

**FEBRUARY 17, 2009****MORNING SESSION****9:00 A.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 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: Anderson, Bailey, Berndt, Bloomer, Caylor, Eisenman, Fox, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Short, Simon, Weaver, Woller, and Zeitz (21). Supervisor Alber arrived at 9:05 a.m.

**ANNOUNCEMENTS//RECOGNITIONS/AWARDS - APPOINTMENTS****ANNOUNCEMENTS:** None**SERVICE RECOGNITIONS FOR FEBRUARY, 2009**

There were no service recognitions for February, 2009.

**APPOINTMENTS & RE-APPOINTMENTS**

**RE-APPOINTMENT: LINCOLN COUNTY 51.437 SERVICES BOARD OF DIRECTORS – Michael Ravn.** Motion made by Supervisor Lee, seconded by Supervisor Eisenman to approve the re-appointment of Michael Ravn to the Lincoln County 51.437 Services Board of Directors. Motion carried – all ayes.

**APPROVAL OF JOURNAL – JANUARY 20, 2009**

Motion was made by Supervisor Caylor, seconded by Supervisor Woller to approve the minutes of January 20, 2009 as presented and placed on file. All Supervisors voting aye and motion carried.

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

Supervisor Alber arrived at 9:05 a.m. There were no questions on the monthly mailbox correspondence.

**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 Leydet, Finance Director, explained the year-to-date for January Expenditures. He also explained the Preliminary 2008 EOY Expenditures. The final 2008 totals will come out in April. Discussion followed.

**Legislative Exchange Report – Chair Lussow**

Chair Lussow reported on the Legislative Exchange that he had attended last week in Madison. Discussion was held.

**Building Committee Projects Update – Supervisor Simon**

Supervisor Simon reported on the building projects. Discussion held.

**Forestry – Eighth Street Annex Offer-to-Purchase – Haven, Inc**

Kevin Kleinschmidt, Forestry Administrator, explained the offer. The following people from the public spoke on the Haven bid: Sara Yaun, Judy Woller and Jody Renaud.

**CLOSED MEETING:**

Convene into closed session pursuant to sec. 19.85(1)(g), Wis. Stats. for conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation; and sec. 19.85(1) (e), Wis Stats. for deliberating or negotiating the purchasing of public properties...or conducting other specified business wherever competitive or bargaining reasons require a closed session:

- a. Child Support Litigation Update
- b. Sale of Annex – Haven Offer to Purchase

Motion made by Supervisor Caylor, seconded by Supervisor Rankin to convene in closed session with the following people to stay for the closed session: John Mulder, Nancy Bergstrom and Saul Glazer.

Motion carried – all ayes.

Supervisor Caylor left at 10:55 a.m.

Motion made by Supervisor Alber, seconded by Supervisor Bloomer to re-convene in open session.

Motion carried – all ayes.

**OPEN MEETING:**

Take Any Necessary Action on Items Discussed in Closed Session: no action was necessary.

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**RESOLUTIONS AND ORDINANCES FOR BOARD ACTION**


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**Resolution 2009-02-10**

**Title:** Eighth Street Annex Offer-to-Purchase  
(Haven, Inc.)

**WHEREAS**, Household Abuse Victims Emergency Network, Inc. (commonly known as “Haven”)has tendered an Offer to Purchase the property owned by Lincoln County commonly known as the Eighth Street Annex; and

**WHEREAS**, the deadline for accepting this offer is February 28, 2009; and

**WHEREAS**, the Forestry, Land & Parks Committee hereby forwards (without recommendation) this offer to the County Board for consideration/action.

**NOW, THEREFORE BE IT RESOLVED**, that the County Board of Supervisors does hereby approve the following action with respect to this offer as presented.

**Dated this 17th day of February, 2009**

**Introduced by:** Forestry, Land & Parks Committee

**Committee Action:** Passed 5 - 0 on 2/3/09

**Fiscal Impact:** \$65,000

Motion made by Supervisor Weaver, seconded by Supervisor Eisenman to adopt Resolution 2009-02-10. Resolution 2009-02-10 is adopted as presented by a voice vote and motion is carried.

