

This meeting of the Vilas County Board of Supervisors was held in the conference rooms located in the Vilas County Courthouse, 330 Court Street, Eagle River, WI.

Call to Order

Vilas County Board Chairman Charles Rayala, Jr. called the assembly to order at 9:00 A.M. and instructed the Clerk to read aloud and insert into the minutes the following notice: A public meeting notice was given to the public by posting on the bulletin boards in the hall by the main entrance to the Vilas County Courthouse, Olson Memorial Library and Eagle River City Hall. The Vilas County News-Review; the Rhinelander Daily News; the Lakeland Times; the Ironwood Daily Globe; W.E.R.L. Radio; W.R.J.O. Radio; W.C.Y.E Radio, Channel 12 TV and News of the Northwoods.net were notified on September 17, 2010 more than twenty-four hours prior to the meeting. The Clerk then requested that all present silence their cell phones and pagers for the duration of the meeting.

Pledge of Allegiance - The Chairman asked all in attendance to stand for the Pledge of Allegiance.

Roll Call - Roll call found the following members present: Emil Bakka, Maynard Bedish, James Behling, Edward Bluthardt, Jr., Ronald De Bruyne, Bob Egan, Stephen Favorite, Jack Harrison, Sig Hjemvick, Leon Kukanich, Christopher Mayer, Dennis Nielsen, Mary Platner, Fred Radtke, Kathleen Rushlow, Ralph J. Sitzberger, Erv Teichmiller, Linda Thorpe and Charles Rayala, Jr. Gene Ciszek was previously excused. The Clerk reported 19 Supervisors in attendance, constituting a quorum of the County Board.

The Chairman then called for the following motions:

Approval of the agenda to be discussed in any order - Motion by R. Sitzberger, seconded by D. Nielsen to approve the agenda, with the order of discussion to be at the Chair's discretion. All voted aye. Carried.

Approval of the minutes of the august 31, 2010 meeting - Motion by L. Kukanich, seconded by E. Bluthardt to approve the minutes of the August 31, 2010 meeting as presented. All voted aye. Carried.

Omit reading of all resolutions and ordinances by the county clerk unless requested - Motion by D. Nielsen, seconded by R. Sitzberger to omit the reading of all resolutions and ordinances by the Clerk, unless requested from the floor. All voted aye. Carried.

Suspend the rules to act on any resolutions or ordinances received after the ten day deadline - Motion by R. De Bruyne, seconded by J. Harrison to suspend the rules to act on any resolution or ordinance received after the 10-day deadline, but received in time to list to the press and post. All voted aye. Carried.

Chairman's remarks - County Board Chairman Charles Rayala, Jr. presented his opinion regarding the current economic conditions. He encouraged the County Board to adopt a position of frugality as they begin the budgeting process.

Closed Session - Motion by S. Favorite, seconded by E. Bluthardt to convene into closed session pursuant to Section 19.85(1)(g), Wisconsin Statutes, to confer with legal counsel who is rendering oral or written legal advice concerning strategy to be adopted by the Vilas County Board of Supervisors with respect to litigation in which it is or is likely to be involved, specifically concerning: design and construction of the Arbor Vitae County Highway Shop. The Board voted unanimously to convene into closed session. Closed session convened at 9:09 A.M.

Supervisor A. Bauman arrived during the Closed Session. 20 Supervisors were now in attendance.

Open Session - The Board will reconvene into open session at the conclusion of the closed session. Motion by A. Bauman, seconded by R. Sitzberger to reconvene into open session. The Board voted unanimously to reconvene into open session. Open session reconvened at 9:47 A.M.

ALL RESOLUTIONS AND ORDINANCES, IN THEIR ENTIRETY, ARE ON FILE IN THE COUNTY CLERK'S OFFICE

INTRODUCE AND ACT ON ALL RESOLUTIONS WITHDRAWN FROM A PREVIOUS MEETING

RESOLUTION 2010 - 81

RE: Settlement of Arbor Vitae County Highway Shop Dispute

WHEREAS, there is an ongoing dispute between the County, Altmann Construction Co. Inc., Central Wisconsin Engineers and Architects, Inc. (CWE) and Quality Heating, Inc. regarding the design and construction of the Arbor Vitae County Highway Shop; and

WHEREAS, it is in the best interests of the County to settle this ongoing dispute; and

WHEREAS, the County's total potential claim against the contractor, architect and HVAC subcontractor is \$66,832.58, and an amount of \$32,514.18 has been negotiated through mediation in order to fully settle the matter; and

WHEREAS, the County's claims are subject to legal defenses and contentions of the architect, contractor and subcontractor; and

WHEREAS, the Highway Committee and the County's legal counsel recommend approval of this negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that we hereby approve the negotiated settlement between Vilas County, Altmann Construction Co. Inc., Central Wisconsin Engineers and Architects, Inc. (CWE) and Quality Heating, Inc. in the amount of \$32,514.18 and authorize legal counsel to draft all necessary documentation to effect said settlement.

Submitted by: **Highway Committee**

s/ Jack Harrison, Chair

s/ Alden Bauman

Maynard Bedish

s/ Charles Rayala

s/ Ralph Sitzberger

Motion by E. Bluthardt, seconded by A. Bauman to adopt. Discussion. 14 voted aye. 6 voted no: M. Bedish, R. De Bruyne, S. Hjemvick, L. Kukanich, D. Nielsen and F. Radtke. Carried.

INTRODUCE AND ACT ON ALL CURRENT RESOLUTIONS AND ORDINANCES AS POSTED

RESOLUTION 2010 - 106

RE: Reappointment of Highway Commissioner for two-year term

WHEREAS, pursuant to Resolution 2010-28, the Vilas County Board established a two-year term of service for the Vilas County Highway Commissioner, consistent with section 83.01(2) of the Wisconsin Statutes; and

WHEREAS, the incumbent Highway Commissioner has the requisite experience and qualifications to continue in said position for the upcoming two-year term (2011-2012); and

WHEREAS, the Highway Committee recommends the re-appointment of incumbent James Fischer to a two-year term of Highway Commissioner, commencing the first Monday in January 2011.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that we reappoint James Fischer to the position of Vilas County Highway Commissioner for a two-year term, commencing the first Monday in January, 2011.

