

Lincoln County Board of Supervisors  
Meeting: August 21, 2018

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, 801 N Sales Street, Room 257, Merrill, WI in session assembled pursuant to law. Chair Lee called the meeting to order at 6:00 p.m., Pledge of allegiance followed. Roll was called with the following present: Allen, Ashbeck, Bialecki, Breitenmoser, Callahan, Gilk, Gorski, Hafeman, Heller, Koth, Lee, Loka, Mueller, Nowak, Panfil, Ratliff, Rusch, Saal, Voermans, Weaver, Woellner, and Zeitz (22).

4. Announcements/Recognitions/Awards/Appointments

A. Announcement: None

B. Service Recognitions for August 2018:

10 Years: Edward Dohm, Solid Waste  
Joanne Sczygelski, Pine Crest Nursing Home

15 Years: Micki Alsteen, Pine Crest Nursing Home

20 Years: Sherrie Zortman, Register In Probate

C. Appointments & Re-Appointments:

1) Appoint Norbert Ashbeck to ADRC-CW (Term expires 4/2020) M/S Loka/Bialecki to appoint Norbert Ashbeck to ADRC-CW (Term expires 4/2020). Motion carried by a voice vote.

5. Approval of the Journal: M/S Heller/Nowak to approve the minutes as presented. Motion carried by a voice vote.

6. A. Letters: None

B. Memorials: None

7. Reports of Standing & Special Committees:

A. Finance Committee: 2017 Audit Report – Dave Maccoux from Schenck M/S Zeitz/Nowak to postpone until next month. Discussion followed. Nowak withdrew his second. Motion died for lack of a second. Mr. Maccoux presented the 2017 audit report and fielded questions. Additional questions should be directed to Leydet. Maccoux will attend the September meeting, if necessary, to field additional questions.

B. Social Services Committee: HAVEN Presentation of Services – HAVEN Director (Judy Woller).

C. Finance Committee: 2019 Budget – Finance Director (Dan Leydet)

D. Finance Committee: 2018 Year-to-date Report – Finance Director (Dan Leydet)

E. Administrative & Legislative Committee: Administrative Coordinator's Written Report – July - (Jason Hake)

8. Resolutions and Ordinances

A. 1) Resolution 2018-08-18

Transportation Resolution

WHEREAS, local government in Wisconsin is responsible for about 90% of the road miles in the state; and

WHEREAS, Wisconsin's diverse economy is dependent upon county and town roads as well as city and village streets and transit systems across the state; and

WHEREAS, Lincoln County and other local governments across Wisconsin have been highlighting our unmet transportation needs in many different avenues including events such as the historic Turnout for Transportation event in September of 2016 where local governments in every region of this state held simultaneous meetings calling on the state legislature to prioritize transportation and pass a sustainable funding package; and

WHEREAS, while the increase in transportation funding for locals in the last budget was certainly appreciated, many still aren't back to 2011 levels when you adjust for inflation; and

WHEREAS, locals, including Lincoln County continue to struggle to meet even the most basic maintenance needs for our transportation system; and

WHEREAS, states surrounding Wisconsin and across the country have stepped up with sustainable funding plans for their state and local roads; and

WHEREAS, Wisconsin will be at a competitive disadvantage if it does not implement a revenue and spending plan that addresses both our Interstates that were built in the 1950's and 60's and our local and state roads; and

WHEREAS, levy limits do not allow local government to make up for the deterioration of state funding; and

WHEREAS, local governments would not be forced to turn to local wheel taxes or increased borrowing or exceeding their levy limits if the state would finally pass a sustainable funding plan for transportation

WHEREAS, the Lincoln County Highway Department Committee recognizes that our state highway and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin. Both local *and* state roads need to be properly maintained in order for our economy to grow; and  
 WHEREAS, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees; and  
 NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Supervisors/ City Council/Village Board/ Town Board urge the Governor and Legislature to Just Fix It and agree upon a sustainable solution: one that includes a responsible level of bonding and adjusts our user fees to adequately and sustainably fund Wisconsin's transportation system. Furthermore, the County Board of Supervisors/ City Council/Village Board/ Town Board directs the Clerk to send a copy of this resolution to our State Legislators and to Governor Scott Walker.

