

**FOREST COUNTY BOARD OF SUPERVISORS PROCEEDINGS  
NOVEMBER 10, 2014**

**CALL TO ORDER**

The regular meeting of the Forest County Board of Supervisors was held on November 10, 2014, in the County Board Room at the Courthouse in Crandon, Wisconsin. Chairman Millan called the meeting to order at 7:00 p.m. The Pledge of Allegiance was given by all present. The Clerk, Lisa Kalata, read the agenda.

**ROLL CALL**

Present: Albrecht, Berg, Campbell, Chaney, Collins, Connors, Dailey, Gifford, LeMaster, Lukas, Millan, Otto, Savard, Shaffer, Sommer, Stamper, Tauer, absent, Cleereman, Dehart, Landru, & Stormer (4).

**APPROVAL OF AMENDED AGENDA**

Motion by Stamper, seconded by Albrecht to approve the amended agenda as read. All present voting AYE (17); absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Agenda approved.

**APPROVE MINUTES FROM OCTOBER 21, 2014 MEETING**

Motion by Chaney, seconded by Dailey to approve the October 21, 2014 minutes as presented. All present voting AYE, (17); absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried.

**PUBLIC HEARING-2015 BUDGET**

Motion by Lukas, seconded by Sommer to open the Public Hearing for the 2015 budget. All present voting AYE, (17); absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried.

Chairman Millan asked the clerk to summarize the budget. The clerk explained that the mill rate for 2015 is \$4.71 and the total levy amount is \$5,356,447. There were no questions from the public.

Motion by Berg, seconded by Connors to close the public hearing. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried.

**COMMUNICATIONS ON FILE WITH BOARD**

None

**PERSONAL APPEARANCES**

Pam Parkkila from the ADRC of the Northwoods was not available due to the weather. She will be invited to the next County Board meeting.

Chairman's report-Chairman Millan reported that due to an upcoming retirement in 2015 the ADRC and COA will be working with the State to see if it is possible to combine the two departments. Also that it is difficult to balance the budget when we have delinquent taxes, lower equalized values and no increase in industry.

**APPOINTMENTS OR ELECTIONS**

None

## **RESOLUTIONS**

### **Resolution 30-2014 – Presented by Finance & Public Property Committee**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE, BE IT RESOLVED** by the Forest County Board of Supervisors that the County Board hereby accepts the recommended budget of the Finance Committee, a true and correct copy of which has been received by the members of the Forest County Board of Supervisors and which is on file in the County Clerk's office and which shall be published in the Forest Republican pursuant to Wisconsin Statutes, Chapter 59.60.

Motion by Dailey, seconded by Lukas to approve the resolution as presented. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Resolution adopted as read.

### **Resolution 31-2014 – Presented by Commission on Aging Committee**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE, BE IT RESOLVED** by the Forest County Board of Supervisors in session this 10th day of November 2014, that the Coordinator for the Office On Aging, namely Gayle Webster, is hereby authorized and directed to prepare and submit to the Wisconsin Department of Transportation, an application for assistance to provide transportation services to the elderly and handicapped during 2015, all pursuant to Sec. 85.21 of Wisconsin Statutes and further, in conformation with the rules and regulations promulgated by the Department of Transportation.

**BE IT FURTHER RESOLVED** that the Forest County Board of Supervisors hereby authorizes the obligation of county funds in the amount not to exceed 20% of that amount allocated to the county by the grant referred to above, in order to provide the required local matching funds.

**BE IT FURTHER RESOLVED** by the Forest County Board of Supervisors that the County Board Chairman and the County Clerk are hereby authorized and directed to execute a State Aid Contract with the Wisconsin Department of Transportation, all pursuant to Wisconsin Statutes Sec. 85.21 in order to accomplish the foregoing.

Motion by Savard, seconded by Collins to approve the resolution as presented. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Resolution adopted as read.

### **Resolution 32-2014 – Presented by Personnel Committee**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE BE IT RESOLVED**, by the Forest County Board of Supervisors that Appendix H, addressing Flex Time and Guidelines for Implementation, of the Employee Handbook should be amended granting flex time credits for hours worked in excess of forty-three (43) hours in a work week exclusive of paid time off and any time spent attending work meetings after normally scheduled work hours.

