

**WAUPACA COUNTY BOARD OF SUPERVISORS
ADJOURNED ORGANIZATIONAL SESSION
May 19, 2009**

Chair Koeppen called the meeting to order at 9:00 a.m. with 26 members present.

Present: Suprs. Aasen, Allen, Barrington, Boyer, Brown, Craig, Ellis, Flease, Flink, Hagen, Handrich, Hillskotter, Johnson, Jonely, Koeppen, Kussmann, Loughrin, Lloyd Mares, Martin Mares, Gerald Murphy, Penney, Peterson, Sasse, Sorensen, Sperl, Trambauer. Supr. T. Murphy was absent.

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. Handrich seconded the motion to approve the agenda. Motion carried 26-0. Passed the 19th day of May, 2009.

Supr. G. Murphy moved and Supr. Kussmann seconded the motion to approve the minutes of the April 21, 2009 meeting. Motion carried 26-0. Passed the 19th day of May, 2009.

**REPORT NO. 4 (2009-2010)
CLERK OF COURTS 2008 ANNUAL REPORT
Terrie Tews-Liebe, Clerk**

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

**REPORT NO. 5 (2009-2010)
ATC GRANT REPORT
Roger Holman**

Roger Holman reviewed the ATC Grant Funds Summary. Chair Koeppen placed the report on file in the County Clerk's Office.

**AMEND CHAPTER 8.02(12)
OF THE WAUPACA COUNTY ORDINANCES**

SUBJECT: PARKING RESTRICTION - County Trunk Highway "H"

WHEREAS, a segment along the east side of CTH "H" has its supporting soil structure stabilized and protected against erosion by stone rip rap placed along the bank of the Wolf River; and

WHEREAS, stone rip rap is essential to maintain the integrity of the roadway structure;
and

WHEREAS, a segment along the west side of CTH "H" has limited space between the guardrail and pavement edge and represents a hazard to pedestrians, bicyclists, and motor vehicle drivers when vehicles are parked in this area; and

WHEREAS, limiting the parking on these sections of CTH "H" will reduce the risk of disturbing the supporting soil structure and reduce the risk of accident and personal injury to the general public from vehicles traveling on CTH "H".

NOW, THEREFORE, BE IT RESOLVED that pursuant to §349.13 Wis. Stats., the Waupaca County Board of Supervisors prohibit vehicle parking on the east and west sides of CTH "H" from a point 943 feet north of Welch Road traveling in a northwesterly direction 1,472 feet.

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

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY HIGHWAY COMMITTEE: /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. L. Mares moved and Supr. Jonely seconded the motion to adopt the amendment to Chapter 8.02(7) of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 19th day of May, 2009.

**AMEND CHAPTER 7.07
OF THE WAUPACA COUNTY CODE OF ORDINANCES**

**SUBJECT: WEIGHT RESTRICTION - County Trunk Highway "K"
From Tower Road to CTH "KK"**

WHEREAS, Wisconsin Statutes 349.15(2), relative to the authority to modify weight limitations and classify highways, gives the County Highway Committee authority to designate all or parts of such highways maintained by them to be Class "B" highways for the purpose of putting into effect the weight limitations set forth in Section 348.16(2) (3); and

WHEREAS, the imposition of weight limits can be based on weakness of the roadbed due to deterioration or climatic conditions or other special conditions, and the potential for serious damage or destruction in the absence of such weight restrictions; and

WHEREAS, the Highway Committee and Highway Commissioner have reviewed and considered the implications of adopting an ordinance by submitting this county trunk highway to the County Board; and

WHEREAS, proper signing will be enacted in accordance with Wisconsin Statute 349.16 (2) and the authority in charge of maintenance may exempt vehicles carrying certain commodities specified by the authority, including but not limited to pumping septic or holding tanks, from the special weight limitations which are imposed under sub. (1) (a); and

WHEREAS, weight limitations on Class “B” highways Wisconsin Statute 348.16(2) state, pursuant to s.349.15 (3) “No person without a permit therefore shall operate any vehicle or combination of vehicles imposing wheel, axle, group of axles, or gross weight on the highway exceeding 60 per cent of the weights authorized in Wisconsin Statutes 348.15 (3),” and certain highways should be class “B” to insure them as safe traffic carriers, as so designated by the Highway Committee.

