

**WAUPACA COUNTY BOARD OF SUPERVISORS  
ADJOURNED ORGANIZATIONAL SESSION  
September 26, 2006**

Chair Koeppen called the meeting to order at 9:05 a.m. with 26 members present.

Present: Suprs. Aasen, Allen, Barrington, Brown, Craig, Flease, Flink, Hillskotter, Hurlbut, Johnson, Jonely, Koeppen, Kussmann, Loughrin, Mares, G. Murphy, T. Murphy, Penney, Peterson, Rasmussen, Sasse, Sorensen, Sperl, Steenbock, Trambauer, Whitman. Supr. Gabert was excused.

Chair Koeppen made the open meeting 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.

A moment of silent meditation was observed followed by the Pledge of Allegiance.

Supr. Flink moved and Supr. Steenbock seconded the motion to approve the minutes of the previous meeting. Motion carried 26-0.

Supr. Rasmussen moved and Supr. Sorensen seconded the motion to approve the agenda. Motion carried 26-0.

**INTRODUCTION**

Chair Koeppen introduced James Boyer, who has applied for the vacant District 11 position.

**REPORT NO. 13 (2006-2007)  
2005 Clerk of Courts Annual Report  
Terrie Tews, Clerk**

Terrie Tews reviewed her annual report. Chair Koeppen placed the report on file in the County Clerk's Office.

**REPORT NO. 14 (2006-2007)  
Department of Health & Human Services  
2005 Annual Report**

Dennis Dornfeld reviewed the Health and Human Services 2005 Annual Report. The report will be filed in its entirety in the County Clerk's office.

**AMEND CHAPTER 13  
LICENSES AND PERMITS  
WAUPACA COUNTY CODE OF ORDINANCES**

**13.01 DANCES AND DANCE HALLS**

- A.** This ordinance shall not apply to any local municipality in the County which by its own ordinance regulates dance halls and public dances as defined in Section B below.
- B.** The term “public dance” or “public gathering” as used in this ordinance shall mean any dance or entertainment to which the public is invited or admitted and some fee, ticket, or sum of money, or anything of value is charged, demanded, accepted or received from those present, or beverages, intoxicants, food or other refreshments are sold. The term “public gathering” or “public dance” shall not be construed to apply to activities conducted in a school or church which are held under the sponsorship and supervision of school or church authorities. Any nationally known lodge or non-profit state chartered organization or chapter of a State Veterans organization, where admission is limited to only members and their families or invited guests or any private wedding dance are exempt from the provisions.
- C.** “Dance Hall” as used in this ordinance refers to any building or area where entertainment is provided or permitted for the purpose of dancing.
- D.** Section D hereof shall not apply to any tavern where the bartender on duty can oversee the dancing taking place, if the gathering occurs in the room in which the permanent bar is located, and the entire premises does not exceed an area of 800 square feet including the area occupied by the bar.

**13.02 ANNUAL LICENSE**

- A.** No person shall permit a public gathering for the purpose of dancing or entertainment except on premises duly licensed to be used for such gatherings under the provisions of this ordinance.
- B.** Application for an annual license to comply with this ordinance shall be made in writing directed to the County Board, filed in the County Clerk’s Office and shall be accompanied by a license fee of \$100.00. A single-use license to be used for the purpose of a one-time event may be purchased for \$25.00.
- C.** Licenses granted under this ordinance shall expire on December 31 of each year. Licenses are non-transferable.

- D.** Application for a license for a public dance or public entertainment may be made by a petition signed by the owner or tenants of the premises for which a license is sought, directed to the County Clerk and accompanied by the appropriate license fee. Such license shall be granted by the Waupaca County Law Enforcement Committee in case a majority of the same vote in favor thereof, and shall be denied otherwise. If a license is denied, the applicant may appeal the application to the next session of the County Board.
- E.** As a condition precedent to the issuance of an annual license, the applicant shall agree that there shall be no nude dancing upon the premises so licensed. If nude dancing is commenced after the issuance of the license, it shall be grounds for the revocation thereof.

**13.03** No person or corporation required to have a license by this ordinance shall hold or permit to be held any such public gathering or dance unless at least five (5) business days before the time when the same shall commence, he/she shall notify the Sheriff of Waupaca County in writing that such dance will be held and shall in such notice state when the same will start and the place where it will be held, and the number of persons reasonably expected to attend.