BE IT FURTHER RESOLVED that the County Highway Commissioner shall serve until the first Monday in January of the 2nd year succeeding the year of the appointment, and election/appointment for said position shall be held at the November County Board meeting immediately preceding the expiration of the incumbent's term of office.

Submitted by: **Highway Committee**

s/ Jack Harrison, Chair
s/ Alden Bauman
 Maynard Bedish
s/ Charles Rayala
s/ Ralph Sitzberger

Motion by R. Sitzberger, seconded by L. Kukanich to adopt. Discussion. All voted aye. Carried.

RESOLUTION 2010 - 107

RE: Clerk's Journal Adjustment Unanticipated Revenue

WHEREAS, Michael Wendt, representative of the Wisconsin Department of Transportation advised the Forestry, Recreation, & Land Committee at their 7 April 2010 regular meeting that the Wisconsin DOT wishes to donate the proceeds of a timber sale located within the Highway 45 right-of-way in the Town of Conover to the County Snowmobile Program for the express purpose of making safety improvements to the snowmobile trail system; and

WHEREAS, the Committee unanimously passed a motion at said meeting to accept the donation for the purpose of snowmobile trail safety improvements near the intersection of State Highways 17 & 70 and south along the Highway 17 Right of Way; and

WHEREAS, the segment of snowmobile trail earmarked for improvement is currently not part of the State Funded Snowmobile Trail System, and as such the funds should not be co-mingled with the County Snowmobile Trail Program funds, which are 100% funded through the State Snowmobile Program; and

WHEREAS, these special purpose funds in the amount of \$1,680.45 have been received by the Forestry Department and deposited into the Outside Revenue account 100.46822, to be used as outlined above.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Vilas County Clerk is directed to make a journal adjustment in the amount of \$1,680.45 into Outside Revenue 100.56130 so that the funds can be used for snowmobile trail safety improvements near the intersection of State Highways 17 & 70.

Submitted by: **Forestry, Recreation, & Land Committee**

Stephen Favorite, Chair
s/ Bob Egan, Vice Chair
s/ Leon Kukanich
 Jack Harrison
s/ Sig Hjemvick

Motion by D. Nielsen, seconded by S. Favorite to adopt. Discussion. All voted aye. Carried.

RESOLUTION NO. 2010 - 108

RE: Purchase ¾ Ton Pickup Truck

WHEREAS, the Vilas County Forestry, Recreation, and Land Committee has planned the purchase of a new ¾ ton pickup truck to be used primarily for forest management, and

WHEREAS, the estimated cost of a new 2010 or 2011 ¾ ton 4 wheel drive pickup truck will not exceed \$26,000.00, and

WHEREAS, the Forestry, Recreation, & Land Committee requests the funds to cover this expenditure be budgeted in 2011 as a 50/50 cost share from the County Forestry Account #100.56103.810 and the State Forest Aid Account #220.56102.

NOW, THEREFORE, BE IT RESOLVED that the Vilas County Board of Supervisors, in session this 21st day of September 2010 hereby authorizes the purchase of a new 2010 or 2011 ¾ ton 4 wheel drive pickup truck in 2011, not to exceed the total budgeted amount of \$26,000.00.

Vilas County Forestry, Recreation, & Land Committee

s/ Stephen Favorite, Chair

s/ Bob Egan, Vice Chair
s/ Leon Kukanich
s/ Sig Hjemvich
Jack Harrison

Motion by D. Nielsen, seconded by J. Harrison to adopt. Discussion. Motion by R. De Bruyne, seconded by M. Platner to amend the resolution as follows:

Line #15 a new or used 2010 or 2011 ¾ ton 4 wheel drive pickup truck... All voted aye on the amendment. Amendment carried. 19 voted aye on the resolution as amended. 1 no vote: E. Teichmiller. Carried.

RESOLUTION 2010 – 109

RE: Authorization for Sheriff' to purchase (7) new Patrol Vehicles in 2011

WHEREAS, the Vilas County Sheriff has identified the need to purchase seven (7) new patrol vehicles to allow the Sheriff's Department to adequately perform its duties. These seven vehicles will replace seven vehicles within the fleet that have high mileage in 2011; and

WHEREAS, the State of Wisconsin has awarded dealer Ewald Automotive Group the State Bid pricing for the 2011 Dodge Charger Police Package patrol vehicles, and the 2011 Ford Taurus SEL AWD vehicle; and

WHEREAS, the six (6) 2011 Dodge Charger Police Package patrol vehicles will cost \$24,991.00 per vehicle for a cost of \$149,946.00 including delivery, and one (1) 2011 Ford Taurus AWD SEL at a cost of \$24,327.00 including delivery, for the total cost of the vehicles being \$174,273.00; and

WHEREAS, the Vilas County Law Enforcement and Emergency Management Committee recommends the approval of the purchase of the six (6) Dodge Charger Police Package patrol vehicles, and the one (1) Ford Taurus AWD SEL vehicle from the Ewald Automotive Group under the State of Wisconsin Bid.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010, that the Vilas County Sheriff's is authorized to purchase seven (7) new patrol vehicles from the Ewald Automotive Group in 2011 for a total cost of no more than \$174,273.00.

Submitted by: **Law Enforcement & Emergency Management Committee**

s/ Robert Egan, Chair
s/ Alden Bauman, Vice Chair
s/ Jack Harrison
s/ Edward Bluthardt
s/ Emil Bakka

Motion by D. Nielsen, seconded by B. Egan to adopt. Discussion. Motion by L. Thorpe, seconded by K. Rushlow to amend the resolution as follows:

Line #18 ~~purchase~~ bring forward for consideration in the 2011 budget seven (7) new patrol vehicles... 17 voted aye on the amendment. 3 voted no: J. Behling, E. Bluthardt and D. Nielsen. Amendment carried. 18 voted aye on the resolution as amended. 2 no votes: M. Bedish and J. Behling. Carried.