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

This special ordinance shall be in force for the Waupaca County Highway Department to designate and maintain CTH “K” from Tower Road to CTH “KK” as a Class “B” highway for the purpose of establishing weight limitations to preserve the roadbed and insure this road as a safe traffic carrier, and signed in accordance with Wisconsin Statute 349.16 (1)(2)(3).

CONDITIONS: No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by local authorities on the highway designated herein when signs have been erected as required by Wisconsin Statutes 349.16 (3). The compliance with regard to the modification, designation, and signing of the county trunk highway will be in accordance with applicable Wisconsin Statutes.

This ordinance shall be effective upon passage and publication and the signing as required by Wisconsin State Statutes.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY HIGHWAY COMMITTEE: /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. Flease moved and Supr. Aasen seconded the motion to adopt the amendment to Chapter 7.07 of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 19th day of May, 2009.

**CREATE CHAPTER 47 OF THE WAUPACA COUNTY CODE OF ORDINANCES
WAUPACA COUNTY VOLUNTARY CONSERVATION
EASEMENT DONATION ORDINANCE**

I. Introduction

Waupaca County is blessed with one of the most diverse landscapes in Wisconsin. Agriculture and other open land comprise 45.2% of the landscape, while forests comprise 42.0%. Water (4.0%), transportation (3.3%), parks and recreation (0.7%), and other intensive land uses (e.g., residential, commercial) (4.8%) make up the remainder of the landscape. According to the most recent data, agriculture has an economic impact of \$438 million (17% of the economy) and employs 13% of the workforce, while forestry contributes \$110 million in output and employs 2.5% of the county workforce. Both industries are critical components of the local economy, rivaled only by the manufacturing industry.

The Waupaca County Working Farm and Forest Lands Conservation Easement Program is the culmination of several historic and contemporary initiatives addressing local citizen concern for loss of farmland and fragmentation of forestland. The program builds upon the foundation of the long standing state government focus on farm and forestland protection best exemplified in the Farmland Preservation Law, use value taxation, the Stewardship Program, and the Managed Forest Law. It helps landowners take advantage of income tax breaks, builds a foundation that Waupaca County can use to capitalize on Wisconsin's Working Lands Initiative, and fosters implementation of the county and local comprehensive plans. In fact, development of an easement program is a priority action step identified in the county plan.

The Waupaca County-Year 2030 Comprehensive Plan establishes several goals targeting the preservation of the natural resources that fuel the farm and forestry economy, including:

- Maintain the viability, operational efficiency, and productivity of the county's agricultural resources for current and future generations.
- Preserve and protect woodlands and forest resources for their economic, aesthetic, and environmental values.

Some of the supporting objectives in the plan include:

- ✓ Protect productive farmland from fragmentation and conflicts with non-agricultural uses.
- ✓ Allow for farming expansion in areas where conflict with existing residential land uses can be prevented or mitigated.
- ✓ Protect the investments made, in both public infrastructure (roads) and private lands and improvements, that support the agriculture industry.
- ✓ Allow for the opportunity to accommodate creative and unique forms of agriculture.

- ✓ Explore opportunities to allow farmers and farmland owners to secure financial benefits for the preservation of farmland.
- ✓ Identify lands where the primary intent is to preserve productive farmland and to allow for farming expansion.
- ✓ Manage growth to prevent conflict between residences and agricultural odors and dust.
- ✓ Manage growth to protect large, interconnected green space areas.
- ✓ Conserve large contiguous wooded tracts in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.
- ✓ Support efforts that preserve the integrity of working forest lands, especially the forest resources of northwestern Waupaca County.

II. Program Purpose

The Waupaca County Working Farm and Forest Lands Conservation Easement Program empowers Waupaca County to accept voluntarily conveyed conservation easements that protect viable farm and forest lands in perpetuity.