Thereupon the Sheriff of Waupaca County or his/her designated agent shall:

- A.** Designate the number of Deputy Sheriffs he/she feels are necessary to properly maintain order at said dance; and
- B.** Require a deposit of money sufficient to reimburse said Deputy Sheriffs at the schedule of pay then in effect for deputies for Waupaca County.
- C.** Any applicant who feels aggrieved by the Sheriff's decision may, after complying with the Sheriff's requests, appeal as set forth in Section 13.09 of this ordinance.

**13.04** Upon receiving notice that a public dance or public gathering is to be held and the reimbursement fee is paid, the Sheriff shall assign a Deputy Sheriff(s) of the County to attend and supervise such dance, and such officer, unless excused by the Sheriff, shall attend and maintain peace and order.

**13.05** Each Deputy Sheriff, while engaged in the performance of his/her duties, shall enforce all laws of the State, County and Municipality. In the event the Deputy Sheriff deems such gathering has become unruly, disorderly, or in violation of the law, the Sheriff or his/her designee may order the event discontinued and those present to disburse.

**13.06** Each Deputy Sheriff shall receive the hourly rate of pay established for Deputies of Waupaca County in effect at the time of his/her employment. If the Sheriff cannot secure Deputy Sheriffs for any given place or event at the above rate of pay, the applicant for the permit may agree to supplement the rate of pay to secure such Deputy Sheriffs.

- 13.07** The Waupaca County Law Enforcement Committee may require the Sheriff to inspect the premises where the event will be held to ensure public safety. The Waupaca County Law Enforcement Committee shall cancel the license of any such premises which has been disapproved by the Sheriff or his/her deputy until such time as safety concerns are alleviated to the satisfaction of the Waupaca County Law Enforcement Committee.
- 13.08** The following rules and regulations shall govern the conduct, operation and management of all public dances and places of entertainment:
- A.** All premises licensed hereunder shall be closed and the entertainment or dancing discontinued on or before 1:00 a.m. and no such activity shall be permitted between such hour and 8:00 a.m., unless previously approved by the Waupaca County Legislative and Judicial Committee.
  - B.** No person under the influence of liquor or drugs to such an extent that he/she is unable to care for his/her own safety and the safety of others, and no person whose conduct or speech is vulgar, indecent or obscene, shall be permitted to attend or participant in any public dance or public entertainment, or enter or remain on the same premise as such dance or public entertainment.
  - C.** No person shall disturb or disrupt a public dance or place of entertainment held and conducted in accordance with this ordinance by fighting or other means in the dance hall or on the premises where such dance or entertainment is being held.
  - D.** All premises subject to regulation by this ordinance shall maintain proper lighting in the parking lots adjacent to said premises or halls or place of public dance or entertainment is in progress during the hours of darkness.
  - E.** The premises on which the public entertainment or dance is conducted shall meet the State Code for safety and sanitation and have adequate “off highway” private parking.
- 13.09** Upon complaint in writing filed with the County Sheriff by any Deputy Sheriff or any other individual, that any person holding a license pursuant to this ordinance has violated any provision of this ordinance or has knowingly permitted the violation thereof at any public dance or public gathering held on the premises covered by his/her license, the Sheriff or his/her designee may require the license holder of the establishment to show cause why his/her license should not be revoked. Upon receiving the recommendation from the Sheriff or his/her designee to revoke a license, the Chairman of the Waupaca County Law Enforcement Committee shall schedule a time to hear this matter within not more than ten (10) nor less than three (3) days. Notification of the time, date, and place of hearing shall be personally delivered to the license holder, his or her employee or a member of his/her family that is at least fourteen (14) years old. The Chairman of the Waupaca County Law Enforcement Committee shall at the time and place fixed by said notice, have the complainant and all witnesses produced by him, and all persons present on behalf of the licensee, and may compel the attendance of absent witnesses by

subpoena as in criminal cases. The District Attorney or his Deputy, if requested by the Chairman, shall appear for the County. The hearing may be adjourned by the Chairman from time to time, not exceeding thirty (30) days in all, and shall suspend such license until the next meeting of the Waupaca County Law Enforcement Committee. The Committee shall review the evidence taken before the Chairman (which shall be reduced to writing for that purpose) and may on notice to the complainant and the licensee hear additional evidence. The Committee may revoke the license if they find the licensee has violated any of the provisions of this ordinance or permitted the violation thereof on premises covered by his/her dance hall license, otherwise, they shall reinstate such license if suspended by the Chairman. After the revocation of a dance hall license, no license shall be granted for the premises covered by the license revoked, nor to the person to whom it was issued, for a period of six (6) months. If the licensee so desires, he may appeal the decision to the County Board at which time the County Board will act and review the decision of the Waupaca County Law Enforcement Committee and either confirm, alter or reverse.

