

# **FOREST COUNTY BOARD OF SUPERVISORS PROCEEDINGS**

**April 19, 2016**

## **CALL TO ORDER**

The organizational meeting of the Forest County Board of Supervisors was held on April 19, 2016, in the County Board Room at the Courthouse in Crandon, Wisconsin. Chairman Millan called the meeting to order at 1:00 p.m. The Pledge of Allegiance was given by all present. The Deputy Clerk, Nora Matuszewski, read the agenda

## **ROLL CALL**

Present: Berg, Bunda, Campbell, Chaney, Collins, Connors, Jr., Dailey, Dehart, Gallion, Houle, Huettl, Karl, Laabs, LeMaster, Lukas, Millan, Otto, Shaffer, Stamper (19); absent, Matuszewski & Tauer (2).

## **OATH OF OFFICE**

Paul J. Payant, Corporation Counsel, Administered the Oath of Office to the members present. Let the record show, the oath has been accepted by all supervisors present and they are hereby verified to hold office.

## **INTRODUCTION OF NEW MEMBERS**

Chairman Millan congratulated the new County Board members and asked them to introduce themselves. The following new board members introduced themselves: Dan Huettl, Ron Karl, Steve Bunda, Kris Houle & Kellee Gallion (5); absent, Jack Matuszewski (1).

## **APPROVAL OF AGENDA**

Motion by Stamper, seconded by Berg to approve the agenda as presented. All in present voting AYE (19); absent, Matuszewski & Tauer (2). Motion carried. Agenda approved as presented.

## **APPROVE MINUTES FROM THE FEBRUARY 16, 2016 MEETING**

Motion by Campbell, seconded by Chaney to approve the February 16, 2016 minutes as presented. All in favor voting AYE (19); absent, Matuszewski & Tauer (2). Motion carried.

## **COMMUNICATIONS ON FILE WITH BOARD**

A letter from the Department of Transportation was given to the board members in their packet, which was read by the Clerk. Correspondence from Tom Tiffany, UW Extension and WCA was given to the board members in their packets. Motion by Otto, seconded by Dailey to put the communications on file with the County Clerk. All present voting AYE (19); absent, Matuszewski & Tauer (2). Motion carried.

## **APPOINTMENTS OR ELECTIONS**

Chairman Millan turned the meeting over to 1<sup>st</sup> Vice Chair Lukas to conduct the voting for County Board Chair Position.

**CHAIRMAN**

The clerk read a letter of application from Paul I. Millan District #4 Supervisor. Chairman Lukas called three (3) times for any other nominations. None were given. Motion by Berg, seconded by LeMaster that nominations be closed and a unanimous ballot be cast for Paul I. Millan. All present voting AYE (19); absent, Matuszewski & Tauer (2). Motion carried.

### **1<sup>st</sup> VICE CHAIR**

The Clerk read a letter of application from Terry Lukas, District #9 Supervisor. Chairman Millan called three (3) times for any other nominations. None were given. Motion by LeMaster, seconded by Berg that nominations be closed and a unanimous ballot be cast for Terry Lukas. All present voting AYE (19); absent, Matuszewski & Tauer (2).

### **2<sup>nd</sup> VICE CHAIR**

The Clerk read letters of application from Bucky Dailey & William Chaney. Chairman Millan called three (3) times for any other nominations. None were given. Motion by Connors, seconded by Collins to close nominations to the floor and cast signed ballots for the position. All present voting AYE (19); absent, Matuszewski & Tauer (2). Tellers Shaffer and Dehart collected the ballots. Chaney received twelve (12) votes, Dailey received six (6) votes and there was one (1) not voted on. Chaney is elected as 2<sup>nd</sup> Vice Chair.

### **HIGHWAY COMMITTEE-THREE (3) MEMBERS**

The Clerk read letters of application from Terry Lukas, Don LeMaster and William Connors, Jr. Millan called three (3) times for any other nominations. None were given. Motion by Berg, seconded by Bunda to close nominations and cast a unanimous ballot for Lukas, LeMaster, and Connors. All present voting AYE (19); absent, Matuszewski & Tauer (2).

### **EXECUTIVE COMMITTEE-TWO (2) MEMBERS**

The Clerk read letters of application from Collins and LeMaster. Dailey nominated William Connors, Jr. Chairman Millan called three (3) times for any other nominations. None were given. Motion by Berg, seconded by Dailey to close nominations to the floor and cast signed ballots for the position. All present voting AYE (19); absent Matuszewski & Tauer (2). Chairman Millan asked for all members to vote for two (2) of the three (3) nominees by signed ballot. Tellers Shaffer and Dehart collected the ballots. LeMaster received sixteen (16) votes, Cheri Collins received thirteen (13) votes, and Connors, Jr., received eight (8) votes. LeMaster and Collins are elected to the committee.