III. Program Objectives

- A. *Create a voluntary, permanent option to protect farm and forest land.*
The program empowers Waupaca County to accept voluntarily conveyed conservation easements that protect farm and forest lands in perpetuity.
- B. *Implement the Waupaca County-Year 2030 Comprehensive Plan.*
The comprehensive plan includes many goals, objectives, policies, and action steps focused on the protection of farm and forest land, including development of an easement program.
- C. *Preserve a critical component of Waupaca County's local economy by protecting viable farm and forest lands from incompatible, non-agricultural and/or non-silvicultural uses.*
Agriculture and forestry are major and critical components of the local economy that require land resources that are not burdened by the challenges associated with nearby incompatible uses.
- D. *Encourage private investment in agriculture and forestry.*
Conservation easements can function to provide financial resources to the landowner that can be used to invest in the operation, protect property from incompatible uses, and create large tracts of preserved land that are less susceptible to public or private challenges affecting the right to use the property in a manner consistent with currently accepted agricultural and silvicultural practices.

- E. Maintain agricultural related infrastructure in the community.* Viability of the agriculture industry is dependent upon adequate infrastructure, such as, cooperatives, feed mills, veterinarians, implement dealers, and processing facilities. Viability of this infrastructure is dependent upon the existence of the agriculture industry. Farmland protection supports the interdependent relationship between the industry and agriculture.
- F. Capitalize on the positive externalities created by farming and forestry operations.* In addition to its economic benefits, Waupaca County's farm and forestland contribute significantly to surface and ground water quality, wildlife and fish habitat, the tourism economy, open space, rural character, scenic beauty, cultural heritage, and the overall quality of life.
- G. Build upon Wisconsin's strong history of farm and forestland protection.* Wisconsin has long been recognized as a leader in farm and forestland protection not only through a variety of policies supported by state statute and administrative rule, but also through the premier preservation programs, including the Farmland Preservation Law, use value taxation, Stewardship Program, and the Managed Forest Law.

IV. Definitions

"Agricultural Use" means substantially undeveloped cropland and pasture that is devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, including beef, swine, and similar animals, berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables, Christmas trees; and other similar uses and activities. Agricultural use includes enrollment in a federal or state conservation program.

"Base property inventory" means a report prepared by the Land and Water Conservation Department consisting of maps, photographs, and a narrative description sufficient to establish the condition of the property at time of easement conveyance. The inventory will be used to monitor changes in use or condition of the property.

Certified Survey Map means a map, prepared in accordance with Section 236.34 of the Wisconsin Statutes for the purpose of dividing land into not more than four (4 parcels inclusive of the remnant parcel); or used to document for recording purposes survey and dedication data relating to single parcels.

"Grantor" means all property owners of the parcel/s from which an easement is to be conveyed. If land is subject to land contract, the grantor means the vendee in agreement with the vendor.

"Land unsuitable for producing merchantable timber" at least includes water, bog, rock outcrops, sand dunes, vacant farmland, roadway, utility right-of-way, or railroad right of way.

"Forest Stewardship Plan" is more comprehensive than a basic management plan or management recommendations. It incorporates landowner objectives with sustainable forestry management. It may also provide detailed information for protection and enhancement of other natural

resources, such as, water, soil, and wildlife. The plan shall include all three of the following components: 1) stand level description of current forest condition; 2) scheduled forest management practices that will protect or enhance the forest, the practices will use prescriptions consistent with Wisconsin Department of Natural Resources silvicultural standards; and, 3) a detailed stand level map.

“Plat of Survey” means a metes and bounds description of the property that includes monumentation.

Silvicultural use means substantially undeveloped forest land that is devoted to the production of trees to be utilized in the forest products industry. Silvicultural use includes enrollment in a federal or state conservation program.

V. Waupaca County Working Farm and Forest Lands Protection Commission

- A. Program oversight will be provided by a volunteer nine member Working Farm and Forest Lands Protection Commission that is approved by the Waupaca County Board of Supervisors following appointment by the Board Chairman. A Commission member must be an elector of Waupaca County. The Commission shall include at least: one County Supervisor; one representative from town government; one representative from city/village government; one representative from real estate or development interests; two representatives with agricultural interests; two representatives with forestry interests; and one individual representing local conservation interests. A commission member may represent multiple interests. For example, the Commission could have two County Board Supervisors so long as one represents the Board and the other represents one of the other aforementioned interests.
- B. Members of the Commission shall serve three-year terms beginning on April 1st, with the exception that the County Supervisor shall serve a two-year term consistent with their elected office. The initial terms shall be staggered so that the town government representative, one of the agricultural representatives, and one of the forestry representatives serve one-year terms; the city/village government representative; real estate/development representative, and conservation representative serve two-year terms; and one of the forestry and agricultural representatives serve a three-year term. Members may be reappointed to successive three-year terms. Vacancies due to removal or resignation shall be filled for the remainder of a term. Members shall not be compensated for their services with the exception that County Board Supervisors shall receive meeting and mileage reimbursement consistent with Board policy.
- C. The Commission shall meet at least annually to elect the following officers:
 1. A Chair, who shall preside at all meetings.
 2. A Vice-Chair, who shall serve in the absence of the Chair.
 3. A Secretary, who shall insure compliance with Wisconsin’s Open Meetings Law and maintain Commission records.
 4. Any other officers the Commission deems necessary for effective operations.