**HISTORY AND SOURCE OF ORDINANCE:**

County Board Proceedings, August 11, 1964, page 45  
Recreated, County Proceedings, April 15, 1975, page 15  
Amended, County Board Proceedings, August 17, 1976, page 57  
Amended, County Board, September 26, 2006

ATTEST: APPROVED AS TO FORM:  
/s/ Mary A. Robbins, Waupaca County Clerk /s/ Jeffrey Siewert, Corporation Counsel

Supr. Rasmussen moved and Supr. Kussmann seconded the motion to waive the reading of the amendment to Chapter 13, Licenses and Permits. Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

Supr. Rasmussen moved and Supr. Peterson seconded the motion to adopt the amendment to Chapter 13, Licenses and Permits. Motion carried 25-1 with Supr. Trambauer voting no. Passed the 26<sup>th</sup> day of September, 2006.

**AMEND CHAPTER 41**  
**WAUPACA COUNTY GENERAL CODE OF ORDINANCES**  
**Establishing Filing Deadline in Register of Deeds and**  
**Requiring Parcel Identification Numbers**

**Whereas**, the parcel identification numbers are used by various County Departments and the general public to locate land and related information and

**Whereas**, Section 59.43(7)(b) Wis. Stats. provides Waupaca County with the authority to enact an ordinance requiring parcel numbers be referenced on any conveyance of property located within Waupaca County.

**Now Therefore the County Board of Supervisors for Waupaca County does hereby ordain and amend Chapter 41 as follows:**

- 41.01** Pursuant to Sec. 59.20(3)(c) Wis. Stats. the Waupaca County Register of Deeds shall establish a deadline for receipt of a document to be filed in the office no later than 3:30 p.m. Monday through Friday, excluding legal holidays that fall on a weekday.
- 41.02** The Register of Deeds shall provide notice to the public that the deadline for filing documents in the office shall be no later than 3:30 p.m. each business day.
- 41.03.** The Waupaca County Register of Deeds shall not accept for recording any conveyance as defined in section 706.01(4) of the Wisconsin Statutes, of any interest in real estate that does not contain the parcel identification number.
- 41.04** A person recording a conveyance for a newly created parcel for which a parcel identification number has not yet been assigned shall provide the parcel identification number for the parcel from which the newly created parcel was formed.
- 41.05** This ordinance shall become effective upon passage by the County Board of Supervisors for Waupaca County.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY LEGISLATIVE AND JUDICIAL COMMITTEE:** /s/ Fred Rasmussen, Terry Murphy, Donn L. Allen, Dennis A. Kussmann

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

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

Supr. G. Murphy moved and Supr. Kussmann seconded the motion to adopt the amendments to Chapter 41 of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

**AMEND CHAPTER 7.04  
OF THE WAUPACA COUNTY CODE OF ORDINANCES**

**SUBJECT: SPEED RESTRICTION - County Trunk Highway "B"**

**WHEREAS**, Village of Ogdensburg officials have requested that the speed limit on the following described highway be increased; and

**WHEREAS**, a review of the following described highway and the maximum permissible speed at which vehicles can be operated on said highway which is reasonably safe and prudent has been established pursuant to Sec. 346.57 and Sec. 349.11 of the Wisconsin Statutes,

**NOW, THEREFORE, BE IT RESOLVED** that the Waupaca County Board of Supervisors do hereby ordain as follows:

35 miles per hour from the west corporate limits of the Village of Ogdensburg, southeasterly 0.326 miles to its intersection with Humbolt Street in said village.

25 miles per hour from its intersection with Humbolt Street in the Village of Ogdensburg easterly 0.494 miles to its intersection with Frankfort Street in said village.

35 miles per hour from its intersection with Frankfort Street easterly 0.270 miles.

This ordinance shall be effective upon erection of standard signs giving notice thereof.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY HIGHWAY DEPARTMENT:** /s/ G. Robert Flease, William Jonely, Donald Aasen, James Flink, Lloyd Mares

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

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

Supr. Jonely moved and Supr. Flink seconded the motion to adopt the amendment to Chapter 7.04 of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

**AMENDMENT TO CHAPTER NO. 34  
Town of Dayton, C-G to RS-20  
2006-496, Z-2-06**

Parcel #03-10-71-50, Z-2-06, Jeffrey J. & Mandy J. O'Brien, in Sec. 10, Town of Dayton for a Zoning Map Amendment from a C-G (General Commercial) zone to an RS-20 (Residential Single-Family, 20,000 Sq. Ft. Lot Minimum) zone to construct a single-family dwelling.