Dated: 21<sup>st</sup> day of August 2018

Introduced by: Highway Committee      Date Passed: July 12, 2018      Committee Vote:      Approved 5-0

Fiscal Impact: Unknown

M/S Koth/Heller to adopt Resolution 2018-08-18. Discussion followed. M/S Gilk/Allen to amend as follows: Add (; and) to the end of paragraph 9. Add a space between paragraphs 4 and 5. In last paragraph, (delete both references to "/City Council/Village Board/Town Board"). In last paragraph, last sentence is amended to read: "Furthermore, the County Board of Supervisors directs the Clerk to send a copy of this resolution to our State Legislators, Federal Legislators, Governor Scott Walker, to the Wisconsin Counties Association and all Wisconsin counties." Motion to amend carried by a voice vote. Motion to adopt amended resolution carried by a voice vote.

### 2) Resolution 2018-08-19

Resolution Accepting and Expressing Gratitude to Ascension Good Samaritan Hospital for the donation of \$7,264 and Ascension Sacred Heart Hospital of \$6,000, for implementing the Live Well Lincoln Community Health Improvement Plan.

Whereas, Lincoln County Health Department has health priorities identified in its six year Community Health Improvement Plan,

Whereas Ascension Good Samaritan Hospital and Ascension Sacred Heart Hospital is a community partner in implementing the Community Health Improvement Plan for Lincoln County,

Whereas a request was sent to Ascension Good Samaritan Hospital and Ascension Sacred Heart Hospital requesting a donation to implement the Community Health Improvement Plan,

Whereas Ascension Good Samaritan Hospital and Ascension Sacred Heart Hospital responded with a donation of \$13,264 which was accepted by the Board of Health on July 19, 2018.

NOW, THEREFORE BE IT RESOLVED, that on behalf of the Citizens of Lincoln County and the Lincoln County Board of Supervisors, accepts and expresses sincere gratitude to Ascension Good Samaritan Hospital of the donation of \$7,264 and Ascension Sacred Heart Hospital of the donation of \$6,000.

BE IT FURTHER RESOLVED that this resolution be sent to Ascension Good Samaritan Hospital and Ascension Sacred Heart Hospital with our sincerest gratitude.

Dated: August 21, 2018

Introduced by: Board of Health      Date Passed: July 19, 2018      Committee Vote: 6-0

Fiscal Impact: Receiving \$13,264 for implementation of Live Well Lincoln Community Health Improvement Plan

M/S Voermans/Loka to adopt Resolution 2018-08-19 Discussion followed. Motion carried by a voice vote.

### 3) Resolution 2018-08-20

Resolution Accepting \$350 of donated equipment from Vorhpal Fire & Safety (Bob Popelka)

WHEREAS, the Youth Tractor and Machinery Safety Certification Course is periodically conducted by the Lincoln County UW Extension Agriculture Educator meeting the requirements of Wisconsin Act 455; and

WHEREAS, Wisconsin Act 455 requires youth under the age of 16 to hold a certificate of training in order to operate a tractor or self-propelled implement of husbandry on a public road; and

WHEREAS, occasional donations of used equipment are provided to the educator who uses the items for demonstration purposes only during class sessions; and

WHEREAS, such a donation of used equipment was provided by Vorhpal Fire & Safety for demonstration purposes only for the 2018 Lincoln County Youth Tractor and Machinery Safety Certification Course held June 18-21 at Merrill High School in collaboration with Merrill Area Public Schools and Merrill Future Farmers of America (FFA); and

WHEREAS, the used value of the equipment is estimated to be \$350 and includes a Rebel Self-Retracting Lifeline, a Shockwave 2 We Shock – Absorbing Lanyard, and a Sala Delta Vest Style Harness;

NOW, THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts and expresses gratitude for the \$350 of used equipment donated in support of the Lincoln County UW Extension Agriculture Educator's 2018 Lincoln County Youth Tractor and Machinery Safety Certification Course and subsequent similar courses.

Dated: August 21, 2018

Introduced by: Administrative and Legislative Committee

Date Passed: August 6, 2018 Committee Vote: 7-0 Fiscal Impact: Receiving \$350 worth of used equipment for the program identified above.

M/S Heller/Nowak to adopt Resolution 2018-08-20. Discussion followed. Motion carried by a voice vote.

#### 4) Resolution 2018-08-21

##### AUTHORIZING AN ADVISORY REFERENDUM & APPROVING OFFICIAL REFERENDUM QUESTION LANGUAGE

(Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans)

WHEREAS, the Lincoln County Board of Supervisors passed Resolution 2017-03-68 on March 21, 2017, insisting upon the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans, and

WHEREAS, historically, legislative and congressional plans in Wisconsin have been subject to partisan influence that puts the desires of politicians ahead of the electoral prerogative of the people, and

WHEREAS, redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats, and

WHEREAS, in order to determine whether the people of Lincoln County support the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans, the County Board may conduct a countywide advisory referendum, pursuant to Wis. Stat. 59.52(25), in the Fall Election on November 3, 2018,

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does resolve to conduct a county wide advisory referendum, to be held with the Fall Election on November 3, 2018; and directs the following countywide advisory referendum question be placed on the ballot:

*Question: Should the Wisconsin legislature create a nonpartisan procedure for the preparation of legislative and congressional redistricting plans?*

##### *Explanatory Statement*

The procedure currently used allows the legislature of the majority party to prepare legislative and congressional redistricting plans. This has the potential to result in improper partisan results, allowing legislators to pick their voters, rather than voters pick their representatives, which is what is commonly referred to as "gerrymandering."

