

**WAUPACA COUNTY BOARD OF SUPERVISORS
ORGANIZATIONAL SESSION
APRIL 17, 2007**

Chair Koeppen called the meeting to order at 9:00 a.m. with 27 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:	Terry Murphy
District 8:	Donald Aasen
District 9:	Donald J. Peterson
District 10:	Gene Sorensen
District 11:	James Boyer
District 12:	Robert H. Whitman
District 13:	Monica Sperl
District 14:	Gerald Murphy
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:	John Trambauer
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

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. Sorensen moved and Supr. Peterson seconded the motion to approve the agenda. Motion carried 27-0.

Supr. Flink moved and Supr. Mares seconded the motion. Supr. Johnson questioned why the original resolution listed 10 bridges but the minutes listed only 9. Clerk Robbins asked Highway Commission Steingraber to explain. Motion carried 27-0.

**VETERANS SERVICE OFFICER
Jon LiDonne**

Jon LiDonne, along with Commissioner Sig Krostue, announced that Olin Mead has resigned from the Veterans Service Commission and presented him with a plaque for his years of service.

**WAUPACA COUNTY ECONOMIC DEVELOPMENT
Revolving Loan Fund
Cobblestone Inn & Suites**

Dave Thiel has received a request for a revolving loan fund in the amount of \$50,000 from Cobblestone Inn & Suites. Supr. Craig moved and Supr. Kussmann seconded the motion to approve the Revolving Loan Fund to Cobblestone Inn & Suites. Motion carried 27-0. Passed the 17th day of April, 2007.

**REPORT NO. 1 (2007-2008)
Sheriff's Department Annual 2006 Report – Sheriff Hardel**

Held over to the May 15, 2007 meeting.

**REPORT NO. 2 (2007-2008)
County & City of Clintonville Cooperative Work
Lisa Kotter, Mike McCord, Jeff Siewert, Jim Bernhagen**

Jeff Siewert and Lisa Kotter updated the Board on the Wisconsin Clock Factory property in Clintonville. Lisa Kotter thanked the Board for the County's cooperation in resolving this matter.

**REPORT NO. 3 (2007-2008)
Register of Deeds 2006 Annual Report &
2007 Preview
Mike Mazemke, Register of Deeds**

Mike reviewed the 2006 annual report and updated the County Board on the status of his office. Chair Koeppen placed the report on file in the County Clerk's office.

**REPORT NO. 4 (2007-2008)
Land & Water Conservation 2006 Report
Bruce Bushweiler**

Bruce Bushweiler reviewed the annual report and updated the County Board on the Land and Water Conservation Department's various projects.

REPORT NO. 5 (2007-2008)
Long Term Care
Dennis Dornfeld, Health & Human Services Director

Dennis Dornfeld discussed long term care in Wisconsin and Waupaca County.

REPORT NO. 6 (2007-2008)
Medication Round-Up & Burning Newsletter
Roger Holman

Roger Holman reminded the County Board of the upcoming Medication Round-Up May 3 and reviewed the Burning Newsletter.

RESOLUTION NO. 1 (2007-2008)

SUBJECT: JURISDICTIONAL TRANSFER AGREEMENT – “CTH “S”

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

WHEREAS, changes in the jurisdiction of this highway system in the Town of Dupont have been agreed to by both the municipality and Waupaca County; and

WHEREAS, before this responsibility transfer occurs, Waupaca County agrees to pave a one and one-half (1 ½) inch surface mat of asphaltic concrete pavement twenty two (22) feet wide from CTH “C” to CTH “G”. This improvement would be scheduled in the 2007 construction season.

WHEREAS, Waupaca County has a well-maintained section from CTH “G” to CTH “SS”; and therefore, will not do any further construction or maintenance.

THEREFORE BE IT RESOLVED that, Waupaca County agrees to transfer to the Town of Dupont, maintenance, jurisdiction, and ownership of underlying right of way for 4.6 miles of CTH “S” from CTH “C” to CTH “SS”; and

BE IT FURTHER RESOLVED that the jurisdiction and maintenance responsibility will become effective upon completion of the improvement cited in this jurisdictional transfer.