RESOLUTION 2010 – 110

RE: Oldenburg Sports Park: Installation of Sports Lighting of 350' Field; Completion of the South Fields Construction Project

WHEREAS, the Vilas County Forestry Committee has advertised and accepted bids for installation of sports lighting of the 350' field at Oldenburg Sports Park; and

WHEREAS, the Forestry Committee has reviewed three bids for this project and recommends that the County accept the low bid submitted by Superior Electric at a cost of no more than \$125,801.50; and

WHEREAS, the contract creating the South Playing Fields will be completed in the fall of

2010 except for the seeding, fertilizing, and mulching to establish grass which has been delayed due to inadequate funding; and

WHEREAS, the bid process of creating the South Playing Fields included establishing grass the cost of which is to be not more than \$36,225.00; and

WHEREAS, the Forestry Committee requests a “2011 Budget Sizable Appropriation” in the amount of \$162,026.50 to be placed in line item 100.57251.820 – Oldenburg Sports Park, for the purpose of completing the above two projects.

NOW, THEREFORE, BE IT RESOLVED, by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Forestry Committee is authorized to accept the sports lighting of 350’ field bid in the amount of not to exceed \$125,801.50 for the Oldenburg Sports Park and to enter into a contract with Superior Electric for said project.

BE IT FURTHER RESOLVED that the costs of the sports lighting of the 350’ field and the grass establishment on the South Playing Fields, a total of \$162,026.50, be appropriated in the 2011 Budget and placed in Line Item 100.57251.820 – Oldenburg Sports Park for the purpose of completing the two projects.

Submitted by: **Forestry, Recreation & Land Committee**

Stephen Favorite, Chairman
s/ Bob Egan, Vice Chair
s/ Leon Kukanich
s/ Sig Hjemvick
Jack Harrison

Motion by L. Kukanich, seconded by S. Favorite to adopt. Discussion. Motion by E. Bluthardt, seconded by S. Favorite to amend the resolution as follows:

Resolution title **OLDENBURG SPORTS PARK: INSTALLATION OF SPORTS LIGHTING OF 350’ FIELD COMPLETION OF THE SOUTH FIELDS CONSTRUCTION PROJECT**

Lines #1 through #2 ~~WHEREAS, the Vilas County Forestry Committee has advertised and accepted bids for installation of sports lighting of the 350’ field at Oldenburg Sports Park; and~~
Lines # 3, #4 and #5 ~~WHEREAS, the Forestry Committee has reviewed three bids for this project and recommends that the County accept the low bid submitted by Superior Electric at a cost of no more than \$125,801.50.~~

Line #12 amount of ~~\$162,026.50~~ \$36,225.00 to be placed in line item 100.57251.820 ...

Line #13 purpose of completing the above ~~two~~ projects.

Lines #15, #16 and #17 ... ~~the Forestry Committee is authorized to accept the sports lighting of the 350’ field bid in the amount of not to exceed \$125,801.50 for the Oldenburg Sports Park and to enter into a contract with Superior Electric for said project.~~ appropriate \$36,225.00 to be placed in the 2011 budget into expense line item 100.57251.820 – Oldenburg Sports Park, to be expended to complete the seeding, fertilizing, mulching and to establish grass on the South Playing Fields.

Lines #18, #19, #20 and #21 ~~BE IT FURTHER RESOLVED that the costs of the sports lighting of the 350’ field and the grass establishment on the South Playing Fields, a total of \$162,026.50 be appropriated in the 2011 Budget and placed in Line Item 100.57251.820 – Oldenburg Sports Park for the purpose of completing the two projects.~~

16 voted aye on the amendment. 4 voted no: E. Bakka, M. Bedish, S. Hjemvick and D. Nielsen. Amendment carried. Motion by E. Teichmiller, seconded by D. Nielsen to further amend the resolution as follows:

Line #15 the Forestry Committee is authorized to ~~appropriate~~ bring forward for consideration the sum of \$36,225.00 to be placed ...

All voted aye on the amendment. Amendment carried. 17 voted aye on the resolution as amended. 3 voted no: A. Bauman, M. Bedish and D. Nielsen. Carried.

RESOLUTION NO. 2010 - 111

RE: USEPA Brownfield Assessment Grant Application for Hazardous Substances and Petroleum Products

WHEREAS, Federal monies are available under the US Environmental Protection Agency for the assessment and planning for Brownfield; and

WHEREAS, Vilas County recognizes that the assessment, remediation and redevelopment of brownfields is an important part of protecting Wisconsin’s resources; and

WHEREAS, the NCWRPC plans to submit a grant application to conduct environmental assessments and investigations of known and potential hazardous substance and petroleum product brownfields to initiate remediation planning, Vilas County declares its commitment to partner with NCWRPC, its constituent counties, and our local municipalities to complete the grant activities; and

WHEREAS, with this action the Vilas County Board has declared its commitment to participate in, support, and complete the Brownfield Assessment Grant activities described in the application if awarded funds; and

WHEREAS, it is necessary for the Vilas Board of Supervisors to approve these actions; and;

WHEREAS, the Vilas County Board of Supervisors has considered the need for the proposed activities and the benefits to be gained.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September 2010 that: The Vilas County Board of Supervisors does approve and authorize the preparation and submittal of a USEPA Brownfield Assessment Grant Application for Hazardous Substances and Petroleum Products and the subsequent activities in support of an awarded grant.

BE IT FURTHER RESOLVED that the Vilas County Board of Supervisors hereby authorizes the NCWRPC Executive Director to act on behalf of the County in matters concerning this project and to take the necessary steps to prepare, submit, and administer this program in accordance with this the grant application and this resolution.