*A "yes" vote indicates you agree with creating a nonpartisan procedure for preparing redistricting plans.*

*A "no" vote indicates you disagree with creating a nonpartisan procedure for preparing redistricting plans.*

BE IT FURTHER RESOLVED, that the County Clerk publish the Notice of Referendum in accordance with statutory requirements.

Dated: August 21, 2018

Introduced by: Administrative & Legislative Committee Fiscal Impact: Unknown

M/S Gilk/Loka to adopt Resolution 2018-08-21. Discussion followed. Roll was called; Aye's: Allen, Ashbeck, Breitenmoser, Callahan, Gilk, Gorski, Hafeman, Koth Lee, Loka, Mueller, Nowak, Panfil, Ratliff, Rusch, Saal, Voermans, Weaver, and Woellner. (19) Nay's: Bialecki, Heller, and Zeitz. (3) Motion carried 19-3.

#### 5) Resolution 2018 -08-22

##### AUTHORIZING AN ADVISORY REFERENDUM & APPROVING OFFICIAL REFERENDUM QUESTION LANGUAGE

(Legalization of Medical Marijuana)

WHEREAS, medical marijuana is illegal in Wisconsin; and

WHEREAS, certain research studies have shown that marijuana can be an effective tool in the management of chronic pain and other illnesses; and

WHEREAS, at this time, the Wisconsin legislature has declined to authorize a statewide referendum on the legalization of medical marijuana; and

WHEREAS, pursuant to §59.52(25), the Board can conduct a county-wide advisory referendum; and

WHEREAS, a county-wide advisory referendum question utilizing the same language considered by the Wisconsin legislature would provide guidance to the state legislature as to the will of the Lincoln County electorate;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does resolve to conduct a county wide advisory referendum, to be held with the Fall Election on November 3, 2018; ; and directs the following countywide advisory referendum question be placed on the ballot:

*Question: Should the State of Wisconsin allow individuals with debilitating medical conditions to use and safely access marijuana for medical purposes, if those individuals have a written recommendation from a licensed Wisconsin physician?*

*Explanatory Statement*

Marijuana use and possession is illegal in Wisconsin. A change in state law would be required to allow for legal use and possession for medical purposes.

*A "yes" vote indicates you agree.*

*A "no" vote indicates you disagree.*

BE IT FURTHER RESOLVED, that the County Clerk publish the Notice of Referendum in accordance with statutory requirements.

Dated: August 21, 2018

Introduced by: Administrative & Legislative Committee      Fiscal Impact: Marginal cost for publication of referendum information above the regular cost of conducting the election.

M/S Nowak/Ratliff to adopt Resolution 2018-08-22. Discussion followed. M/S Nowak/Woellner to suspend the rules to allow Jill Alexander (member of the public) to speak. Motion carried by a voice vote. Discussion followed. Motion to adopt carried by a voice vote.

6) Resolution 2018-08-23

Approval of a New Position in the Maintenance Department – Building Maintenance Worker

WHEREAS, currently the Maintenance Department contracts with Riverside Cleaning to clean the Service Center, Social Services and the Court House for an annual cost of \$99,710, and

WHEREAS, the Maintenance Department proposes adding a new full-time Building Maintenance Worker which would replace Riverside Cleaning, and

WHEREAS, the annual cost of a maintenance employee with benefits and estimated overtime is \$70,000, and

WHEREAS, by performing these duties internally it allows for an increase in confidentiality, security, better maintenance coverage and an estimated cost savings of \$29,710, and

WHEREAS, the Lincoln County Personnel Policy specifies a procedure for approval of new positions, and

WHEREAS, the Administrative Coordinator has recommended filling the new position, and

WHEREAS, Public Property and Personnel Committees have approved filling the proposed position.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Public Property and Personnel Committees and approves filling the new position.

Dated: August 21, 2018

Introduced by: Public Property 4-0 on 7/18/18    Personnel Committee 8/6/18 4-0 on 8/9/18

Fiscal Impact: Anticipated cost savings of \$29,710

M/S Heller/Callahan to adopt Resolution 2018-08-23. Discussion followed. Motion carried by a voice vote.

