

**WAUPACA COUNTY BOARD OF SUPERVISORS
ADJOURNED ANNUAL SESSION
FEBRUARY 18, 2003**

County Board Chair Brown called the meeting to order at 9:00 a.m. with 25 members present.

	Supervisors entitled to seats:
District 1:	Rose Mary Sasse
District 2:	Dennis Kussmann
District 3:	Dick Koeppen
District 4:	Donald L. Steenbock
District 5:	James Flink
District 6:	Lloyd Mares
District 7:	Howard Trudell
District 8:	Donald Aasen
District 9:	Donald J. Peterson
District 10:	Gene Sorensen
District 11:	Fred J. Rasmussen
District 12:	Robert H. Whitman
District 13:	Eunice Lawrence
District 14:	Donald E. Fabricius
District 15:	Kenneth Hurlbut
District 16:	John F. Penney
District 17:	David L. Johnson
District 18:	Patricia Craig
District 19:	Kay Hillskotter
District 20:	William Jonely
District 21:	Carl Kietzmann
District 22:	G. Robert Flease
District 23:	Dona Gabert
District 24:	Donn Allen
District 25:	Duane R. Brown
District 26:	James Loughrin
District 27:	Gary Barrington

Suprs. Rasmussen and Hillskotter were excused.

County Board Chair Brown made the opening statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

Pledge of Allegiance was said by all followed by a moment of silence.

Supr. Flink moved and Supr. Kussmann seconded the motion to approve the amended agenda, to add Resolution No. 42 (2002-2003), Construction to County facilities. Motion carried 25-0.

Supr. Koeppen moved and Supr. Peterson seconded the motion to approve the minutes of the January 21, 2003. Motion carried 25-0.

INTRODUCTION

UW-Extension Educator Connie Abert introduced UW-Extension Community Development Educator Mike Koles. Mike gave a short presentation on what he will be working on and his background.

REPORT NO. 21 (2002-2003) WCEDC Executive Director Dave Thiel & Mike Koles 2003 Comprehensive Planning Grant Application

Dave Thiel reported that Waupaca County will be awarded \$504,500 for Smart Growth. A Core Planning Committee with 2 members of the County Board and 1 member each from all the communities that have joined must be formed. Foth & VanDyke will be working on the plan implementation. A county planner will be needed 6 months into the contract.

AMENDMENT TO CHAPTER 12, WAUPACA COUNTY CODE OF ORDINANCES CREATE 12.5(b), LIMITATION ON CLAIMS FOR DAMAGES BY DOGS TO DOMESTIC ANIMALS

CHANGE 12.06 TO READ 12.01, ADD TO SECTION 12.5 AN " A." TO THE FIRST PARAGRAPH AND;

CREATE SECTION 12.5, B to read:

1. **AUTHORITY.** This section is created pursuant to that authority provided under Section 174.11, Wis. Stats.
2. **LIMITATION ON CLAIMS FOR DAMAGES BY DOGS TO DOMESTIC ANIMALS.** The maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death, per Section 174.11(5) Wis. Stats., shall be limited to \$1,000 per claim. The Finance and Personnel Committee shall determine each claim after review of the Form D.L.8 Owner's Claim for Damages to Animals submitted by the Town, City or Village. No claim shall be paid to any person who has failed or neglected to pay a dog tax on an assessable dog.

This amendment shall be in full force and effect upon enactment by the Waupaca County Board of Supervisors and upon publication.

**RECOMMENDED FOR INTRODUCTION BY THE WAUPACA COUNTY
LEGISLATIVE & JUDICIAL COMMITTEE:** /s/ Dennis A. Kussmann, Gary Barrington,
Donn L. Allen, Howard Trudell

ATTEST:
/s/ Mary A. Robbins, Waupaca County Clerk

APPROVED AS TO FORM:
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Kussmann moved and Supr. Steenbock seconded the motion to adopt the amendment to Chapter 12, Waupaca County Code of Ordinances, creating Sec.12.5(b). Motion carried 25-0. Passed this 18th day of February, 2003.

AMENDMENT TO CHAPTER NO. 34
Town of Farmington, RS-20 to C-G
2003-466
Z-1-03

Parcel #05-35-54-40, Z-1-03, Jeffrey A. Stiebs in Sec. 35, Town of Farmington for a Zoning Map Amendment from an RS-20 (Residential Single-Family, 20,000 Sq. Ft. Lot Minimum) zone to a C-G (General Commercial) zone for a commercial business.

An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located in part of Government Lot #4 of Sec. 35, Town of Farmington, lying along County Highway "QQ", Fire Number N-2736, Waupaca County, Wisconsin, on approximately 6,875 square feet (0.16 acres).

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

- Section 1. The Zoning Map entitled Farmington Township, Detail Map B-16, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an RS-20 (Residential Single-Family, 20,000 Sq. Ft. Lot Minimum) zone to a C-G (General Commercial) zone.
- Section 2. This ordinance shall be in full force and effect in the Town of Farmington upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.
- Section 3. All ordinances or parts of ordinances inconsistent with or in contravention of provision of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk
do hereby certify that the above Zoning Amendment
was adopted on February 18, 2003.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Fabricius moved and Supr. Penney seconded the motion to approve the amendment to Ordinance No. 34, 2003-466, Z-1-03. Motion carried 25-0. Passed this 18th day of February, 2003.