Vilas County Forestry, Recreation, & Land Committee

Stephen Favorite, Chair
s/ Bob Egan, Vice Chair
s/ Leon Kukanich
s/ Sig Hjemvick
Jack Harrison

Motion by S. Favorite, seconded by J. Harrison to adopt. Discussion. All voted aye. Carried.

RESOLUTION 2010 - 112

RE: WIC Grant Funds and Budget Amendment

WHEREAS, the Division of Public Health, Department of Health Services (“Agency”) has been authorized to make grants/funds available to Vilas County Public Health Department through The WIC (Women, Infants and Children) Grant Program; and

WHEREAS, the Agency has allocated \$7,515.00 to Vilas County for the WIC Program; and

WHEREAS, Vilas County Public Health Department has received these funds due to redistribution of funds at the State level; and

WHEREAS, the Vilas County Public Health Department believes that this grant/revenue will significantly improve the ability of Vilas County to administer the WIC Program and recommends that it be authorized to accept this grant; and

WHEREAS, the Public Health Committee recommends that the 2010 budget be amended to allow for the increased revenue and to authorize a corresponding increase in expenditures as shown below:

Revenue or Expense	Line Item Number	Description	Amount
Revenue	100.47272	WIC Grant	\$7,515.00
Expense	100.54100.703	WIC Grant	\$7,515.00

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Vilas County Public Health Department is authorized to apply for the WIC Grant funds in the amount of \$7,515.00, that the 2010 budget is amended by the amount of the funds received, and the County Clerk is directed to record such information in the official books of the County for the year ending December 31, 2010.

BE IT FURTHER RESOLVED that the County Clerk is instructed to publish a Class 1 notice within 10 days of these amendments informing the public of these particular changes.

Submitted by: **Vilas County Public Health Board**

s/ James Behling, Chair
s/ Alden Bauman
s/ Ronald De Bruyne
s/ Mary Platner
s/ Linda L. Thorpe

Andrew Wilke, MD
s/ Daniel Paretsky, D.V.M.
s/ Colleen Gorrilla
s/ Dawn Gapko/Becky DeMuth

Motion by A. Bauman, seconded by R. De Bruyne to adopt. Discussion. All voted aye. Carried.

RESOLUTION 2010 – 113

Re: Authorization to Purchase Thirteen Patrol Rifles and Associated Equipment in 2011

WHEREAS, the Vilas County Sheriff has identified the need to purchase thirteen (13) new patrol rifles to enhance the safety of its members and the citizens that it serves, and to allow the department to adequately perform its duties; and

WHEREAS, the Vilas County Sheriff has identified the need to acquire associated equipment to enhance and improve-upon the implementation of the patrol rifles, and to be consistent with patrol rifles that are already in service with some of the department members; and

WHEREAS, the Vilas County Sheriff's staff has done considerable research and has found what it believes is the best available prices for the purchase of all of the requested weapons and associated equipment (see attached document); and

WHEREAS, the total cost for the weapons and the associated equipment plus shipping will not exceed \$23,291.07.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September 2010 that the Vilas County Sheriff is authorized to purchase thirteen (13) new patrol rifles and the necessary associated equipment as set forth in the attached document in 2011 for a total cost of no more than \$23,291.07.

Submitted by: **Law Enforcement & Emergency Management Committee**

s/ Robert Egan, Chair
s/ Alden Bauman, Vice Chair
s/ Jack Harrison
s/ Edward Bluthardt
s/ Emil Bakka

Motion by E. Bluthardt, seconded by D. Nielsen to adopt. Discussion. Motion by E. Teichmiller, seconded by L. Thorpe to amend the resolution as follows:

Line #15 authorized to ~~purchase~~ bring forward for consideration in the 2011 budget thirteen ...

All voted aye on the amendment. Amendment carried. All voted aye on the resolution as amended. Carried.

RESOLUTION 2010 – 114

RE: Hiring One Full Time Law Enforcement Clerk Due to a Vacancy

WHEREAS, the Vilas County Sheriff's Department has four Law Enforcement Clerks assigned to the Records Division within the Department; and

WHEREAS, the Vilas County Sheriff has one vacant full-time Law Enforcement Clerk position due to one staff member's retirement; and

WHEREAS, this position needs to be filled, as it is critical to the operation of the Sheriff's Department to meet the agency's statutory obligations in the protection of persons and property and maintaining reports and law enforcement records; and

WHEREAS, the Vilas County Sheriff requests authorization to hire one Law Enforcement Clerk for this vacant position; and

WHEREAS, the starting wage for a Law Enforcement Clerk position is **\$13.35** in wages, all of which is included in the current Sheriff's Department CY2010 Budget; and

WHEREAS, a three-fourths (3/4) majority vote of the Board of Supervisors is necessary for filling a vacancy in a department.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in

September 21, 2010

session this 21st day of September 2010, that the Vilas County Sheriff is authorized to fill the vacant Corrections Officer position within the Department as outlined above.

Submitted by: **Law Enforcement and Emergency Management Committee**

s/ Robert Egan, Chair
s/ Alden Bauman
s/ Jack Harrison
s/ Edward Bluthardt
s/ Emil Bakka

Motion by D. Nielsen, seconded by E. Bakka to adopt. S. Favorite recused himself during the deliberation and action regarding this resolution. Discussion. A $\frac{3}{4}$ majority vote of approval is required for adoption. All voted aye. Carried.

RESOLUTION NO. 2010 - 115

RE: *Reducing potential spread of Asian Carp throughout the Great Lakes Basin*

WHEREAS, Asian carp and other aquatic invasive species within the Great Lakes Basin threaten the ecological integrity, biological diversity, and economic health of the Great Lakes region and surrounding watersheds; and

WHEREAS, the Chicago area navigational locks on the Chicago Sanitary and Ship Canal are the final barrier from which the Asian carp can gain access to the Great Lakes Basin; and

WHEREAS, the documented threat of Asian carp has been known to the US Army Corps of Engineers and the states of Wisconsin and Illinois for several years; and

WHEREAS, if the current species of Asian carp within the Mississippi River Basin enters and establishes a breeding population within the Great Lakes, their presence will have a detrimental effect on the entire Great Lakes ecosystem, including all inland lake tributary river systems.