**An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located on Lot #6, #7 and #8 of Block G of the Village of Rural and also being in part of the NW ¼ of the NW ¼ of Sec. 10, Town of Dayton, lying along Arbor Street, Fire Number E-1375, Waupaca County, Wisconsin, on approximately 26,136 square feet (0.600 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 Dayton Township, Detail Map B-18, 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 a C-G (General Commercial) zone to an RS-20 (Residential Single-Family, 20,000 Sq. Ft. Lot

Minimum) zone.

Section 2. This ordinance shall be in full force and effect in the Town of Dayton 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 provisions of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk,  
do hereby certify that the above Zoning  
Amendment was adopted on September 26, 2006.  
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Hurlbut moved and Supr. Penney seconded the motion to adopt the amendment to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 25-0 with Supr. Flink out of the room. Passed the 26<sup>th</sup> day of September, 2006.

#### **RESOLUTION NO. 18 (2006-2007)**

**SUBJECT:** Fred J. Rasmussen, County Board Supervisor

**WHEREAS**, Supr. Rasmussen has served with distinction, efficiency and honor on the Waupaca County Board of Supervisors from April, 1984 until his resignation September 26, 2006, and

**WHEREAS**, Supr. Rasmussen's valuable input as Chair of the Public Property Committee and Legislative & Judicial for numerous years and all the various committees he served on throughout his term.

**NOW, THEREFORE, BE IT RESOLVED** that the Waupaca County Board of Supervisors hereby commend Supr. Rasmussen for his years of faithful and exceptional services and wish him continued success and happiness in the years to come.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY BOARD OF SUPERVISORS:** /s/ Rosemary Sasse, Dennis Kussmann, Dick Koeppen, Donald L. Steenbock, James Flink, Lloyd Mares, Terry Murphy, Don Aasen, Donald Peterson, Gene Sorensen, Robert Whitman, Monica Sperl, Gerald Murphy, Kenneth Hurlbut, John F. Penney, David L. Johnson, Patricia Craig, Kay M. Hillskotter, William Jonely, John H. Trambauer, G. Robert Flease, Donn Allen, Duane R. Brown, James Loughrin, Gary Barrington.

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

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



Supr. Sasse moved and Supr. Craig seconded the motion to adopt Resolution No. 18 (2006-2007). Motion carried 25-0. Passed the 26<sup>th</sup> day of September, 2006.

**RESOLUTION NO. 19 (2006-2007)**

**TO THE HONORABLE WAUPACA  
COUNTY BOARD OF SUPERVISORS**

The Waupaca County Land and Water Conservation Committee has reviewed the Farmland Preservation Agreement application of:

Everett & Gloria Anderson  
N4423 Grove Lane  
Waupaca, WI 45981  
Section 6 & 7, Township of Farmington  
251.15 Acres

**THEREFORE**, as required by Farmland Preservation Law, Chapter 71.09(11) and Chapter 91.13(4) Wis. Stats., we are presenting the application to this Board with our recommendation that it be approved.

**RESPECTFULLY SUBMITTED BY WAUPACA COUNTY LAND AND WATER  
CONSERVATION COMMITTEE:** /s/ Donald L. Steenbock, Monica Sperl, Donn L. Allen,  
Donald J. Peterson

Supr. Peterson moved and Supr. Steenbock seconded the motion to adopt Resolution No. 19 (2006-2007). Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

**RESOLUTION NO. 20 (2006-2007)**

**SUBJECT: JURISDICTIONAL TRANSFER – County Trunk Highway “U” (Wolf River Drive)**

THIS AGREEMENT, entered into this 26th day of September, 2006 by and between Waupaca County, herein called the County, and the Fremont Village Board, hereinafter called the Village, and the Fremont Town Board, hereinafter called the Town.