- D. The Commission may adopt rules of procedure governing its deliberations. In the absence of any such rules, the Commission shall conduct its proceedings in accordance with Robert's Rules of Order, latest revised edition.
- E. The Commission shall be responsible for general program oversight, including:
 - 1. Reviewing and recommending any needed changes to the ordinance establishing the program, including minimum eligibility criteria.
 - 2. Reviewing and providing oversight in scoring all applications according to the minimum eligibility criteria.
 - 3. Making recommendations regarding acceptance of an easement.
 - 4. Approving the restrictions and permitted uses under the conservation easement.
 - 5. Establish monitoring procedures and oversee subsequent monitoring to insure easement compliance in coordination with the Waupaca County Land and Water Conservation Department, Waupaca County Register of Deeds, and Waupaca County Corporation Counsel.
 - 6. Developing an application mechanism.
 - 7. The Commission shall report directly to the Waupaca County Land and Water Conservation Committee, which shall approve, deny, or amend the Commission's recommendations prior to consideration by the Waupaca County Board of Supervisors. Final decision making authority lies with the Board of Supervisors.
- F. Should an application be denied by the commission, the applicant has the right to appeal the commissions denial to the Waupaca County Land and Water Conservation Committee within 30 days of their decision. An appeal shall be commenced by filing with the Waupaca County Land and Water Conservation Department Head a notice of appeal specifying the decision being appealed and the grounds for the requested relief. Upon receipt of such a notice, the Department Head shall immediately notify the Waupaca County Land and Water Conservation Committee and shall make available to the Committee all papers and files constituting the record of the decision being appealed. A hearing of the Appeal shall be heard within 30 days of receipt of the appeal notice.

VI. Minimum Eligibility Criteria

Any Waupaca County property owner may submit an application to the Commission, but only donations that meet the following minimum criteria will be considered.

- A. All property owners have signed the application, indicating interest in voluntarily conveying a conservation easement on at least 35 contiguous acres. Easements proposed on areas less than 35 contiguous acres may be considered by the Commission on a case by case basis.
- B. The area from which the easement is to be conveyed is located in a Waupaca County Town, not a City or Village.
- C. The area from which the easement is to be conveyed is not located within a ½ mile of a City, Village, or Sanitary Sewer District boundary as of the date of ordinance adoption.

That is, the ½ mile boundary is static upon ordinance adoption and will not move due to future annexations or sewer district expansions.

- D. Each individual parcel (i.e., not a sum total of the easement area of all parcels) from which an easement is to be conveyed, not including any area to be excluded from the easement per Section IX.C. of this ordinance, must have at least 51% of its area planned for future agriculture or forestry (i.e., Agriculture Enterprise, Agriculture Retention, or Private Recreation and Forestry).
- E. At least 51% of the area from which the easement is to be conveyed must be devoted to agricultural use or at least 80% must be forested.

In some instances, the easement area may not reach either percent land use minimum requirement, but the total of farmland and forest land is 80% or more of easement area (e.g., 40% farmland, 40% forested, 20% wetland). Such parcels will be considered on a case by case basis by the Commission.

- F. Agricultural and/or forestry activities are permitted under all applicable zoning ordinances.
- G. All encumbrances, including but not limited to liens, mortgages, and judgments, against the parcel/s must be subordinated, satisfied or removed. Encumbrances is not intended to include enrollment of the property in any currently existing state and /or federal conservation program(s)". Clear title must be provided before an easement can be conveyed.