NOW, THEREFORE BE IT RESOLVED that the Vilas County Board of Supervisors in session this 21st day of September, 2010 supports the Attorney General's efforts to pursue legal remedies to stop Asian carp from entering Lake Michigan, thereby protecting the ecological and economical interests of the inland lake tributary river systems.

BE IT FURTHER RESOLVED that the Vilas County Board of Supervisors urges the Wisconsin Legislature to address the United States Congress to support research to biologically separate Asian carp from entering Lake Michigan through the Chicago Sanitary and Ship Canal.

BE IT FURTHER RESOLVED that Land and Water Conservation Committee forward a copy of this resolution to Senator Holperin, Representative Meyer, and the North Central Land and Water Conservation Association urging them to adopt a similar resolution.

Submitted by: **Land and Water Conservation Committee**

s/ Ralph Sitzberger - *Committee Chair*
s/ Gene Ciszek - *Vice Chair*
s/ Erv Teichmiller
s/ Mary Platner
s/ Dennis Nielsen

Motion by R. Sitzberger, seconded by D. Nielsen to adopt. Discussion. All voted aye. Carried.

RESOLUTION 2010 - 116

RE: Greater Wisconsin Agency on Aging Resources, INC., State Pharmaceutical Assistance Program 2011 GRANT FUNDS

WHEREAS, Greater Wisconsin Agency on Aging Resources, Inc., GWAAR, has made available State Pharmaceutical Assistance Program, SPAP, funds in the amount of \$3,956 for the year 2011; and

WHEREAS, the Vilas County Commission on Aging, COA, has, in previous years, successfully used such funds as applied to Benefit Specialist wages; and

WHEREAS, the COA would, again, use such grant funds to maintain Benefit Specialist services; and

WHEREAS, performance of the COA is outstanding regarding grant funding from

GWAAR; and

WHEREAS, acceptance of such grant funds, if awarded, are contingent on the following approvals:

- Vilas County Corporation Counsel
- Vilas County Commission on Aging
- Vilas County Board of Supervisors

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that we authorize the Vilas County Commission on Aging to accept Greater Wisconsin Agency on Aging Resources, Inc. State Pharmaceutical Assistance Program grant funds in an amount not to exceed \$3,956 for the 2011 COA budget to maintain Benefit Specialist services.

BE IT FURTHER RESOLVED that the Commission on Aging is authorized to apply for future GWAAR State Pharmaceutical Assistance Program grant funding under the same conditions without further approval from the Vilas County Board.

Submitted by: **THE COMMISSION ON AGING**

s/ Erwin G. Teichmiller, Chair
s/ Mary Platner
s/ Fred Radtke
s/ Betty Hansen
s/ Shirley Haws

s/ Chris Main
s/ Robert Meyer
s/ Danielle Montgomery
s/ June Wedell
s / Chris Wise

Motion by E. Teichmiller, seconded by M. Platner to adopt. Discussion. All voted aye. Carried.

AMENDMENT NO. 85 – 233

RE: Horsehead Lake Rezone– Town of Presque Isle, Wisconsin

WHEREAS, from time to time it is necessary to update the Vilas County Zoning Ordinance and maps in order to reflect changes which are deemed appropriate to ensure the public health, safety and welfare; and

WHEREAS, a petition was submitted by Alan Drum, Agent, and received in the Vilas County Zoning Office on July 21, 2010 to amend the official Vilas County Zoning District Map in Sections 2, 3, & 11, Town 43 North, Range 6 East, Town of Presque Isle, Vilas County, Wisconsin, from

RECREATION DISTRICT TO SINGLE FAMILY RESIDENTIAL DISTRICT

WHEREAS, publication of a Class 2 Notice was made as required by Chapter 985, Wisconsin Statutes, and a copy of the notice was mailed by registered mail to the Town Clerk of Presque Isle at least ten days prior to the hearing, proof of which is attached hereto; and

WHEREAS, the Vilas County Zoning and Planning Committee held a public hearing as required by Section 59.69(5)(e)(2), Wisconsin Statutes at the Presque Isle Community Center, Presque Isle, Wisconsin on September 2, 2010 at which time the public was invited to attend and be heard; and

WHEREAS, 2010-6 Resolution was received on August 25, 2010 from the Presque Isle Town Clerk, stating that the Town Board of the Town of Presque Isle recommends a change from Recreation to R-1 for properties with frontage on Horsehead Lake; and

WHEREAS, the Zoning and Planning Committee recommends approval of Horsehead Lake Rezone, excluding the following parcel numbers: 22-126, 22-57, 22-68, 22-68-01, 22-68-02, 22-67, 22-121, 22-122, 22-123, 22-127, 22-341, 22-345, 22-60, 22-61, 22-63, for the reasons as stated at the September 2, 2010 public hearing, including that the residents of the above-listed parcels were either opposed or nonresponsive to the request for the rezoning, and that excluding the above-listed parcels from the rezone will allow continued and future recreational uses on those parcels, including but not limited to rental of properties, which is deemed in the best interest of Vilas County and will enhance the County's tourist-based economy.

NOW THEREFORE, the Vilas County Board of Supervisors in session this 21 day of September, 2010 does ordain as follows:

Section 1: Any existing ordinances, codes, resolutions or portions thereof that conflict with this ordinance amendment shall be and are hereby repealed as far as any conflict exists.

Section 2: The official Vilas County Zoning District Map is revised and amended to change the Zoning District designations, as set forth in the attached documents from Recreation District to Single Family Residential District.

Section 3: This map amendment shall take effect 40 days upon the passage, publication and deliverance of certified copies to the Town of Presque Isle unless allowed by law to take effect before that date.