WITNESSETH THAT:

WHEREAS, Section 83.027 (9) of the Highway and Transportation Laws and Rules, Wisconsin Department of Transportation, enables the County to enter into jurisdictional transfer agreements with local units of government, thereby facilitating such alterations in jurisdictional highway systems; and

WHEREAS, the functional/jurisdictional relationship of the proposed county and local highway systems have been cooperatively reviewed by the County, Village, and the Town; and

WHEREAS, 1.61 miles of CTH “U” (Wolf River Drive) which lie within the Village of Fremont will become the maintenance and jurisdictional responsibility of the Village; and

WHEREAS, 0.17 miles of CTH “U” which lie within the Town of Fremont will become the maintenance and jurisdictional responsibility of the Town; and

WHEREAS, changes in the jurisdictional of this highway system in the Village of Fremont and the Town of Fremont have been agreed to by both the Village and Town and County; and

WHEREAS, consistent with those agreed to changes, the Village and Town have passed separate resolutions approving the specific jurisdictional transfers described herein:

NOW THEREFORE, the parties hereto do mutually agree to transfer jurisdictional responsibility for the highway and under the conditions described below:

Current Highway Designation	CTH “U” (Wolf River Drive)
From -To	From STH 110 westerly to west Village Limits
Distance	1.61 miles
Receiving Jurisdiction	Village of Fremont
Current Highway Designation	CTH “U”
From -To	From the west Village Limits westerly to STH 110
Distance	0.17 miles
Receiving Jurisdiction	Town of Fremont

1. The County will:
  - A. Execute a Quit Claim Deed or other mutually acceptable instrument, to the Village and the Town, transferring all highway rights of way along the aforementioned route along with the right of way plat.
  - B. The County will perform the following roadway and structure improvements as part of this Jurisdictional Transfer. All work is expected to be completed in the 2006 construction season:
    1. Mill and rubblize the old pavement
    2. Pave a four (4) inch mat of asphaltic concrete pavement twenty-two (22) feet and two (2) feet gravel shoulders from west termini to Fillmore Street and to match the existing roadway width of forty two (42) feet in the downtown area
    3. Clear right of way of trees and bushes
    4. Replace and/or repair storm sewer
    5. Replace and or repair curb and gutter

- 6. Stripe
  - 7. Match driveway aprons and landscape
  - 8. Host a public information meeting to inform the property owners of this jurisdictional transfer
- C. The jurisdictional transfer set forth herein shall be a complete full conveyance of all access rights and permitting control over said highway to the receiving jurisdiction.
2. The Village will:
- A. Accept jurisdictional responsibility of CTH “U” described above, effective when the Waupaca County Board of Supervisors passes this Agreement.
  - B. Accept all highway rights of way associated with item 2A.
  - C. Sign CTH “U” as Wolf River Drive.
  - D. Aid Waupaca County with the new highway name change notification by informing the post office, residents and commercial business along the renamed route.
3. The Town will:
- A. Accept jurisdictional responsibility of CTH “U” described above, effective when the Waupaca County Board of Supervisors passes this Agreement.
  - B. Accept all highway rights of way associated with item 2A.
  - C. Sign CTH “U” as Wolf River Drive.
  - D. Aid Waupaca County with the new highway name change notification by informing the post office, residents and commercial business along the renamed route.

ALSO BE IT RESOLVED, the functional classification will be classified as a local road.

BE IT FURTHER RESOLVED, the effective date of jurisdictional transfer will be upon the passage of this agreement by the Waupaca County Board of Supervisors, estimated to be in the fall of 2006.

Supr. Rasmussen moved and Supr. Trambauer seconded the motion to waive the reading and adopt Resolution No. 20 (2006-2007). Motion carried 26-0. Passed the 26<sup>th</sup> day of September.

## **APPOINTMENTS**

Supr. Rasmussen moved and Supr. Sorensen seconded the motion to appoint James Boyer to fill the unexpired term of Supr. Rasmussen. Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

Supr. Hillskotter moved and Supr. Mares seconded the motion to appoint Supr. Sperl, Becky Nelson, Steve & Laura Truax, Maureen Mares, Carol Falk, Carol Trantow, Dr. James Fico, Dr. Tiffany Dorst and Yengyee Lor to the Comprehensive Community Services Advisory Committee. Motion carried 26-0. Passed the 26<sup>th</sup> day of September, 2006.

#### **ANNOUNCEMENTS AND CORRESPONDENCE**

Chair Koeppen placed the Waupaca County Economic Development Corp. monthly report, Town of Mukwa Ordinance, and Employee's Newsletter on file in the County Clerk's Office.

Supr. Aasen moved and Supr. Steenbock seconded the motion to adjourn. Motion carried 26-0. Chair Koeppen declared the meeting adjourned at 10:15 a.m.