VII. Application Process

Landowners wishing to convey a conservation easement shall complete an application that is developed by the Commission and submit it to the Land and Water Conservation Department. The Department will determine if the application is complete. Upon receipt of a complete application, the Commission will meet within 45 days to make a recommendation to the Land and Water Conservation Committee (LWCC). The LWCC shall make a recommendation to the County Board at its next scheduled meeting. The County Board shall accept or deny the easement at its next scheduled meeting following a recommendation by the LWCC.

VIII. Party Responsibilities

Grantors will be charged an application fee. Grantors will incur other costs, such as, surveying, title search and insurance, attorney, accountant, recording, and appraisal fees. The County's only roles are to accept, monitor, and enforce the easement. It is the Grantor's responsibility to adequately analyze the donation to determine personal impacts, including income tax deductibility and value of the easement.

The conveyance of a donated easement is believed to constitute a qualified conservation contribution as defined by the United States Internal Revenue Service and other applicable state regulations. The IRS, however, is responsible for the final determination of qualified conservation contribution. The simple act of Waupaca County accepting the easement does not,

however, create the determination of qualified conservation contribution. The easement Grantor is responsible for determining this designation and associated tax deductibility.

IX. Conservation Easement Provisions

- A. The conservation easement shall perpetually protect the easement area's agricultural and silvicultural use by preventing any other use.
- B. The conservation easement shall run with the land regardless of transfers in property ownership. The easement shall be held by the County in perpetuity unless the Commission or a Court of competent jurisdiction determines that eminent domain can and should be used for a specific public purpose. In such case, the entity exercising the power of eminent domain shall compensate the County for the value of the conservation easement as determined by a qualified appraiser. The County shall deposit proceeds into a fund dedicated to working farm and forestland preservation.
- C. An area large enough to include existing structures and anticipated future structures shall be excluded from the land to be placed under easement, except existing structures that are intended for seasonal use. Structures with running water are not considered for seasonal use. In the event that the landowner wants to build structures outside of this area, the structures must be consistent with agricultural or silvicultural uses and local zoning code. Construction of residential structures is prohibited.
- D. The conservation easement shall at least include the following provisions:
 - 1. Who is giving and receiving the easement.
 - 2. Legal description and base property inventory, including a plat of survey.
 - 3. A conservation plan to implement current Department of Natural Resources Administrative Rule 151 standards will be adopted and implemented for any easement area containing active cropland within 5 years of easement conveyance. The property owner is responsible for continued implementation.
 - 4. A Forest Stewardship Plan will be developed and implemented for any easement area containing 10 or more contiguous acres of forestland within 5 years of easement conveyance. The property owner is responsible for updating and continually implementing the plan.
 - 5. The Commission shall be notified in advance of construction of any structures.
 - 6. Excavation of sand, gravel, rock, minerals, or other non-metallic or metallic materials that significantly impairs or interferes with the long term agricultural or silvicultural use of the property is prohibited. Such mining is allowed if the long term agricultural and silvicultural use is maintained, a reclamation plan consistent with Wisconsin Department of Natural Resources Administrative Code NR135 identifying that this use is preserved has been approved, the property owner has received prior written

approval of the County Board of Supervisors, and mining occurs for a period not to exceed 25 years from date of reclamation plan approval.

Landowners interested in tax benefits should consult their tax attorney regarding mining because the current applicable tax codes do not allow for income tax deductions if surface mining could occur.

IX. Conflict of Interest

A Commission member who wishes to convey an easement, whose family member wishes to convey an easement, or who has a financial stake in an organization, incorporation, etc. that wishes to convey an easement may not participate in any deliberation of the Commission when said donation is being considered.

X. Amendment or Repeal

This ordinance may be amended or repealed only by affirmative vote of the County Board following a County Board of Supervisors public hearing. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules regulations, or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern. Any further amendments, revisions, modifications, or newly-created provisions of the Wisconsin Statutes, IRS code or administrative regulation that would effect this ordinance are incorporated herein, are intended to be part of this ordinance.

XI. Severability

Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this Ordinance.