Section 4: If any claims, provisions or portions of this amendment are adjudged invalid or unconstitutional by a court of competent jurisdiction, the remainder of this amendment shall not be affected thereby.

Submitted by: **Zoning and Planning Committee**

s/ Chris Mayer, Chair
s/ Steve Favorite, Vice Chair
s/ Bob Egan
s/ Fred Radtke
s/ Ralph Sitzberger

Motion by R. Sitzberger, seconded by C. Mayer to adopt. Discussion. A roll call vote found the following 19 members voting aye: Emil Bakka, A. Bauman, Maynard Bedish, James Behling, Edward Bluthardt, Jr., Ronald De Bruyne, Bob Egan, Stephen Favorite, Jack Harrison, Sig Hjemvick, Leon Kukanich, Christopher Mayer, Dennis Nielsen, Fred Radtke, Kathleen Rushlow, Ralph J. Sitzberger, Erv Teichmiller, Linda Thorpe and Charles Rayala, Jr. 1 no vote: Mary Platner. Carried.

General Code of Vilas County
ORDINANCE 2010 – 8A

RE: Chapter 1, General Government: Section 1.05, Highway Commissioner Appointments Procedure

WHEREAS, pursuant to Wis. Stat. §83.01(2), the County Board may establish by ordinance a term of service for the highway commissioner different than the statutory term of two years; and

WHEREAS, the purpose of the attached ordinance is to provide Vilas County with a procedure by which the County Board may elect a Highway Commissioner.

NOW, THEREFORE, THE VILAS COUNTY BOARD OF SUPERVISORS IN SESSION THIS 21ST DAY OF SEPTEMBER, 2010, DOES ORDAIN AS FOLLOWS:

Section 1: Any existing ordinances, codes, resolutions, or portions thereof that are in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: This ordinance shall take effect upon passage and publication as provided by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged invalid or unconstitutional by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected thereby.

Section 4: Chapter 1 of the Vilas County General Code, Vilas County is hereby amended as set forth in the attached document, by the creation of Section 1.05, Highway Commissioner Appointments Procedure.

Submitted by: **Personnel Committee**

s/ Linda L. Thorpe, Chair
s/ James Behling
s/ Emil Bakka
s/ Bob Egan
s/ Sig Hjemvick

Motion by L. Thorpe, seconded by L. Kukanich to adopt. Discussion. 19 voted aye. 1 no vote: E. Bluthardt. Carried.

RESOLUTION 2010 - 117

RE: Amendment of Standing Rules for Vilas County

WHEREAS, the Legislative and Judicial Committee has re-evaluated the Standing Rules

and Committee Duties of the Vilas County board of Supervisors in force at the present and deems it necessary to further update them to increase efficiency and service to the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the attached changes to the Standing Rules and Committee Duties be adopted effective immediately.

BE IT FURTHER RESOLVED, that any resolutions adopted by the County Board in the past governing the subject matter of this resolution are hereby rescinded and repealed.

Submitted by: **Legislative & Judicial Committee**

s/ Christopher Mayer, Chair

Sig Hjemvick

s/ James Behling

s/ Gene Ciszek

s/ Stephen Favorite

Motion by S. Favorite, seconded by C. Mayer to adopt. Discussion. 18 voted aye. 2 no votes: E. Bluthardt and E. Teichmiller. Carried.

RESOLUTION 2010 – 118

RE: Payroll, Benefits & Accounts Payable Coordinator Vacancy

WHEREAS, the County Clerk's Office will have a vacancy due to the retirement of the Payroll, Benefits & Accounts Payable Coordinator at the end of 2010; and

WHEREAS, this position is responsible for, in addition to other financial tasks, the coordination and implementation of all employee wage and benefit calculations and tracking including biweekly payroll procedures (see attached position description); and

WHEREAS, this position is also responsible for all aspects of Accounts Payable procedures and record keeping; and

WHEREAS, the Payroll, Benefits & Accounts Payable Coordinator hourly wage is \$23.76 (\$49,420.80 annually) and the total annual cost for benefits is \$29,991.60 (total wages and benefits \$79,412.40), all of which is included in the approved 2010 Department Budget; and

WHEREAS, the Finance & Budget Committee recommends that this upcoming vacancy be filled; and

WHEREAS, a three-fourths (3/4) majority vote of the Board of Supervisors is necessary for filling a vacancy in the department.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010, that the Personnel Committee is authorized to hire an individual for the Payroll, Benefits & Accounts Payable Coordinator position.

Submitted by: **Finance & Budget Committee**

s/ Kathleen Rushlow, Chair

s/ Edward Bluthardt, Jr.

s/ Christopher Mayer

s/ Charles Rayala, Jr.

s/ Linda Thorpe

Motion by L. Thorpe, seconded by J. Harrison to adopt. Discussion. Motion by K. Rushlow, seconded by E. Bluthardt to amend the attached job description under Minimum Training and Experience Required as follows:

Bachelor's degree and three or more years experience in accounting or related field. ~~Or any combination of education and experience that provides equivalent knowledge, skills and abilities.~~ Administrative management experience is highly desirable.

12 voted aye on the amendment. 8 voted no: A. Bauman, J. Behling, R. De Bruyne, S. Favorite, C. Mayer, C. Rayala, R. Sitzberger and E. Teichmiller. Amendment carried. Motion by L. Thorpe, seconded by K. Rushlow to further amend the resolution as follows:

Lines # 8, #9 and #10 ~~WHEREAS, the Payroll, Benefits & Accounts Payable Coordinator hourly wage is \$23.76 (\$49,420.80 annually) and the total annual cost for benefits is \$29,991.60 (total wages and benefits \$79,412.40), all of which is included in the approved 2010 Department Budget;~~

and WHEREAS, the Personnel Committee recommends a salary range for this position as follows: \$41,600.00 to \$49,420.80 in annual wages (\$20.00 per hour to \$23.76 per hour) plus applicable benefits; and

Line # 17 individual for the position of Payroll, Benefits & Accounts Payable Coordinator position as outlined above and further set forth in the attached job description, and within the following salary range: \$41,600.00 to \$49,420.80 in annual wages (\$20.00 per hour to \$23.76 per hour) plus applicable benefits.

