

**WAUPACA COUNTY BOARD OF SUPERVISORS
REGULAR SESSION
July 16, 2013**

Chair Koeppen called the meeting to order at 9:00 a.m. with 27 members present.

Present: Suprs. Aasen, Barrington, Boyer, Craig, Ellis, Federwitz, Fleese, Gabert, Handrich, Johnson, Jonely, Kietzmann, Koeppen, Kussmann, Loughrin, Mares, McClone, Morgan, Much, G. Murphy, T. Murphy, Neumann, Penney, Peterson, Poehlman, Sorensen, Zaug.

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. Mares moved and Supr. Handrich seconded the motion to approve the agenda. Motion carried 27-0. Passed the 16th day of July, 2013.

Supr. McClone moved and Supr. Federwitz seconded the motion to approve the minutes of the June 18, 2013 meeting. Motion carried 27-0. Passed the 16th day of July, 2013.

**REPORT NO. 6 (2013-2014)
CRYSTAL RIVER/LITTLE HOPE DAM REVIEW
Roger Holman, DERM Director**

Roger Holman reviewed the history of the Little Hope Dam and reviewed options for repairing/replacing the dam along with a timeline. Roger Holman also reported that there will be a public input meeting on August 6. Chair Koeppen placed the report on file in the County Clerk's Office.

**REPORT NO. 7 (2013-2014)
WAUPACA COUNTY HIGHWAY DEPARTMENT STRATEGIC PLAN**

Highway Commissioner Dean Steingraber presented background of the Highway Department's Strategic Plan. UWEX CRED Educator Mike Koles reviewed the strategic planning process. Highway Department employees Jill Lodewegen, Ron Wilke, and Roger Krueger and County Board Supervisor Aasen reviewed the strategic planning targets. Chair Koeppen placed the report on file in the County Clerk's Office.

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

REPORT NO. 8 (2013-2014)
HEALTH CARE REFORM AND WAUPACA COUNTY HEALTH INSURANCE 2014
Mandy Welch, Human Resources Director

Human Resources Director Mandy Welch reviewed Waupaca County's health insurance program and upcoming changes. Chair Koeppen placed the report on file in the County Clerk's Office.

REPORTS BY COUNTY BOARD SUPERVISORS/DEPARTMENTS

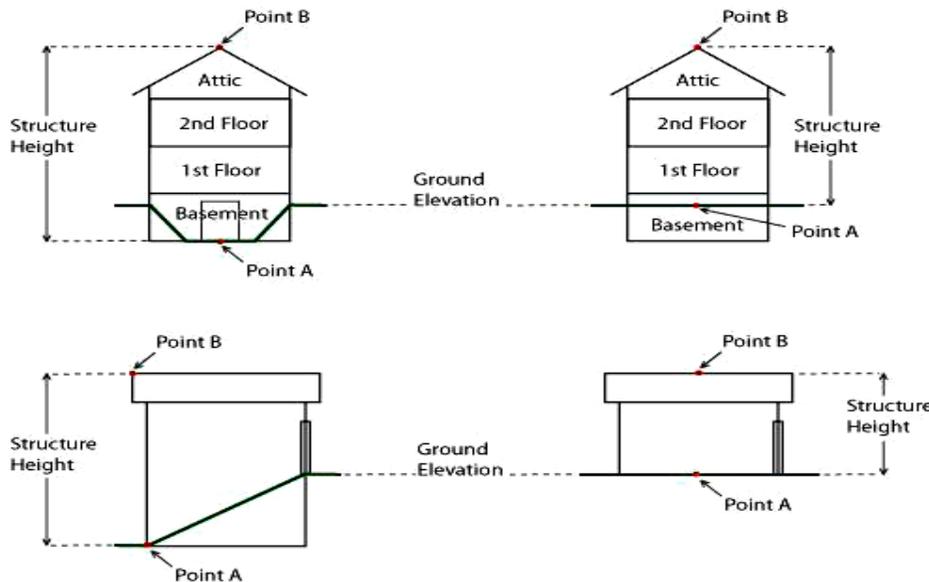
Chair Koeppen reported on the groundbreaking ceremony for the new Shawano ThedaCare Medical Center, Milwaukee Foundry 100th Anniversary, East Central Wisconsin Regional Loan Funds, Inc., and upcoming WCA Board and Executive Committee meetings.

AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES
CHAPTER 32 – WAUPACA COUNTY SHORELAND ZONING ORDINANCE3

The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Shoreland Zoning Ordinance, Chapter 32:

Sec. 4.5 Height

No structure may exceed thirty-five (35) feet in height. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



Sec. 4.51 Height Exemption

Heights of the following structures located greater than seventy-five (75) feet from the ordinary high water mark may exceed the height limit restriction of section 4.5: Cooling towers, stacks, lookout towers, silos, windmills, water towers, telecommunication towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

Sec. 8.32(2) Shoreline Setback Nonconformities of Principal Structures Between Thirty-five (35) Feet and Required Setback

A principal structure which is nonconforming as to shoreline setback and which is located between thirty-five (35) feet from the ordinary high water mark and the required setback may be expanded under the following parameters:

a) VERTICAL EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE.