RECOMMENDED FOR INTRODUCTION BY THE WAUPACA COUNTY HIGHWAY COMMITTEE: /s/ G. Robert Flease, William Jonely, Donald Aasen, James Flink

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

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

Supr. Flink moved and Supr. Flease seconded the motion to adopt Resolution No. 1 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

RESOLUTION NO. 2 (2007-2008)

SUBJECT: Register of Deeds Department reorganization.

WHEREAS, the demands of Register of Deeds Department have evolved and changed over time; and

WHEREAS, it has been determined that the most efficient and cost effective method of staffing the office involves the reorganization of the existing positions, which involve reducing a current Clerk Typist I position from full time to part-time (.55 FTE) and re-classing an existing Register of Deeds I position to a Register of Deeds II; and

WHEREAS, this reorganization would be a cost savings to the County, it has been determined by the Finance and Personnel Committee to be recommended for approval.

NOW, THEREFORE, LET IT BE RESOLVED that the Waupaca County Board of Supervisors does hereby approve the reduction of a full-time Clerk Typist I position to part-time (.55 FTE) and the reclassification of the existing Register of Deeds I to Register of Deeds II effective upon the passage of this resolution.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE & PERSONNEL COMMITTEE: /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, G. Robert Flease, Duane R. Brown, Patricia Craig, Dick Koeppen

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

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

Supr. Hillksotter moved and Supr. Peterson seconded the motion to adopt Resolution No. 2 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

RESOLUTION NO. 3 (2007-2008)

CONDOMINIUM MORATORIUM

WHEREAS the Waupaca County Zoning Committee has become aware of condominiums being recorded in Waupaca County that do not meet all Zoning regulations and;

WHEREAS the Waupaca County Zoning Committee has concluded that Wisconsin Statute does not allow for the prohibition of condominium form of ownership

Wis. Stats. 703.27(1)

(1) A zoning or other land use ordinance or regulations may not prohibit the condominium form of ownership or impose any requirements upon a condominium that it

would not impose if the development were under a different form of ownership. No provision of a state or local building code may be applied differently to a building in a condominium than it would be applied if the building were under a different form of ownership unless the different application is expressly permitted in that provision and the different application is reasonably related to the nature of condominium ownership. No subdivision ordinance may apply to any condominium unless the ordinance is, by its express terms, applicable to condominiums and the application is reasonably related to the nature of condominium ownership.

and;

WHEREAS the Waupaca County Zoning Committee has concluded that Wisconsin Statute does not allow imposition of a greater burden or restriction on the condominium form of ownership

Wis. Stats. 703.27(2)

(2) No county, city, or other jurisdiction may enact any law, ordinance, or regulation that would impose a greater burden or restriction on a condominium or provide a lower level of services to a condominium than would be imposed or provided if the condominium were under a different form of ownership.

and;

WHEREAS Wisconsin Statute does allow local review of condominium instruments

Wis. Stats. 703.115(1)

(1) A county may adopt an ordinance to require the review of condominium instruments before recording by persons employed by the county of recording or by a city, village or town that is located in whole or in part in the county of recording if the ordinance does all of the following:

and;

WHEREAS Waupaca County Zoning Ordinance Chapter 34 Section 2.08(3) states that “no improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable regulations of the zone in which the property is located” and,

WHEREAS time is needed to develop an ordinance to address and create the “Local Review” procedures as allowed by statute, the Waupaca County Zoning Committee recommends that a moratorium be passed on the establishment of condominiums within Waupaca County for a period not to exceed six (6) months from the date of the passage of this resolution.

NOW THEREFORE BE IT RESOLVED pursuant to section 59.69(2)(c) Wis. Stats., the Waupaca County Board of Supervisors does hereby ordain and pass a moratorium on the

establishment of condominiums within Waupaca County for a period not to exceed six (6) months from the date of the passage of this resolution.