All voted aye on the amendment. Amendment carried. A ¾-majority vote of approval is required for adoption. All voted aye on the resolution as amended. Carried.

RESOLUTION 2010 – 119

RE: Authorizing the Hiring of Outside Legal Counsel and Transfer from General Fund for Legal Fees

WHEREAS, a lawsuit has been filed in Vilas County Circuit Court against Vilas County, alleging claims of negligence, nuisance and trespass in connection with past storage of road salt at the old highway shop in Boulder Junction (Cira/Weismann v. Vilas County et. al. Case No. 2010CV259); and

WHEREAS, Wisconsin County Mutual Insurance Company, Vilas County's insurance carrier, is alleging no coverage for this matter under a pollution exclusion in Vilas County's insurance policy; and

WHEREAS, the Corporation Counsel Office lacks the resources, expertise and time to adequately handle the defense of this case; and

WHEREAS, due to the complex nature of this litigation, the Executive, Ethics and Insurance Committee recommends the hiring outside legal counsel to handle the County's defense and specifically recommends the hiring of the Eckert Kost law firm, a Rhinelander firm that represented the County in a related matter several years ago; and

WHEREAS, while the complete expense of this litigation is unknown at this time, it is recommended that \$10,000.00 be transferred from the General Fund to cover the initial cost of the County's defense, as this cost was not previously budgeted; and

WHEREAS, a two-thirds vote of the entire membership of the Vilas County Board of Supervisors is required for a transfer of money from the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Executive, Ethics and Insurance Committee is authorized to retain the law firm of Eckert Kost LLP to represent the County in the Cira/Weissman litigation.

BE IT FURTHER RESOLVED, that \$10,000.00 be transferred from the General Fund to the Corporation Counsel's outside legal services budget line item in order to cover the initial costs of said defense.

Submitted by: **Finance Committee**

s/ Kathleen Rushlow

s/ Chris Mayer

s/ Ed Bluthardt

s/ Charles Rayala

s/ Linda L. Thorpe

Motion by A. Bauman, seconded by L. Thorpe to adopt. Discussion. A ¾ majority vote of approval is required for adoption. All voted aye. Carried.

RESOLUTION 2010 - 120

RE: 2011 SOFTWARE AND CONFIGURATION PROJECT FOR INTERNET ACCESS TO VILAS COUNTY PUBLIC RECORDS

WHEREAS, the new change to a flat fee for recording documents (Wisconsin Act 314 which amends s.59.72) and the appropriate disbursement of those funds requires updates in technology to provide access to public records through the internet; and

WHEREAS, Vilas County public records must be available on the internet with social security numbers redacted in order to continue to participate in the Wisconsin Land Information Program which authorizes Vilas County to collect retained fees and apply for grants; and

WHEREAS, this project involves significant planning and budget resources from four departments working together, to successfully complete this project; and

WHEREAS, the Vilas County Register of Deeds, Treasurer, Information Technologies and Mapping Department have identified a need to purchase software and configuration services that will permit public access to the recorded documents in a secure environment that will meet statutory requirements for retained fees [s.59.72 (3) b]; and

WHEREAS, the Vilas County Register of Deeds is required to retain fees for recorded documents per [s.59.72 (5) b], and under Act 314 an additional \$1 per document is collected specifically to be used for the development of public access to land information; and

WHEREAS, \$20,000.00 is the maximum projected cost for the software and configuration services; and

WHEREAS, the funding for this project will be budgeted in the following manner:

Land Records (public access fees)	\$8,000.00
Register of Deeds (department budget)	\$8,500.00
Treasurer or IT (department budget)	\$3,500.00

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the software and configuration project providing internet access to public records by the Vilas County Register of Deeds, Treasurer, Information Technology, and Mapping Departments be approved for implementation in 2011 as detailed in the attached document, at a cost not to exceed \$20,000.00.

Submitted by: **Finance Committee**

Public Property Committee

s/ Kathleen Rushlow, Chair
s/ Chris Mayer
s/ Charles Rayala
s/ Linda Thorpe
s/ Edward Bluthardt

s/ Ron De Bruyne, Chair
s/ Jim Behling
s/ Charles Rayala
s/ Kathleen Rushlow
s/ Linda Thorpe

Motion by L. Kukanich, seconded by C. Mayer to adopt. Discussion. All voted aye. Carried.

RESOLUTION NO. 2010-121

RE: 2011 Budget – Reduction of Labor and Benefit costs

WHEREAS, there is a current economic recession resulting in declining revenues to Vilas County and a reduction in the ability of the property taxpayer to bear ever increasing costs of Vilas County Government; and

WHEREAS, declining revenues have created a financial hardship in balancing annual budgets; and

WHEREAS, Vilas County has decreased the operations portion of the budget by 5% in the past year in an effort to balance the budget; and

WHEREAS, Vilas County needs to reduce the cost of labor by 5% as an effective measure in balancing the budget; and

WHEREAS, Vilas County has an opportunity to continue to deliver services to the residents of Vilas County at a reduced cost to the taxpayer by implementing furlough days, reduction in work hours or layoffs; and

WHEREAS, the 2010 Wages and Benefits budget totals were \$14,242,361.30 and 5% of that amount would equal \$712,118.06; and

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Finance and Budget Committee shall reduce the labor portion of the 2011 budget by 5% ; and

BE IT FURTHER RESOLVED that all Departments shall report to the Finance and Budget Committee their preferred option to reduce labor cost whether by furlough days, reduction in work hours, layoffs or any other option that would result in reduced labor costs.

Submitted by:

s/ Charles Rayala, Jr. Chairman
s/ Steven Favorite, Vice Chairman
s/ Alden Bauman, Second Vice Chairman

This resolution was withdrawn from consideration by the signators.