An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback per Section 7, may be expanded vertically, provided that all of the following requirements are met:

- 1) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- 2) The existing principal structure is at least thirty five (35) feet from the ordinary high-water mark.
- 3) Vertical expansion is limited to the height allowed in section 4.5.
- 4) The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 8.32(4).
- 5) All other provisions of the Shoreland Zoning Ordinance shall be met.

b) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND THE REQUIRED SETBACK.

An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback under Section 7, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 7 and that all other provisions of the Shoreland Zoning Ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section 6.16.

c) REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE.

An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback per Section 7, may be replaced or relocated on the property provided all of the following requirements are met:

- 1) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- 2) The existing principal structure is at least thirty-five (35) feet from the ordinary high water mark.
- 3) No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.
- 4) The County determines that no other location is available on the property to rebuild a principal structure plus or minus ten (10) percent of the square footage of the original structure that will result in compliance with the shoreland setback requirement per Section 7. The setback reductions in Section 5.4 shall be utilized in determining location availability.
- 5) The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 8.32(4), including enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted expansion on water quality, near shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- 6) The County shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement per Section 7 and are not exempt under Section 5.5 be removed by the date specified in the permit.
- 7) All other provisions of the Shoreland Zoning Ordinance shall be met inclusive of Section 5.4

Sec. 9.23 Expiration of Permit.

Zoning permits shall expire twenty-four (24) months from date issued if no substantial work has commenced.

EFFECTIVE DATE

Approval of the Planning & Zoning Committee and Upon enactment of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Supr. Craig moved and Supr. Johnson seconded the motion to waive the reading of the amendments and approve the amendments to Chapter 32, Waupaca County Shoreland Zoning Ordinance. Motion carried 27-0. Passed the 16th day of July, 2013.

AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES CHAPTER 34 – WAUPACA COUNTY ZONING ORDINANCE

The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Zoning Ordinance, Chapter 34:

Amend Table 5 -- "Mini-Warehouse" – should be "P" (Permitted Use) in the RC-N and RC-G

Sec. 6.05(7)(a) –

7. Accessory Structure: Any detached private garage, carport, or utility shed on a residential lot that primarily accommodates the sheltered parking of a vehicle, the storage of residential maintenance equipment to serve the same lot or a contiguous lot, or a detached shelter such as a gazebo. It also includes swimming pools, greenhouses, wind and solar energy systems for on-site residential use, and private kennels. Attached garages, attached carports, and decks shall be considered part of the principal residential building, not an accessory structure.
 - a) If proposed to be constructed in advance of the principal building (dwelling) on the same lot, the structure shall be sited with relation to appropriate locations for a future dwelling, private well, and on-site waste treatment system, and driveway. A Conditional Use Permit is required in Sewered Residential zones (SR) with design standards being 5 % of the lot or 750 square feet, whichever is less, and having a maximum height of 25 feet.

Sec. 7.04(5)

5. Each single dwelling unit or equivalent principal use structure that was legally constructed prior to the effective date of this chapter but does not meet the density requirements of this section shall be allowed to be rebuilt on the lot within a twelve (12) month period. If reconstruction of the dwelling unit or equivalent principal use structure has not started within a twelve (12) month period, then it has to be built in a compliant location.

EFFECTIVE DATE

Approval of the Planning & Zoning Committee and Upon enactment of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Supr. Johnson moved and Supr. Zaug seconded the motion to waive the reading of the amendments and approve the amendments to Chapter 34, Waupaca County Zoning Ordinance. Motion carried 27-0. Passed the 16th day of July, 2013.

**REPEAL AND CREATION OF THE WAUPACA COUNTY CODE OF ORDINANCES
CHAPTER 36 – WAUPACA COUNTY FLOODPLAIN ORDINANCE**

The Waupaca County Board of Supervisors does hereby ordain that the current Waupaca County Floodplain Ordinance, Chapter 36 of the Waupaca County Code of Ordinances be repealed in its entirety and replaced with the model Waupaca County Floodplain Ordinance, Chapter 36 of the Waupaca County Code of Ordinances with minimum state standards language as recommended by the Wisconsin Department of Natural Resources. A copy of the entire ordinance is on file in the County Clerk’s Office and Planning & Zoning Office.

EFFECTIVE DATE

Approval of the Planning & Zoning Committee and Upon enactment of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Supr. Sorensen moved and Supr. T. Murphy seconded the motion to waive the reading of the ordinance and approve Chapter 36, Waupaca County Floodplain Ordinance. Motion carried 27-0. Passed the 16th day of July, 2013.

**AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES
CHAPTER 37 – WAUPACA COUNTY SUBDIVISION ORDINANCE**

The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Subdivision Ordinance, Chapter 37:

Sec. 8.07

Lots

3.