XII. Enforcement

- A. The Waupaca County Board shall enforce the terms of each easement.
- B. On behalf of the Board, the Land and Water Conservation Department will at least annually inspect all land from which easements have been voluntarily conveyed to determine compliance. The first inspection shall be completed within in one year of the date of easement conveyance. Written notice of an inspection to be conducted shall be mailed by certified mail to the owner/s at least 10 days prior to the inspection. An inspection shall be performed between the hours of 7a.m. and 6p.m. on a weekday that is not a legal holiday, or a date and time agreeable to the Department and the owner/s.
- C. Following inspection, the Department shall prepare a written report indicating whether or not the provisions of the easement are being observed. The final report shall be mailed to the property owner/s within 14 days of inspection.
- D. In the event of violation discovery, a written notice shall be sent by certified mail within 14 days of discovery and shall include the following:
 - 1. A copy of the inspection report.
 - 2. A copy of the deed of easement.

3. A description of the action or condition that constitutes the violation.
 4. A statement of measures to correct the violation within 60 days after mailing of the violation notice.
- E. Sixty days following the mailing of the violation notice, the County Board shall commence and prosecute an action seeking an order requiring correction of the violation, enjoining further violation, and other appropriate relief, unless:
1. The Department determines that a violation has been corrected.
 2. The Department determines that the owner/s has commenced necessary corrective measures and they cannot be reasonably completed within the 60 day period.
 3. The Department works with the owner/s to identify a period not to exceed one year within which the corrective measures can be completed.
- F. The owner/s of the land from which easements have been voluntarily conveyed shall bear the costs associated with the correction of a violation of the easement, including:
1. Costs of work required and materials used to correct the violation.
 2. Administrative costs incurred by Waupaca County.
 3. Court costs and reasonable attorneys' fees incurred by Waupaca County.

Supr. Craig moved and Supr. Sperl seconded the motion to create Chapter 47 of the Waupaca County Code of Ordinances, Waupaca County Easement Donation Ordinance. Motion carried 26-0. Passed the 19th day of May, 2009.

RESOLUTION No. 7 (2009-2010)
LITTLE WOLF BOAT LAUNCH DEVELOPMENT

WHEREAS, Waupaca County hereby requests assistance for purpose of developing recreational boating facilities as described in the application.

THEREFORE, BE IT RESOLVED, that Waupaca County has budgeted a sum sufficient to complete the project, and hereby authorizes Roger Holman to act on behalf of Waupaca County to submit an application to the Wisconsin Waterways Commission for financial assistance, sign documents, and take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED that Waupaca County will comply with State and Federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting, and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval in writing from the Wisconsin Waterways Commission before any change is made in the use of the project site (if applicable).

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY PARKS & RECREATION COMMITTEE: /s/ Gene Sorensen, Martin Mares, Rose Mary Sasse, Paul T. Hagen

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

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

Supr. Sasse moved and Supr. Handrich seconded the motion to adopt Resolution No. 7 (2009-2010). Motion carried 26-0. Passed the 19th day of May, 2009.

RESOLUTION NO. 8 (2009-2010)

Land & Water Conservation Department requests financial assistance to meet nonpoint source water pollution abatement from the State of Wisconsin, Pigeon River – Harper Project

WHEREAS, the Waupaca County Land and Water Conservation Department hereby requests financial assistance under s. 281.65 or 281.66, Wis. Stats. and chs. NR 151, 153 and 155, Wis. Admin. Code, for the purpose of implementing measures to meet nonpoint source water pollution abatement needs in area-wide quality management plans or with one or more components specified in s. 281.65 or 281.66, Wis. Stats.:

NOW THEREFORE BE IT RESOLVED, that Waupaca County Board of Supervisors authorizes the following Waupaca County officials or employees to act on its behalf to pursue the activities as listed below:

Activity	Name of Official or Employee
1. Sign and submit a grant application	Bruce Bushweiler
2. Sign a grant agreement between the local government and the DNR	Bruce Bushweiler
3. Submit quarterly and final reports	Brian Haase
4. Request grant reimbursement	Bruce Bushweiler
5. Sign and submit an Environmental Hazard Assessment form	Brian Haase

RECOMMENDED FOR INTRODUCTION BY THE WAUPACA COUNTY LAND & WATER CONSERVATION COMMITTEE: /s/ Donald Peterson, James W. Boyer, Darrell Handrich, Monica Sperl, Ardyce Eisentraut, Robert Ellis

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

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

Supr. Peterson moved and Supr. Ellis seconded the motion to adopt Resolution No. 8 (2009-2010). Motion carried 26-0. Passed the 19th day of May, 2009.