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**Resolution 2009-02-05**

**Title:** Leasing two (2) quad axel dump trucks

**WHEREAS**, Lincoln County has determined that a true and very real need exists for the acquisition of the Equipment described in Installment Purchase Agreement No. S1425(the “Agreement”) presented to this meeting; and

**WHEREAS**, Lincoln County has taken the necessary steps, including and legal bidding requirements, under applicable law to arrange for the acquisition and financing of such Equipment; and

**WHEREAS**, Lincoln County hereby directs its legal counsel to review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law, prior to execution of the Agreement by that person so authorized by the governing body for such purpose

**NOW, THEREFORE BE IT RESOLVED**, by Lincoln County: The terms of said Agreement are in the best interest of Lincoln County for the acquisition of such Equipment, and Lincoln County designates and confirms the following person to execute and deliver the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement.

**RESOLVED**, the acquisition of the Equipment, under the terms and conditions provided for in the Agreement, is necessary, convenient, in the furtherance of, and will at all times be used in connection with, Lincoln County’s governmental and proprietary purposes and functions and are in the best interest of Lincoln County, and no portion of the Equipment will be used directly or indirectly in any trade or business carried on by any person other than a governmental unit of the state on a basis different from the general public.

**RESOLVED**, Lincoln County certifies that it has not issued or effected the issuance of, and reasonably anticipates that it shall not issue or effect the issuance of, more than ten million dollars (\$10,000,000) of tax-exempt obligations during the 2009 calendar year, and hereby designates the financing of the Equipment to which the Agreement pertains as a “qualified tax-exempt obligation,” as defined by Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

**RESOLVED**, Lincoln County covenants that it will perform all acts within its power which are or may be necessary to insure the maintenance of its legal status as being duly organized and existing entity under the laws of the state, which status is the basis for the interest portion of the rental payments coming due under the Agreement to at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended.

**Dated this 17 day of February, 2009**

**Introduced by:** Highway Committee

**Committee Action:** Highway Committee; Passed 4 - 0 on 02/05/09

**Fiscal Impact** \$206,513.30 over 5 years:

Motion made by Supervisor Lee, seconded by Supervisor Meyer to adopt Resolution 2009-02-05. Randy Scholz, Highway Commissioner, explained the Resolution. Discussion was held. Resolution 2009-02-05 is adopted by voice vote and motion is carried.

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**Resolution 2009-02-06**

**Title: Joint Determination – Double Bunking**

**WHEREAS**, the Wisconsin Administrative Code specifies that jails may use cells for double occupancy if certain conditions are met; and

**WHEREAS**, the attached “Staffing Agreement for Double Celling” is required by law to be adopted by the County Board.

**NOW, THEREFORE BE IT RESOLVED**, that the County Board of Supervisors does hereby adopt same.

**Dated this 17<sup>th</sup> day of February, 2009**

**Introduced by:** Law Enforcement Committee

**Committee Action:** Passed 5-0 on February 11, 2009

**Fiscal Impact:** none

Motion made by Supervisor Lee, seconded by Supervisor Simon to adopt Resolution 2009-02-06. Supervisor Lee, Chair of Law Enforcement Committee, explained the Resolution. Resolution 2009-02-06 is adopted by a voice vote and motion is carried.

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**Resolution 2009-02-07**

**Title: Approving Conveyance of Real Estate to  
Town of Birch**

BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 17th day of February, 2009 that the following conveyance of real estate to be made by the County Clerk on behalf of Lincoln County, be and same are hereby ratified, confirmed, and approved:

Purchaser: Town of Birch

Description:

**A parcel of land in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-eight (28), Township Thirty-three (33) North, Range Seven (7) East, Town of Birch, Lincoln County, Wisconsin described as follows:**

**A One-half (1/2) Acre square parcel in the Northeast corner of the Northeast Quarter of the Northeast Quarter, said Section 28-T33N-R7E,**

**Except lands to Town of Birch described in Volume 281 of Records, page 462 as Document No. 218368.**

Amount: Recording Fees.

