Judicial Committee; Emergency Management and Economic Development. Supervisor Anderson will serve on these Committees.

Presentation by Highway Commissioner – Winter Maintenance Service Changes/Reductions

Randy Scholz, Highway Commissioner, did the presentation on the Winter Maintenance Service Charges/Reductions. Discussion followed.

RESOLUTIONS AND ORDINANCE FOR BOARD ACTION:

Resolution 2008-12-49

Title: **Reduce Winter Maintenance Level of Service Provided by the Highway Department**

WHEREAS, the Lincoln County Highway Department understands the impact of winter maintenance on the overall budget of the highway department; and

WHEREAS, the Highway Committee has and continues to look at options to increase the budget amount for construction and general maintenance that is needed for County roads; and

WHEREAS, the highway budget is not able to keep up with the dramatic increases for winter and summer maintenance; and

WHEREAS, the winter maintenance budget has increased from \$560,000 in 2003 and is estimated to be over \$900,000 in 2008; and

WHEREAS, this drastically decreases the amount of work that the department is able to perform during the summer in construction and general maintenance; and

WHEREAS, the current proposed 2009 budget has the department paving 2.8 miles with no reconstruction; and

WHEREAS, if this continues it will take 93 years to repave all the roads in the county; and

WHEREAS, State Statue 893.83 (1) reads:

“No action may be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks.” ; and

WHEREAS, winter maintenance level of service will be reduced on County Truck Highways by the following methods:

1. No plowing on weekends and holidays unless over 3” of snow.
2. No plowing prior to 6:00 a.m. Monday through Friday and ceasing plowing operations by 3:30 p.m. Monday through Friday.
3. Sanding hills, curves and intersections only
4. Ice storms and/or freezing rain will be an exception.
5. This policy will only impact county roads.

The determination when to plow will be made by the Commissioner or his representative.

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 16th day of December, 2008 to reduce winter maintenance level of service for the winter season of 2008/2009 and beyond by having the highway department implement the above policy:

Dated this 16th day of December, 2008

Introduced by: Highway Committee:

Committee Action: Highway Committee; Passed 5-0 on 11/06/08

Fiscal Impact: Based on 2008 winter maintenance, an approximant decrease for winter maintenance of \$200,000 and a approximant increase in general maintenance of \$200,000

Motion made by Supervisor Lee, seconded by Supervisor Meyer to adopt Resolution 2008-12-49. Five people from the Public spoke on the reduction of services for the winter season. They were: William Burgener, Jeremy Hoffman, George Janssen, Pat Hanson and Leo Leiskau. Discussion was held. Clerk called roll with Supervisors Eisenman and Lee voting aye (2); and all other Supervisors voting nay (18). Motion failed and Resolution 2008-12-49 is defeated.

Resolution 2008-12-50

Title: Ordering County Clerk to Take Tax Deeds of the 2006 Sale

WHEREAS, consistent with ordinance 410-2002 adopting section 3.17, Lincoln County Code (Lincoln County Policy for Screening of Tax Delinquent Property for Possible Acquisition) the Property Evaluation Team inspected tax delinquent properties; and

WHEREAS, the Property Evaluation Team will not accept those properties with visible evidence of contamination; and

WHEREAS, the Finance & Insurance Committee has approved the acquisition of any one of these tax deeds whose owner does not pay the delinquent taxes on their parcel by December 17, 2008; and

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors in session on December 16, 2008 that the County Clerk be and is hereby ordered to take tax deeds from the said tax delinquent properties inspected by the Property Evaluation Team on the unredeemed tax certificates of the 2006 sale and also those of prior years, which have not been deeded to Lincoln County, pursuant to Section 75.14 of the Wisconsin Statutes, excepting that no tax deed will be taken for any description upon which the county already holds a good tax deed.

Dated this 16th day of December, 2008

Introduced by: Finance & Insurance Committee

Committee Action: Finance & Insurance Committee; Passed 5-0 on 12/05/08

Fiscal Impact: Unknown

Motion made by Supervisor Krueger, seconded by Supervisor Mittelsteadt to adopt Resolution 2008-12-50. Resolution 2008-12-50 is adopted by a voice vote and motion is carried.