Access. For access servicing one (1) to four (4) lots, every lot shall front or abut on a public road for a distance of at least thirty-three (33) feet owned or by easement, except lots located on a curved street or cul-de-sac which shall front or abut on a road for a distance of at least thirty (30) feet. Each lot shall have legal nonexclusive vehicular access to a public street. Access servicing five (5) or more lots would be defined as a Subdivision as described in Section 2.02(69). At the creation of the third principal structure, the road is required to be named and a road sign

erected in accordance with Town standards and E-911 County addressing provisions.

4. **Area and Dimensions** shall conform to the requirements of the Waupaca County Zoning Ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the Waupaca County Zoning Ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with areas in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code.
5. **Maximum Lot Sizes** shall only pertain to the parcel(s) being created by Certified Survey Map and does not include the remnant parcel. In the event of combining parcels, maximum lot size shall not apply. Maximum lot sizes are defined through Town developed overlays which are referenced in Section 8.02 in the Waupaca County Zoning Ordinance.
6. **Depth of Lots** should be designed with a suitable proportion between width and depth. The lot width to depth ratio shall be 1:3 (0.33); in other words no lot depth shall be greater than three (3) times the width, with the exemption of creating a strip of land for access purposes only. This access is required to be an outlot and must be stated on the Certified Survey Map that it is to be used for access only.
7. **Width of Lots** shall conform to the requirements of the Waupaca County Zoning Ordinance.
8. **Corner Lots** shall be designed with extra width to permit adequate building setback from both streets.
9. **The Shape of Lots** shall be approximately rectangular, with the exception of lots located on a curved street or cul-de-sac.
10. **Lands Lying Between the Meander Line** and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

Sec. 3.02

- (4)(c) **Sale or Exchange** of parcels of land between owners of adjoining property if additional lots are not thereby created. A preliminary site plan including distances and acreages must be approved by the Planning & Zoning Director for such exchanges for the purpose of verifying that additional lots are not thereby created and that the resultant lots are not reduced below the minimum lot sizes required by these regulations, the County Zoning Ordinance, or other applicable laws or ordinances.

EFFECTIVE DATE

Approval of the Planning & Zoning Committee and Upon enactment of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Supr. Penney moved and Supr. Kussmann seconded the motion to waive the reading of the amendment to the ordinance and approve the amendments to Chapter 37, Waupaca County Subdivision Ordinance. Motion carried 27-0. Passed the 16th day of July, 2013.

AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES Chapter 41 Establishing Filing Deadline in Register of Deeds

- 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 3:00 p.m. Monday through Friday, excluding legal holidays that fall on a week day.
- 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 3:00 p.m. each business day.
- 41.03** The Waupaca County Register of Deeds shall not accept for recording any conveyance as defined in Sec. 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 information 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.

Approved by Legislative, Judicial, Ethics, Safety & Security Committee on July 10, 2013.

Supr. Zaug moved and Supr. G. Murphy seconded the motion to adopt the amendments to Chapter 41 of the Waupaca County Code of Ordinances, Establishing Filing Deadline in Register of Deeds. Motion carried 27-0. Passed the 16th day of July, 2013.

RESOLUTION NO. 15 (2013-2014)

SUBJECT: The Health and Human Services Board recommends eliminating an Account Clerk position and creating a full-time Accountant in the Fiscal Unit of DHHS (Waupaca County Grade 8).

WHEREAS, DHHS continues to seek the most cost effective and efficient methods of operating the fiscal responsibilities of the department; and

WHEREAS, there is continued need for bolstering the fiscal oversight in the Department of Health and Human Services; and

WHEREAS, the Accountant will be under the supervision of the DHHS Fiscal Administrator and under the county's financial operations; and

NOW, THEREFORE, LET IT BE RESOLVED that the Waupaca County Board of Supervisors approves the elimination of an Account Clerk position and the creation of an Accountant position in the Fiscal Unit of DHHS (Waupaca County Grade 8).

BE IT FURTHER RESOLVED that this change will not result in increased budget expense to the Department.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE & HUMAN RESOURCES COMMITTEE AND DEPARTMENT OF HEALTH & HUMAN SERVICES BOARD: /s/ James Loughrin, Gary Barrington, John F. Penney, G. Robert Flease, Gerald M. Murphy, DuWayne Federwitz, Patricia Craig, Dick Koeppen, Donald Morgan, Carl Kietzmann, Don Aasen, Mary Kay Poehlman, David S. Neumann

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

Supr. Craig moved and Supr. G. Murphy seconded the motion to adopt Resolution No. 15 (2013-2014). Motion carried 27-0. Passed the 16th day of July, 2013.

ANNOUNCEMENTS AND CORRESPONDENCE

Chair Koeppen placed the following correspondence for July on file in the County Clerk's Office: WCEDC Monthly Report, letter from Chuck Krueger regarding the Little Hope Dam, and Petition in regards to restoring the Little Hope Dam.

Supr. Much moved and Supr. Peterson seconded the motion to adjourn. Motion carried 27-0. Chair Koeppen declared the meeting adjourned at 11:15 a.m.

Mary A. Robbins
Waupaca County Clerk