**Dated this 17th day of February, 2009**

**Introduced by:** Forestry, Land and Parks Committee

**Committee Action:** Forestry, Land and Parks Committee; Passed 5-0 on February 3, 2009

**Fiscal Impact:** None

Motion made by Supervisor Alber, seconded by Supervisor Mittelsteadt to adopt Resolution 2009-02-07. Supervisor Fox explained the Resolution. Discussion was held. Resolution 2009-02-07 is adopted by a voice vote and motion is carried.

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**Resolution 2009-02-08**

**Title: Approval of a Prime Contractor for Lincoln County Courthouse Remodeling and Addition Project**

**WHEREAS** the Lincoln County Board of Supervisors has approved the building projects conceptual plan/ timetable and directed the Building Committee to proceed with preparation of construction and bid documents by Resolution 2006-11-65; and

**WHEREAS** the Lincoln County Board of Supervisors has approved bonding for the building project by Resolutions 2006-12-75 and Resolution 2006-12-76; and

**WHEREAS** Ayers and Associates has prepared the construction and bid documents for the above named project; and

**WHEREAS** the Building Committee has reviewed the bids with Ayers and Associates and has accepted their recommendation for a prime contractor for the above named project; now

**THEREFORE BE IT RESOLVED** that the Lincoln County Board of Supervisors accepts the recommendation of the Building Committee and approves \_\_\_\_\_ as the prime contractor for the Lincoln County Courthouse project outlined in the bids opened on January 7, 2009 for the sum of \_\_\_\_\_ with a Contingency of \_\_\_\_\_.

**Dated this 17th day of February, 2009**

**Introduced by:** Building Committee

**Committee Action:** Building Committee Passed 4 - 0 on 02/11/09

**Fiscal Impact:** \_\_\_\_\_ as noted in bid above.

Per Chair Lussow resolution is laid over.

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**Resolution 2009-02-09**

**Title: Approving 2009 Contract Between Lincoln County and Board of Regents of the University of Wisconsin System**

**WHEREAS**, Lincoln County (County), pursuant to the authority vested in the County Land Information, Conservation and UW-Extension Committee by sections 59.22(2)(d) and 59.56(3) of the Wisconsin Statutes, and Board of Regents of the University of Wisconsin System, on behalf of the University of Wisconsin-Extension, Cooperative Extension Division (Extension) agrees to conduct Cooperative Extension programs in Lincoln County; and

**WHEREAS**, Extension provides educational programs in agriculture, community and economic development, family living and 4-H youth development to meet local needs which engage people and their communities in positive change where they live and work; and

**WHEREAS**, as a result of Extension programming Lincoln County receives the additional benefit of inclusion in the federal grant funded Wisconsin Nutrition Education program; and

**WHEREAS**, Extension agrees to provide staff with specialist support, research, technology, grant writing, publications, program evaluation, and professional development to carry out Extension programming in the county; and

**WHEREAS**, for the professional positions included in this contract for 2009 Extension agrees to provide \$136,815 and the County agrees to provide \$118,145 for salaries and fringe benefits.

**NOW, THEREFORE BE IT RESOLVED**, the Lincoln County Board of Supervisors approves the attached contract.

**Dated this 17 day of February, 2009**

**Introduced by:** Land Information, Conservation and UW-Extension Committee

**Committee Action:** Land Information, Conservation and UW-Extension Committee; Passed 4-0 on 02/11/09  
Dave Fox excused.

**Fiscal Impact:** No change in 2009 budgeted amount of \$119,525.

Motion made by Supervisor Bailey, seconded by Supervisor Saal to adopt Resolution 2009-02-09. Debbie Moellendorf explained the Resolution. Discussion was held. Resolution 2009-02-09 is adopted by a voice vote and motion is carried.