Resolution 2008 – 12 - 51

Title: Cancellation of County Checks

WHEREAS, it is in the business interest of Lincoln County that all County Checks be negotiated promptly, and

WHEREAS, the following checks have reached their expiration date,

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors that the following checks be canceled and returned to the fund from which the check originated:

DATE	CHECK NO.	NAME	AMOUNT
6/14/07	216378	Scott Wisner	\$ 10.85

6/28/07	216620	Dairy Treat	7.05
8/02/07	217692	Glenn A. Kunze	80.58
8/08/07	217855	Michael J. Barkley	10.72
10/25/07	220744	Ford Graphics	105.34
11/08/07	221173	Aurora Pharmacy	26.78
11/29/07	222038	Gary A. Rajek	24.78
12/18/07	222789	Mathew J. Rampart	17.98
12/21/07	223032	Melanie Becker	19.68
1/10/08	223338	John Conners	2.91
2/26/08	225127	Daniel Annis	17.33
3/20/08	225982	Book World	14.99
3/27/08	226281	Tara Snethen	3.94
4/02/08	226381	Dale M. Van Camp	15.24
4/03/08	226484	Timothy C.Karschney	8.15
4/17/08	227100	Bruce Pfaff	8.25
7/31/08	230811	William Todd	<u>42.40</u>
TOTAL			\$416.97

Adopted this 16th day of December, 2008

Introduced by: Finance Committee

Committee Action: Finance Committee - Passed 5-0 on 12/05/08

Fiscal Impact: +\$416.97

Motion made by Supervisor Bloomer, seconded by Supervisor Lee to adopt Resolution 2008-12-51. Resolution 2008-12-51 is adopted by a voice vote and motion is carried.

Resolution 2008-12-52

Title: Remove 10,000 Ton/Year Restriction for Municipal Solid Waste from an Outside Source.

WHEREAS, res 73 – 2001 authorized the Solid Waste Committee to negotiate any landfill waste agreement up to 10,000 tons from an outside source that would be advantageous to Lincoln County and

WHEREAS, since 2001, the Landfill has been able to sign several agreements to increase revenues, and

WHEREAS, one agreement is likely to exceed the 10,000 ton annual limit in 2009, and such restriction could divert waste/revenues to another landfill, and

WHEREAS, the Solid Waste Committee recommends removing the 10,000 ton per agreement annual limit so as to sustain revenue growth for the landfill.

NOW, THEREFORE, BE IT RESOLVED the Lincoln County Board hereby agrees to remove the 10,000 ton per year restriction for municipal solid waste from an outside source.

Dated this 16th day of December, 2008

Introduced by: Solid Waste Committee

Committee Action: Solid Waste Committee approved on 12/10/08

Fiscal Impact: Unknown

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Loka to adopt Resolution 2008-12-52. Bob Reichelt, Solid Waste Manager, explained the Resolution. Discussion was held. Resolution 2008-12-52 is adopted by a voice vote and motion is carried.

Resolution No. 2008 - 12 - 53

Title: Designation of Public Depositories

WHEREAS, provisions in Chapter 34 and Chapter 59 of Wisconsin Statutes require that counties designate public depositories;

NOW, THEREFORE BE IT RESOLVED, that the following banking institutions shall be and are hereby designated, until further action, as public depositories for all public monies coming into the hands of the Treasurer of Lincoln County, State of Wisconsin:

Citizens Bank, Tomahawk, WI 54487
 Lincoln Community Bank, Merrill, WI 54452
 M & I Citizen's American Bank, Merrill, WI 54452
 River Valley State Bank, Merrill, WI 54452
 Park City Credit Union, Merrill, WI 54452
 Merrill Federal Savings & Loan, Merrill, WI 54452
 State Investment Pool, Madison, WI 53707
 M & I Trust Company, Wausau, WI 54401
 JP Morgan Chase, Milwaukee, WI 53202

NOW, THEREFORE BE IT ALSO RESOLVED, that the list of bank accounts on the accompanying schedule be approved for use by Lincoln County.

Dated this 16th day of December, 2008

Introduced by: Finance and Insurance Committee
Committee Action: Passed 5-0 on December 5, 2008
Fiscal Impact: N/A

Motion made by Supervisor Saal, seconded by Supervisor Eisenman to adopt Resolution 2008-12-53. Discussion was held. Resolution 2008-12-53 is adopted by a voice vote and motion is carried with Supervisors Alber and Zeitz voting nay.