**BE IT FURTHER RESOLVED** that all other guidelines of Appendix H remain in full force and effect.

Motion by Shaffer, seconded by Dailey to approve the resolution as presented. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Resolution adopted as read.

### **Resolution 33-2014 – Presented by Sheriff & Justice Committee**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE, BE IT RESOLVED BY THE FOREST COUNTY BOARD OF SUPERVISORS** in session this 10th day of November, that an application be made to the State of Wisconsin for aid as provided for in Wis. Stats. 20.455(kt), (ku) and (kw) and law enforcement duties of the Sheriff arising by reason of federal legislation transferring jurisdiction over Indian criminal matters to the State of Wisconsin. Said expenses are anticipated to be incurred as a result of providing law enforcement and protection to the two (2) federally recognized Indian Reservations located within the corporate boundaries of Forest County, Wisconsin.

**BE IT FURTHER RESOLVED**, that the application be for the year beginning January 1, 2015 through and including December 31, 2015, and that the agreements of the Sheriff and Forest County be incorporated herein by reference as if fully set forth herein.

Motion by Collins, seconded by Stamper to approve the resolution as presented. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Resolution adopted as read.

### **ORDINANCE**

**Ordinance No. 04-2014 – Presented by Land & Water Resources Committee**

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE FOREST COUNTY BOARD OF SUPERVISORS** as follows:

#### **SECTION I. PUBLIC NUISANCE - DEFINED**

A public nuisance is any condition which is injurious to health, offensive to the senses or interferes with the safe use of public or private property.

#### **SECTION II. PUBLIC NUISANCE - PROHIBITED**

Whoever by his act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a nuisance:

1. Maintains or permits a condition herein defined as a public nuisance which unreasonably injures or endangers the safety or health of the public.
2. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

#### **SECTION III. PUBLIC NUISANCES AFFECTING HEALTH AND SAFETY**

The following are hereby declared to be public nuisances affecting health:

1. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purpose or the keeping of such waste, refuse, or garbage in such manner as to create noxious fumes or odors affecting adjoining or public property.
2. Failure to maintain the exterior or interior or any structure used for human habitation or storage purposes so as to avoid health hazards.
3. Allowing any discharge into the environment or toxic or noxious materials in such concentrations as to endanger the public health.
4. Causing or allowing the effluent from any cesspool, septic tank, drainfield or sewage disposal system to discharge upon the surface of the ground.

5. Causing or allowing the contamination of any well, cistern, stream, lake or other materials or substance.
6. Failure to comply with any law or rule regarding sanitation and health including, but not limited to:
  - a. plumbing;
  - b. water supplies, including wells and surface waters;
  - c. waste disposal; and
  - d. storage of chemical pesticides or herbicides.
7. Any property that maintains two or more unlicensed, inoperable motor vehicles or two or more unused and inoperable appliances within 50 feet of adjoining properties unless the offending property is completely screened from view with fencing or vegetation.
8. Failure to maintain vegetation, including, but not limited to, lawns exceeding the height of seven (7) inches, weak, diseased or dying trees that threaten the property of others or obstructs the view or movement of vehicles and pedestrians.
9. Allowing the proliferation of noxious, nuisance or invasive plant species or vegetation.
10. Failure to prevent erosion from dust or the blowing or scattering of dust particles from unvegetated areas.
11. Failure to prevent erosion where the movement of soil or water crosses a property line or into any legal setback.

#### SECTION IV. ENFORCEMENT

It shall be the duty of the Forest County Health and Zoning Committees, by and through their Forest County Nursing Service and Zoning Administrator to enforce the provisions of this ordinance and the Nursing Service or Zoning Administrator are hereby delegated authority to enforce the provisions of this ordinance, including the power to inspect private premises, issue orders for abatement, issue citations for violation of this ordinance. The officers charged with the enforcement of this ordinance must take all reasonable precaution to prevent the commission and maintenance of public nuisances that exist in Forest County.