7) Resolution 2018-08-24

SUPPORTING ADDITIONAL STATE STAFFING OF DISTRICT ATTORNEY OFFICE (Assistant District Attorneys)

WHEREAS, the District Attorney's Office is presently staffed by two full-time attorneys (one district attorney and one assistant district attorney);

WHEREAS, according to the WI – Department of Administration (State Prosecutor's Office) draft 2015-2017 workload analysis of Lincoln County, the FTE attorney need is 3.6 FTE; and

WHEREAS, District Attorney Bayne-Allison intends to request that the State fund an additional 1.5 FTE assistant district attorneys; and

WHEREAS, he has represented that the only fiscal impact to the county should these positions be authorized by the State would be training expenses (approx. \$1500/FTE annually) and office furniture (approx. \$3,000 one-time); and

NOW, THEREFORE BE IT RESOLVED, that based on these representations, the Law Enforcement, EMS & Judicial Committee supports the District Attorney's request for additional state attorney positions as referenced above.

Dated: August 21, 2018

Introduced by: Law Enforcement/EMS & Judicial Committee      Date Passed: August 8, 2018

Committee Vote: 5-0

Fiscal Impact: Startup Costs: if State funds 1.0 FTE, \$0; if 1.5 FTE, \$3,000. Annually Recurring Costs: if State funds 1.0 FTE, \$1,500; if 1.5 FTE, \$2,250.

M/S Voermans/Bialecki to adopt Resolution 2018-08-24. Discussion followed. Motion carried by a voice vote.

8) Resolution 2018-08-25  
 Approving Conveyance of Real Estate

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 21st day of August, 2018 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	Description	Amount
COREY NOWAK JENELL NOWAK	Lot Three (3) of Certified Survey Map No. 441 recorded in Volume 2 of Certified Survey Maps, Page 227, as Document No. 282652, being a part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Six (6), Township Thirty-One (31) North, Range Seven (7) East, in the Town of Merrill, Lincoln County, Wisconsin, N2272 Moritzville Avenue P.I.N. 014.3107.063.9980	\$2,000.00
COREY NOWAK JENELL NOWAK	Lot Two (2) of Certified Survey Map No. 441 recorded in Volume 2 of Certified Survey Maps, Page 227, as Document No. 282652, being a part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Six (6), Township Thirty-One (31) North, Range Seven (7) East, in the Town of Merrill, Lincoln County, Wisconsin, N2290 Moritzville Avenue PIN: 014.3107.063.9981	\$1,521.63
EARL DRU HEIER LAURA B. HEIER	The Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-Eight (28), Township Thirty-Four (34) North, Range Six (6) East, in the Town of Bradley, Lincoln County, Wisconsin. P.I.N. 004.3406.281.9996	\$16,001.00

Dated: August 21, 2018

Introduced by: Forestry, Land & Parks Committee      Date Passed: August 14, 2018

Committee Vote: Passed Unanimously      Fiscal Impact: \$19,522.63

M/S Heller/Allen to adopt Resolution 2018-08-25. Supervisor Nowak abstained. Discussion followed.

Motion carried by a voice vote.

B. 1) Ordinances 2018-08-667

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN – CHAPTER 17, 17.1.12 AND 17.2.03, ZONING ORDINANCE AS A RESULT OF A COMPREHENSIVE PLAN AMENDMENT AND REZONING PETITION BY KELLY CLARK FOR PROPERTY IN THE TOWN OF CORNING

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

Chapter 17.1.12, Lincoln County Code and the Planned Land Use Map (Map #4) of Volume 2 of the Lincoln County Comprehensive Plan dated 2001 shall be amended to change the planned land use category for the approximately 1 acre in NW¼NW¼ of Section 13, T31N-R5E, in the Town of Corning, W7695 State Road 64 and 107, tax pin# 006-3105-132-9997 from a General Business to Rural Lands land use.

AND

Chapter 17.2.03, Lincoln County Code, is amended such that the approximately 1 acre described above will be rezoned from a General Business (GB) to Rural Lands (RL4) zoning district.

This ordinance shall take effect following its passage and publication.

Dated: 8/21/2018

Introduced by: Land Services Committee      Date Passed: 7/12/2018      Committee Vote: 7-0

Fiscal Impact: None

M/S Heller/Ratliff to adopt Ordinance 2018-08-667. Discussion followed. Motion carried by a voice vote.

9. Reports of Claims: None

10. M/S Bialecki/Heller to approve the mileage and per diem for this meeting. Motion carried by a voice vote.