RESOLUTION 2010-122

RE: Replacement and Updating of Boilers and HVAC Controls for the Courthouse and Justice Center

WHEREAS, the need to replace the boilers and related systems utilized to heat the Courthouse and Justice Center was identified as part of the recent building expansion study; and

WHEREAS, the need to upgrade the Courthouse and Justice Center heating, ventilation and air conditioning (HVAC) system was also identified; and

WHEREAS, significant immediate improvements in heating plant and HVAC operating efficiencies and utilization will occur in conjunction with a reduction of annual operating costs over the long term; and

WHEREAS, a portion of the necessary boiler and HVAC design and engineering, conducted by a subcontractor of Potter Lawson Architects identified as Engineering 370 LLC, has already taken place as a result of the recent building expansion design concept; and

WHEREAS, in an effort to not duplicate previously completed tasks, it would be advantageous to Vilas County to contract with Engineering 370 LLC to complete the engineering, construction document, bidding and construction phases of this project at a proposed cost of \$36,500.00 (attached; price is valid for 60 days); and

WHEREAS, it would be of further advantage to Vilas County to continue to retain The Samuels Group in the capacity of Owner's Representative to oversee all phases of this project at a proposed cost of \$8,750.00 (attached); and

WHEREAS, total project contingency costs are estimated to total \$74,756.00; and

WHEREAS, the boiler replacement and HVAC upgrade were previously projected to cost \$471,877.00 and \$230,433.00 respectively, which in addition to the above projected engineering, project over site and contingency costs increases the total estimated project cost to \$822,316.00 (attached); and

WHEREAS, funding of this project will require the borrowing of sufficient funds in 2011, subject to County Board approval; and

WHEREAS, a 2/3rd majority vote is necessary to approve of building projects.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 21st day of September, 2010 that the Replacement and Updating of Boilers and HVAC Controls for the Courthouse and Justice Center are approved.

BE IT FURTHER RESOLVED that a Capital Projects budget line be established in the 2010 and 2011 budgets to allow for the expensing of funds to move forward with the engineering, construction document, bidding and construction and project over site phases of this project prior to the borrowing of funds in 2011.

Submitted by:

s/ Ron De Bruyne
s/ Charles Rayala, Jr.

Motion by D. Nielsen, seconded by L. Kukanich to adopt. Discussion. All voted aye. Carried.

**GENERAL CODE OF VILAS COUNTY
ORDINANCE 2010 -9A**

RE: Chapter 9 Public Peace and Order

WHEREAS, proposed amendments to Chapter 9, which contains public peace and order, have been completed for review by the County Board; and

WHEREAS, the Legislative & Judicial and Public Health Committees recommend that Chapter 9 of the Vilas County General Code be amended by the creation of a new section 9.30, Humane Officer, as set forth on the attached page.

NOW, THEREFORE, THE VILAS COUNTY BOARD OF SUPERVISORS IN SESSION THIS 21ST DAY OF SEPTEMBER, 2010 DOES ORDAIN AS FOLLOWS:

Section 1: Any existing ordinances, codes, resolutions, or portions thereof that are in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: This ordinance shall take effect upon passage and publication as provided by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged invalid or unconstitutional by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected thereby.

Section 4: Chapter 9, Public Peace and Order, is hereby amended by the creation of a new section 9.30 (Humane Officer), as set forth on the attached page.

**Submitted by:
Legislative & Judicial Committee**

s/ Christopher Mayer, Chair
Sig Hjermvick
s/ James Behling
s/ Gene Ciszek
s/ Stephen Favorite

**Submitted by:
Public Health Board**

s/ James Behling, Chair
s/ Alden Bauman
s/ Ronald De Bruyne
s/ Mary Platner
s/ Linda L. Thorpe
Andrew Wilke, M.D.
s/ Daniel Paretsky, D.V.M.
s/ Colleen Gorrilla
s/ Dawn Gapko/Becky DeMuth

Motion by C. Mayer, seconded by A. Bayman to adopt. Discussion. All voted aye. Carried.

Appointments to Land Information Council - Motion by K. Rushlow, seconded by E. Bluthardt to approve the Chair's appointments of Thomas Boettcher, James Mulleady and Gary Peske as members of the Land Information Council. All voted aye. Carried.

Committee Reports - Vilas County Economic Development Corp. Director Dick Leinenkugel reported that area business retention and expansion and increased employment opportunities are the main focus of that group. An RFP will soon be released in the search for a local provider of broadband internet service. The Corporation's recent formation of an Angel Network garnered state and national media attention. S. Favorite reported that the Forestry Committee continued to move ahead with the environmental assessment of the tax delinquent Nagel Lumber Co. properties in Land O' Lakes.

Letters and Communications - S. Hjermvick felt that the continued submission of late resolutions to the County Board was adversely impacting the Board member's abilities to properly consider all possible impacts and ramifications contained in each resolution in a thorough and timely manner.

Pay per Diem - Motion by A. Bauman, seconded by R. Sitzberger to approve payment of per diem. All voted aye. Carried.

E. Bakka \$77.00, A. Bauman \$95.50, M. Bedish \$54.50, J. Behling \$49.00 Bluthardt \$52.00, R. De Bruyne \$77.00, B. Egan \$56.00, S. Favorite \$53.00, J. Harrison \$96.00, S. Hjermvick \$66.00, L. Kukanich \$52.00, C. Mayer \$86.40, D. Nielsen \$68.00, M. Platner \$58.00, F. Radtke \$62.00, C. Rayala \$86.00, K. Rushlow \$50.50, R. Sitzberger \$72.00, E. Teichmiller \$72.00, L. Thorpe \$47.00.

Adjournment - Motion by L. Kukanich, seconded by J. Harrison to adjourn. All voted aye. Carried. Meeting adjourned at 12:13 P.M.

Prepared and submitted by:

September 21, 2010

David R. Alleman, Vilas County Clerk