AMENDMENT TO CHAPTER NO. 34
Town of Lebanon, A-G to C-G
2003-467
Z-2-03

Part of Parcel #11-36-14-1, Z-2-03, Leslie & Mary Lou Prochnow in Sec. 36, Town of Lebanon for a Zoning Map Amendment from an A-G (General Agriculture) zone to a C-G (General Commercial) zone with a Conditional Use Permit application for mini storage buildings.

An amendment to amend the Waupaca County Zoning ordinance by changing the zoning classification of certain specified lands located in part of the SW ¼ of the NE ¼ of Sec. 36, Town of Lebanon, lying at the intersection of County Highway “D” and U.S. Highway “45”, Waupaca County, Wisconsin, on approximately 4 acres.

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

- Section 1. The Zoning Map entitled Lebanon Township, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an A-G (General Agriculture) zone to a C-G (General Commercial) zone.
- Section 2. This ordinance shall be in full force and effect in the Town of Lebanon upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by the County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.
- Section 3. All ordinances or parts of ordinances inconsistent with or in contravention of provision of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk
do hereby certify that the above Zoning Amendment
was adopted on February 18, 2003.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Craig moved and Supr. Johnson seconded the motion to approve the amendment to Ordinance No. 34, 2003-467, Z-2-03. Motion carried 25-0. Passed this 18th day of February, 2003.

AMEND CHAPTER 7, WAUPACA CODE OF ORDINANCES
Ordinance #02-14-03
Weight Limits – Town Roads

The Town Board of the Town of Weyauwega, located in Waupaca County, has placed special weight limitations on the following roads in the township according to Wisconsin Statutes, namely Sec. 348.17, the weight limits on Slough Road and River Road to be posted at the weight limits of ten ton (10).

Wis. Statutes 348.17(1), No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by Sec. 349.16(2), giving notice of weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

Whereas the Wisconsin State Statutes authorizes the town to put such weight restrictions on its roads, the town authorizes the Waupaca County Sheriff's Department and other local authorities to enforce the weight restrictions according to the Wisconsin State Statutes.

This ordinance signed on this 14th day of February, 2003.

Town of Weyauwega
/s/ William Jonely, Chairman

Supr. Craig moved and Supr. Flink seconded the motion to amend Chapter 7 of the Waupaca County Code of Ordinances. Motion carried 24-0 with Supr. Jonely abstaining. Passed this 18th day of February, 2003.

WRITTEN REPORTS

Chair Brown placed the Waupaca County Register of Deeds 2002 Annual Report on file in its entirety in the County Clerk's office.

RESOLUTION NO. 42 (2002-2003)

Re: Resolution No. 40 (2002-2003) adopted 1/21/03

By the provisions of Sec. 67.12 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed; and

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 66.22 or 66.882, joint sewerage system created under Sec. 144.07(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED that the County of Waupaca, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00) for the purpose of constructing an addition to county facilities and for no other purpose.

The loan is to be payable within 10 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 4.50 percent annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the County of Waupaca, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the County of Waupaca by such loan from the state be applied or paid out of any purpose except constructing an addition to county facilities without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the County of Waupaca, Wisconsin, are authorized and empowered, in the name of the county to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the county pursuant to this resolution. The chairman and the clerk of the county will perform all necessary actions to fully carry out the provisions of Chapter 24 and Sec. 67.12(12), Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this county forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE AND PERSONNEL COMMITTEE AND DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD:

/s/ Duane R. Brown, Don Fabricius, James Loughrin, Patricia Craig, Dick Koeppen, Don Aasen, John F. Penney, Donn L. Allen, Rose Mary Sasse, Gary Barrington

ATTEST:

/s/ Mary A. Robbins, Waupaca County Clerk

APPROVED AS TO FORM:

/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Sasse moved and Supr. Trudell seconded the motion to adopt Resolution No. 42 (2002-2003). Motion carried 25-0. Passed this 18th day of February, 2003.

ANNOUNCEMENTS AND CORRESPONDENCE

Supr. Fabricius thanked the Board and Clerk for the plant, cards, phone calls and prayers he received during his recent hospitalization.

Waupaca County Economic Development Corporation Report for January is placed on file in the Clerk's Office and made part of the minutes.

January 28, 2003

Mary A. Robbins
Waupaca County Clerk
Courthouse – 811 Harding Street
Waupaca, WI 54981

Dear Ms. Robbins:

Thank you for taking the time to inform me of Waupaca County's resolution to seek funding to establish a Teen Court.

If there is any way my office can be of assistance to Waupaca County during the federal grant process, please feel free to contact my staff assistant, Rebecca Ford, in my Milwaukee Senate office.

Thank you again for contacting me. I look forward to hearing from you.

Sincerely,
/s/ Herb Kohl, U.S. Senator

Received a letter from Ann Marie Edlebeck in support of Teen Court.

Supr. Allen moved and Supr. Koeppen seconded the motion to adjourn. Motion carried 25-0. Chair Brown declared the meeting adjourned at 10:00 a.m.