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**Resolution 2009-02-11**

**Title: RESOLUTION APPROVING THE RE-PLAT OF THE BETHANY CEMETERY IN THE TOWN OF BIRCH.**

**WHEREAS**, section 157.07(1) of the Wisconsin State Statutes requires that all plats created or amended for cemeteries be approved by the County Board of Supervisors of the county and the Town Board of the town in which they are located; and

**WHEREAS**, the Bethany Cemetery has been re-platted under direction of the Town of Birch; and

**WHEREAS**, the plat has been approved by the Town of Birch Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, the members of the Lincoln County Board of Supervisors hereby approve the re-plat of the Bethany Cemetery.

**Dated this 17th day of February, 2009**

**Introduced by:** David J. Fox, Town of Birch Chairman

**Fiscal Impact:** none

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Krueger to adopt Resolution 2009-02-11. Supervisor Fox explained. Resolution 2009-02-11 is adopted by a voice vote and motion is carried.

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**ORDINANCE 2009 -02-534**

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

**Chapter 5.18 Chief Deputy**

Chapter 5.18 Change the existing language to read as follows;

(1). A vacancy in the position of Chief Deputy shall be filled through a competitive examination which shall be open to all qualified persons. A "qualified person" is one having a minimum of 10years of law enforcement experience, ~~with five years of supervisory experience at rank of Sergeant or above, or one having five years of law enforcement experience with a bachelor's degree, and meeting any additional requirements as established by the Commission.~~ certification as a law enforcement officer by the state of Wisconsin, an associate degree in Police Science, Criminal Justice or a related field with two or more years experience in management or supervision of Law Enforcement Personnel.

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

**Dated this 17th day of February, 2009**

**Introduced by:** Law Enforcement Committee

**Committee Action:** Law Enforcement Committee; Passed 5-0 on 02/11/09

**Fiscal Impact:** None

**LINCOLN COUNTY, WISCONSIN**

**ROBERT LUSSOW**  
County Board Chair

**ROBERT D. KUNKEL**  
County Clerk

Motion made by Supervisor Eisenman, seconded by Supervisor Lee to adopt Ordinance 2009-02-534. Supervisor Lee explained the Ordinance. Motion made by Supervisor Lee, seconded by Supervisor Anderson to amend the Ordinance by stating that following the term of employment of the next Chief Deputy hired, the qualifications language at sub 1 will revert to the original language. Discussion was held. Sheriff Jaeger explained the reasons for the changes some more. More discussion was held. Supervisor Fox left at 12:20 p.m. Discussion continued. Motion made by Supervisor Weaver, seconded by Supervisor Woller to called the question on the amendment. The amendment was defeated. Motion made by Supervisor Weaver, seconded by Supervisor Anderson to call the question on the original motion. Roll call vote was requested on the call of the question request. Clerk called roll with Supervisors Anderson, Berndt, Eisenman, Krueger, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Short, Simon, Weaver, Woller, and Zeitz voting aye (15); Supervisors Alber, Bailey, Bloomer, Lee and Loka voting nay (5). Discussion is finished. Clerk called roll on the original motion and Supervisors Anderson, Bailey, Berndt, Eisenman, Krueger, Loka, Lussow, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Short, Simon, Weaver, Woller, and Zeitz voting aye (17); Supervisors Alber, Bloomer and Lee voting nay (3). Ordinance 2009-02-534 is adopted and motion is carried.

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

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Motion made by Supervisor Simon, seconded by Supervisor Bailey 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, March 17, 2009 at 6:00 p.m.** at the William Buedingen Training Room, W6147 State Hwy 86, Tomahawk.

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Motion made by Supervisor Krueger, seconded by Supervisor Simon to adjourn the meeting at 12:39 p.m. Motion carried – all ayes.

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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, February 17, 2009.

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Robert D. Kunkel, Lincoln County Clerk