BE IT FURTHER RESOLVED that within six (6) months from the date of passage of this resolution the Waupaca County Zoning Committee shall develop and present to the Waupaca County Board of Supervisors an ordinance addressing the issue of the local review of condominium instruments.

BE IT FURTHER RESOLVED that pursuant to Wis. Stats. Section 59.28 the Waupaca County Sheriff's Department shall assist the Waupaca County Zoning Department in the enforcement of the moratorium. Enforcement shall be by forfeiture and/or injunctive action as allowed under Wis. Stats. Section 59.69(11).

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY ZONING COMMITTEE: /s/ John F. Penney, Dennis Kussmann, Terry Murphy, Kenneth Hurlbut, Gene A. Sorensen

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

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

Supr. Sorensen moved and Supr. Kussmann seconded the motion to waive the reading of the resolution and to adopt Resolution No. 3 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

RESOLUTION NO. 4 (2007-2008)

SUBJECT: Undesignated General Fund Transfer

WHEREAS, a transfer of \$1,278,429.00 from the Waupaca County Undesignated General Fund to the Lakeview Manor Nursing Home Enterprise Fund is necessary; and

WHEREAS, the Finance & Personnel Committee has been made aware of the continuing deficit at Lakeview Manor for 2006 through the budget process and Finance Director; and

WHEREAS, the County's Auditors have recommended this transfer if the County wishes to continue to operate the Lakeview Manor Nursing Home.

NOW, THEREFORE, BE IT RESOLVED that the following transfer be made from the Undesignated General Fund to Lakeview Manor Nursing Home Enterprise Fund in the amount of \$1,278,429.00.

Transfer from:

Undesignated General Fund

\$1,278,429.00

Transfer to:

Lakeview Manor Nursing Home Enterprise Fund

\$1,278,429.00

Total

\$1,278,429.00

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE & PERSONNEL COMMITTEE: /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, G. Robert Flease, Duane R. Brown, Patricia Craig, Dick Koeppen

ATTEST:

/s/ Mary A. Robbins, Waupaca County Clerk

APPROVED AS TO FORM

/s/ Jeffrey Siewert, Corporation Counsel

Supr. Craig moved and Supr. Brown seconded the motion to adopt Resolution No. 4 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

RESOLUTION NO. 5 (2007-2008)

WHEREAS, the State of Wisconsin mandated recycling in 1990 under Wisconsin Act 335 and later under Administrative code NR 544, and

WHEREAS, NR 544 requires Towns, Villages, Cities, or Counties, hereafter Municipalities, to become Responsible Units for Recycling and as such are required to establish and pay for Effective Recycling Programs, and

WHEREAS, the State of Wisconsin originally promised to cost share 66% of Municipalities' costs for maintaining Effective Recycling Programs, and

WHEREAS, the State of Wisconsin currently reimburses municipalities an average of less than 30% of their residential recycling costs, and

WHEREAS, the State of Wisconsin has imposed levy limits on Municipalities putting many under severe financial constraints, and

WHEREAS, during the last four biennium budget cycles, the State has taken over eighty million dollars (\$80,000,000) away from the recycling fund to pay for other State programs, and

WHEREAS, the State of Wisconsin is using monies raised to support Municipal Recycling Programs as part of a failed attempt to balance the State's budget.