RESOLUTION NO. 9 (2009-2010)
Wisconsin Senate Bill 107

WHEREAS, discarded electronic devices represent a significant and growing portion of the waste entering Wisconsin landfills, and

WHEREAS, many components of electronic equipment, including metals, plastic, and glass can be reused or recycled, while others may present environmental hazards if not managed correctly, and

WHEREAS, these devices contain valuable components and materials that, if recycled, would preserve natural resources, and

WHEREAS, the Governor's Task Force on Waste Materials Recovery and Disposal recommended in December 2006 that state policy be developed for environmentally sound recycling and reuse of discarded televisions, monitors, laptops, and desktop computers, and

WHEREAS, producers, manufactures, and retailers of these devices should share in the costs of recycling and proper end-of-life disposal of these products, and

WHEREAS, Senate Bill 107 has been introduced in the Wisconsin legislature as an act relating to the disposal, collection, and recycling of electronic devices, making an appropriation, and providing penalties, and

WHEREAS, Senate Bill 107 is consistent with the recommendations on electronic waste made by the Governor's Task Force on Waste Materials Recovery and Recycling, and

WHEREAS, this legislation aligns with Waupaca County's mission of protecting the environment and preserving natural resources through waste reduction, reuse, recycling, and composting.

NOW, THEREFORE BE IT RESOLVED, that the Waupaca County Solid Waste Management Board and Board of Supervisors supports the passage of Senate Bill 107, its enactment into law in Wisconsin and the development of a segregated fund for fees collected to administer and enforce the resulting law and regulations.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY SOLID WASTE MANAGEMENT BOARD: /s/ Gene Sorensen, Darrell Handrich, John F. Penney, Gerald M. Murphy, Jeffrey Dyer, Raymond Brockhaus, MaryAnn Snider, Ken Van Dyke, John Trambauer

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

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

Supr. Sorensen moved and Supr. Boyer seconded the motion to adopt Resolution No. 9 (2009-2010). Motion carried 26-0. Passed the 19th day of May, 2009.

RESOLUTION NO. 10 (2009-2010)

**OPPOSING 2009 STATE ASSEMBLY BILL 149 PROPOSING
INTEREST RATE REDUCTION ON DELINQUENT REAL PROPERTY TAXES**

WHEREAS, 2009 State Assembly Bill 149 (AB 149) proposes reducing the interest rate for unpaid property taxes from twelve percent (12%) to six percent (6%), and further proposes to end that reduction on December 31, 2010; and

WHEREAS, if enacted as of July 1, 2009, AB 149 will result in a loss of interest revenue to Waupaca County of approximately \$200,000.00, which would have to be offset by a reduction in County services or by an increase in taxes; and

WHEREAS, such a significantly lower interest rate will actually be an inducement for property owners to delay paying real property taxes, effectively using the County as a bank and their unpaid taxes as a low interest loan, and thereby resulting in further shortfalls in County revenues;

WHEREAS, a temporary reduction of the interest rate charged on delinquent real estate taxes is not a sound fiscal solution that will bring about long-term relief to taxpayers and may serve to create confusion when the interest rate is raised again;

NOW, THEREFORE, BE IT RESOLVED, that the Waupaca County Board of Supervisors hereby opposes any Legislative proposal to reduce the interest rate charged on real property taxes.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the County Clerk to Governor Doyle and Waupaca County's representatives in the Wisconsin State Senate and Assembly.

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

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

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

Supr. Craig moved and Supr. Johnson seconded the motion to adopt Resolution No. 10- (2009-2010). motion carried 25-1 with Supr. M. Mares voting no. Passed the 19th day of May, 2009.