Resolution 2008-12-54

Title: Approving Request for 2009 Lake Planning Grant for the purchase of a Dissolved Oxygen Meter

WHEREAS, Lincoln County has a wealth of water resources, including over 700 lakes and 246 rivers and streams, that are an important resource used by the public for recreation and enjoyment of natural beauty; and

WHEREAS, public use and enjoyment of the lakes, rivers and streams is best served by protecting these water bodies; and

WHEREAS, a study and examination of the lake will lead to better understanding and will promote the public health, comfort, convenience, necessity and public welfare; and

WHEREAS, we recognize the need to provide information and education about water quality; and

WHEREAS, Lincoln County is qualified to carry out the responsibilities of a lake management planning grant project,

NOW, THEREFORE BE IT RESOLVED, that Lincoln County requests grant funding and assistance available from the Wisconsin Department of Natural Resources under the "Lake Management Planning Grant Program" for the purchase of a Dissolved Oxygen Meter and hereby authorizes Diane Hanson to act on behalf of Lincoln County to:

- o submit an application to the State of Wisconsin for financial aid for the purchase of self help monitoring equipment;
- o sign documents;
- o take necessary action to undertake, direct, and complete an approved lake management planning grant; and
- o submit reimbursement claims along with necessary supporting documentation within six months of project completion date.

Dated this 16th day of December, 2008

Introduced by: Land Information, Conservation and University Extension Committee

Committee Action: Land Information, Conservation and University Extension Committee 3-0

Fiscal Impact: In Kind match of staff and volunteer hours

Motion made by Supervisor Bailey, seconded by Supervisor Short to adopt Resolution 2008-12-54. Diane Hanson, Conservationist, explained the Resolution. Resolution 2008-12-54 is adopted by a voice vote and motion is carried.

ORDINANCE 2008-12-532

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN (Ch. 7.04(2)(c)1.– All-Terrain Vehicle Routes Designated)

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

Chapter 7.04(2)(c)1., Lincoln County Code is amended to read as follows:

7.04(2)(c)1. From the junction with Poplar Drive to ~~Nick Road~~ STH 8.

This ordinance shall take effect following its passage and publication.

Dated this 16th day of December, 2008

Introduced by: Highway Committee

Committee Action: Hwy Committee - 4-0 on 12/4/08

Fiscal Impact: 0

LINCOLN COUNTY, WISCONSIN

ROBERT LUSSOW ROBERT D. KUNKEL

Chairman

County Clerk

Motion made by Supervisor Lee, seconded by Supervisor Loka to adopt Ordinance 2008-12-532. Phil Rausch spoke on this Ordinance. Discussion was held. Ordinance 2008-12-532 is adopted by a voice vote and

motion is carried.

ORDINANCE 2008 -12-533

Lincoln County Health Plan

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

Chapter 4.60 Health Insurance Section 5-7 are hereby created:

4.60(5) Qualified Medical Child Support Orders: Lincoln County will comply with Qualified Medical Child Support Orders following procedures established by the Lincoln County Administration Department.

The Administration Department will have the authority and responsibility to amend the procedures as required.

4.60(6) Availability of Notice of Privacy Practices: As required by HIPAA's Standards for Privacy of individually Identifiable Health Information, Lincoln County has a Notice of Privacy Practices which outlines the specific uses and disclosures of protected health information. This notice also outlines certain individual rights and Lincoln County's legal duties with respect to protected health information. Annually, each employee will be provided with a copy of the notice as a payroll insert. If you are covered under the Lincoln County plan and wish to receive a copy of the Lincoln County Notice of Privacy Practices, please contact the Lincoln County Administration Department or the Lincoln County HIPAA Privacy Officer at 715-539-1010.

The Administration Department will have the authority and responsibility to amend this notice as required.

4.60(7) Lincoln County HIPAA Portability Procedures: In accordance with the final regulations for Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Lincoln County has a procedure for obtaining/providing Certificates of Creditable Coverage. If you wish to receive a copy of the Lincoln County HIPAA Portability Procedures or a Certificate of Creditable Coverage, please contact the Lincoln County Administration Department or the Lincoln County HIPAA Privacy Officer at 715-539-1010.

The Administration Department will have the authority and responsibility to amend this procedure as required.

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

Dated this 16th day of December, 2008

Introduced by: Personnel Committee

Committee Action: Personnel Committee; Passed unanimously on 11/11/08
Health Insurance Trustees; Passed unanimously on 11/7/08

Fiscal Impact: none

LINCOLN COUNTY, WISCONSIN

ROBERT LUSSOW

County Board Chair

ROBERT D. KUNKEL

County Clerk

Motion made by Supervisor Woller, seconded by Supervisor Mittelsteadt to adopt Ordinance 2008-12-533. John Mulder, Administrative Coordinator, explained the Ordinance. Ordinance 2008-12-533 is adopted by a voice vote and motion is carried.

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

Motion made by Supervisor Simon, seconded by Supervisor Meyer 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, January 20, 2009 at 6:00 p.m. at the Lincoln County Service Center Building – Conference Room.

Motion made by Supervisor Krueger, seconded by Supervisor Mittelsteadt to adjourn the meeting at 8:35 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, December 16, 2008.

Robert D. Kunkel, Lincoln County Clerk