#### SECTION V. ENFORCEMENT PROCEDURE

Whenever, in the judgment of the officer charged with enforcement, or upon request by the local governing body (city, village or township) where said entity believes that a health and safety issue is deemed a concern, it is determined upon investigation that a public nuisance is being maintained or exists within the County, such officer:

1. Shall notify, in writing, the person committing or maintaining such nuisance and abate such nuisance and remove such conditions or remedy such defect. Said written notice shall be served upon the person committing or maintaining said nuisance in person or by registered mail.

If upon the exercise of reasonable diligence the officer is unsuccessful in serving the person committing or maintaining such nuisance by personal service or is unsuccessful in obtaining service through registered mail, or if the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises for a period of at least three (3) days.

Said Notice shall require the owner or occupant of said premises or both, to take reasonable steps within a reasonable time to abate or remove said nuisance. The maximum time for removal of said nuisance after service of notice cannot exceed thirty (30) days. Service of notice may be proved by filing an affidavit of service with the County Clerk of Forest County, setting forth the manner and time notice was given to the person alleged to have committed or maintained said nuisance.

2. The officer charged with the enforcement of this ordinance may issue a citation for violation of this ordinance at the time the notice is served or any time thereafter until the order to abate has been complied with. The citation shall be in the form prescribed by the County Clerk and Corporation Counsel.

The fine as set forth herein shall double upon the issuance of a second citation for the same offense.

3. Subsequent citations may be issued for each day the nuisance remains in existence or subsequent to the time for removal set forth in the notice as provided for herein under Section V (1).  
When the order to abate is contained in a notice and has not been complied with, such noncompliance shall be reported to the Corporation Counsel or the District Attorney for such action as may be necessary and deemed advisable in the name of the Forest County Board of Supervisors to abate and enjoin the further continuation of said nuisance.

#### SECTION VI. ABATEMENT OF SAID NUISANCE

If , after service of notice as provided for in Section V, the person served fails to abate the said nuisance or make the necessary repairs, alterations or changes in accordance with the order of the officer who serves said notice then, in addition to other remedies provided herein, the officer may cause such nuisance to be abated at the expense of the county and recover said expenditure by civil action against the person or persons served; or if service has been had upon the owner or occupant, by ordering the clerk to extend said sum as a special tax against the property upon which the nuisance exists and certifying the same to the county for collection in the same manner as taxes and special assessments are certified and collected.

#### SECTION VII. PENALTIES

Any person who shall cause or create a nuisance as defined herein, or as declared specifically herein, or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this ordinance, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or imprisoned in the County jail for not more than sixty (60) days, or both.

#### SECTION VIII. SEPARABILITY

Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

#### SECTION IX. CONFLICTING ORDINANCE REPEALED

This ordinances or resolutions or parts of ordinances or resolutions that conflict herewith are hereby repealed.

#### SECTION X. EFFECTIVE DATE

That this Ordinance shall take effect and be in full force and effect upon its adoption and publication pursuant to law.

Dated this 10th day of November, 2014.

/s/Paul Millan  
Paul Millan  
Forest County Board Chairman

ATTEST:

/s/ Lisa Kalata  
Lisa Kalata  
Forest County Clerk

Motion by Berg, seconded by Campbell to approve the ordinance as presented. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Ordinance adopted as read.

#### ANNUAL REPORTS

Motion by Albrecht, seconded by LeMaster to put the Treasurer's Report on file with the Clerk. All present voting AYE, (17), absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried.

#### ADJOURNMENT

There being no further business, Motion by Shaffer, seconded by LeMaster to adjourn. All present voting AYE (17); absent, Cleereman, Dehart, Landru, & Stormer (4). Motion carried. Meeting adjourned at 8:03 p.m.

The foregoing is a condensed version of the minutes from the November 10, 2014 meeting of the Forest County Board of Supervisors. The complete proceedings are on file and available for inspection in the office of the Forest County Clerk.

These minutes are not official and are subject to change. They will be officially approved at the February 17, 2015 Forest County Board of Supervisors meeting.

Lisa Kalata  
Forest County Clerk