RESOLUTION NO. 11 (2009-2010)
RESOLUTION OPPOSING THE GOVERNOR'S PROPOSED CHANGES
TO INSURANCE LAWS AND 2009 SENATE BILL 20

WHEREAS, Governor Jim Doyle's 2009 Executive Budget Bill (2009 Assembly Bill 75) contains several anti-tort proposals including, but not limited to:

- Changing comparative negligence laws to force a defendant to pay one hundred percent of the damages when they have as little as one percent of liability;
- Forcing individuals, companies and local governments to pay for higher levels of insurance by increasing mandatory minimum auto liability insurance limits;
- Changing the definition of an "underinsured motorist" is a way that increases insurance claims;
- Requiring insurance companies to cover "underinsured motorists" insurance claims when no contract was made between the insured's car and another car, thereby increasing the risk of fraudulent claims;
- Allowing "stacking" of coverage for "underinsured motorists" such that the coverage limits for an accident are not limited to the policy relating to the particular vehicle involved in the accident;
- Forcing excess or umbrella insurers to offer to cover certain claims when the coverage was not requested by the insured; and

WHEREAS, the aforementioned anti-tort reform proposals would significantly increase the cost of providing insurance in Wisconsin; and

WHEREAS, Waupaca County currently procures its liability insurance through Wisconsin County Mutual Insurance Corporation (WCMIC); and

WHEREAS, WCMIC is a county owned and operated mutual insurance company created for the purpose of providing long-term stability in insurance coverage and insurance costs for counties; and

WHEREAS, as a mutual insurance company, WCMIC's increased cost of providing insurance resulting from the anti-tort reform proposals would be borne by counties and their taxpayers directly in the form of increased insurance premiums; and

WHEREAS, 2009 Senate Bill 20 is currently pending before the Senate Labor, Election and Urban Affairs Committee; and

WHEREAS, Senate Bill 20 would have a dramatic financial impact on counties by changing employment discrimination laws as follows:

- Allowing claimants to collect unlimited punitive damages against counties contrary to current state and federal law;
- Forcing counties to pay a punitive 10% surcharge to the court system in addition to unlimited damages;
- Forcing counties to litigate issues of compensatory and punitive damages years after the initial discrimination complaint was filed.
- Creating an irrational and inefficient complaint process where both parties have an incentive to litigate claims to the fullest extent possible; and

WHEREAS, Waupaca County faces significant budgetary challenges related to the provision of critical state and county services at a time when state and federal financial support for such services is decreasing and the burden placed on Waupaca County taxpayers is growing; and

WHEREAS, adding new costs for counties and forcing counties to increase their tax levies during our current economic downturn would be devastating to property taxpayers who can ill afford increased taxes or increased insurance costs;

NOW, THEREFORE, BE IT RESOLVED, that the Waupaca County Board of Supervisors hereby opposes the Governor’s proposed changes to insurance laws included in his 2009 Executive Budget and the proposed changes to employment discrimination laws in 2009 Senate Bill 20 and strongly encourages its senators and representatives in the Wisconsin State Legislature to reject the Governor’s proposals and Senate Bill 20.

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

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

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

Supr. Ellis moved and Supr. Brown seconded the motion to adopt Resolution No. 11 (2009-2010). Motion carried 26-0. Passed the 19th day of May, 2009.

Chair Koeppen called for a short recess. Chair Koeppen called the meeting to order.

**OPEN MEETINGS AND RECORD LAWS
Attorney Andrew Phillips, Centofanti Phillips, S.C.**

Attorney Andrew Phillips of Centofanti Phillips, S.C. gave a Power Point presentation on open meetings and record laws and answered questions.

APPOINTMENTS

Supr. Sperl moved and Supr. Trambauer seconded the motion to appoint Kay Hillskotter, John Trambauer, and Patty Kappelman to the DHHS Board. Motion carried 25-0 with Supr. Aasen excused. Passed the 19th day of May, 2009.

ANNOUNCEMENTS AND CORRESPONDENCE

Chair Koeppen placed the following correspondence for May on file in the County Clerk's Office: Waupaca County Economic Development Corp. Monthly Report and Revolving Loan Fund Report, Compliment to staff at Manawa Processing Transfer Facility from Kent Hager, New London City Administrator, Waupaca County Towns Association Notice, and WCA Convention in LaCrosse September 13-15.

Supr. L. Mares moved and Supr. Flink seconded the motion to move the date of the September County Board meeting September 22 so not to conflict with the WCA Annual Conference on September 14. Motion carried 25-0. Passed the 19th day of May, 2009.

Supr. Craig moved and Supr. Kussmann seconded the motion to adjourn. Motion carried 25-0. Chair Koeppen declared the meeting adjourned at 11:30 a.m.

Mary A. Robbins
Waupaca County Clerk