NOW, THEREFORE BE IT RESOLVED, by the Waupaca County Board of Supervisors that all future monies in the recycling fund should only be used for current state staffing and for grants to Responsible Units.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the County Clerk to the Wisconsin Counties' Association; State Representatives Kevin Petersen, Gary Tauchen, and Joan Ballweg; State Senators Luther Olsen and Robert Cowles; and Governor Jim Doyle.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY SOLID WASTE MANAGEMENT BOARD: /s/ Gene A. Sorensen, Kenneth Hurlbut, John F. Penney, Jeffrey Dyer, Gerald M. Murphy, Raymond Brockhaus Maryann Snider, Ken Van Dyke, John Trambuaer

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

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

Supr. G. Murphy moved and Supr. Trambauer seconded the motion to adopt Resolution No. 5 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

RESOLUTION NO. 6 (2007-2008)

SUBJECT: MEMORIALS ALONG WAUPACA COUNTY HIGHWAYS

WHEREAS, loss of life from a traffic crash has a devastating impact on families and friends of the victim; and

WHEREAS, highway maintenance employees understand the distressing shock of such a loss of life; and

WHEREAS, the county also recognizes that some people grieve by placing a memorial within a highway right-of-way near the crash site; and

WHEREAS, while the County acknowledges the need some people feel to express themselves in this way, the placement of memorials within a roadway's right-of-way is not allowed under state statutes and may also be a safety hazard.

WHEREAS, the current county policy is to remove a memorial as soon as possible if it poses a safety concern or if it interferes with routine maintenance, falls into disrepair or if a complaint is received, the memorial is only temporary and would not remain in place for more than one year; and

WHEREAS, the Wisconsin Department of Transportation has published guidelines for roadside memorials.

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

Waupaca County will follow guidelines for Memorials Along Wisconsin Roadsides as published by the Wisconsin Department of Transportation

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY HIGHWAY COMMITTEE: /s/ G. Robert Flease, William Jonely, James Flink

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

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

Supr. Jonely moved and Supr. Boyer seconded the motion to adopt Resolution No. 6 (2007-2008). Motion carried 27-0. Passed the 17th day of April, 2007.

**DENIAL OF ZONING AMENDMENT
Town of Weyauwega
ZA-1-07**

The Waupaca County Zoning Committee, having considered the petition No. ZA-1-07 on the 5th day of April, 2007 by **Steven K. Thomas** from an A-G (General Agriculture) zone to a C-G (General Commercial) zone with a Conditional Use Permit application for a wholesale and retail operation.

The following described lands: Located in part of Government Lot #5 in Sec. 5, Town of Weyauwega, lying along Highway "10", Waupaca County, Wisconsin.

Approximately 1.7 acres.

Having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the facts and evidence presented, the Committee's decision was to **DENY** the Petition for Zoning Map Amendment, but to **GRANT** the Conditional Use Permit for a wholesale and retail operation due to the following:

The Town Board of Weyauwega and the Town of Weyauwega Planning Committee were in favor of the Conditional Use Permit.

With the following conditions:

1. This business **SHALL** be reviewed annually. (Review to be held in **April, 2008.**)
2. There shall be **NO OUTSIDE STORAGE** allowed on this property.

Dated this 5th day of April, 2007
Waupaca County Zoning Committee
By: /s/ John F. Penney, Chairman

Supr. Sasse moved and Supr. Kussmann seconded the motion to approve the Denial to Zoning Amendment ZA-1-07. Motion carried 26-0 with Supr. Hurlbut out of the room. Passed the 17th day of April, 2007.

APPOINTMENTS

Supr. Flink moved and Supr. Sperl seconded the motion to re-appoint Supr. G. Murphy to Waupaca Area Library Board, Ardyce Eisentraut as the Farm Service Area Representative to the Land & Water Conservation Committee, and James Goeser to the Veterans Service Commission to a term expiring in 2008. Motion carried 27-0. Passed the 17th day of April, 2007.

ANNOUNCEMENTS AND CORRESPONDENCE

Chair Koeppen placed the following correspondence for April on file in the County Clerk's Office: WCEDC Monthly Report, Letter of resignation from Olin Mead, Public Hearing Notice, Employee Newsletter and Wisconsin Mutual Insurance Newsletter.

Supr. Aasen moved and Supr. Steenbock seconded the motion to adjourn. Motion carried 27-0. Chair Koeppen declared the meeting adjourned at 11:50 a.m.

Respectfully Submitted,

Mary A. Robbins
Waupaca County Clerk