### **ITBEC BOARD & TOURISM**

Motion by Lukas, seconded by LeMaster to appoint Millan, Chaney & Otto. All present voting AYE (19); absent, Matuszewski & Tauer (2).

### **PERSONAL APPEARANCES**

Chairman's Report:

Clerk read the Certification of Election, which certified the election on April 5, 2016. The certification lists all of the supervisors that were elected, their districts and their term of office that runs from the 3<sup>rd</sup> Tuesday of April 2016 to the 3<sup>rd</sup> Tuesday of April 2018. The certification will be held on file at the County Clerks' Office.

Chairman Millan discussed the reason for the two board members absence. There was also some discussion on the Sports Show for 2017 and the possibility of different avenues of

promoting the county. Lukas asked that all decisions pertaining to the Sports Show be brought back to committee before any action would be taken.

### **RESOLUTIONS**

#### **Resolution No. 8-2016 – Presented by Executive 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 Paul Millan, Forest County Board Chairman, shall hereby sign a Proclamation declaring the month of April 2016 to be Fair Housing Month in Forest County.

Motion by Berg, seconded by Laabs to approve the resolution as presented. All present voting AYE (19); absent, Matuszewski & Tauer (2). Resolution adopted as read.

#### **Resolution No. 9-2016 – Presented by Advertising Committee**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE, BE IT RESOLVED** that the Forest County Board of Supervisors accept the recommendation of the Advertising Committee and hereby approves the attached County Logo.

Motion by Connors Jr., seconded by Collins to approve the resolution as presented. All present voting AYE (19); absent, Matuszewski & Tauer (2). Resolution adopted as read.

#### **Resolution No. 10-2016 – Presented by Executive 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 Deputy Nora Matuszewski is hereby appointed as Forest County Clerk to fill the vacancy caused by the resignation of the current Clerk, Lisa Kalata, for the balance of her term.

Motion by Lukas, seconded by Stamper to approve the resolution as presented. All present voting AYE (19); absent, Matuszewski & Tauer (2). Resolution adopted as read.

#### **Resolution No. 11-2016-Presented by the County Board Chairman**

**RESOLVED** by the Board of Supervisors of Forest County, Wisconsin, That **NOW, THEREFORE, BE IT RESOLVED** that the Forest County Board of Supervisors shall provide funding in the amount of \$5,000.00 this year to match the donation of the anonymous donor to support the efforts of the Forest County Humane Society.

Motion by Berg, Seconded by Dailey to approve the resolution as presented. All present voting AYE (13); Bunda, Abstain (1); Campbell, Chaney, Connors Jr., Huettl & Millan, NO (5); absent, Matuszewski & Tauer (2). Motion carried. Resolution adopted as read.

### **ORDINANCES**

#### **Ordinance No. 02-2016-Presented by Land Sales Committee**

**WHEREAS**, pursuant to Ordinance No. 03-2013 the Forest County Board of Supervisors delegated the authority to sell or convey tax deeded lands to the Land Sales Committee by any manner and upon such terms as authorized by law under Sections 75.35 and 75.69, Wis. Stats.; and

WHEREAS, the Land Sales Committee believes it is in the best interests of Forest County to delete the 03-2013 Ordinance in its entirety and replace it with this updated ordinance for the acquisition, management and sale of tax deed property.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE FOREST COUNTY BOARD OF SUPERVISORS that Ordinance No. 03-2013 is hereby deleted and in lieu thereof adopts the following policy for the acquisition, management and sale of tax deed property:

Section I. Acquisition of property by tax deed.

The County may initiate procedures to acquire tax deed for tax delinquent real estate by the “Notice of Application for Tax Deed” process, as set forth by Section 75.12, Wis. Stats., or by “Foreclosure of Tax Liens by Action In Rem” as set forth by 75.521, Wis. Stats. After the expiration of time required by law for the redemption of the tax certificate or judgment, the County Treasurer shall promptly provide a list of tax delinquent properties to the Land Sales Committee, which identifies the location, acreage, improvements, assessed value and any known or suspected defects that affect the property’s value (environmental, structural, easements, etc.). Upon review, the Land Sales Committee shall select which properties the County Treasurer will include in a resolution to the County for the issuance of a deed.

Section II. Securing the tax deed property.

Upon taking tax deed, the County Treasurer shall ensure that the property is secured by undertaking the following actions:

- a. Send notice by regular mail to the former owner’s last known address that the County has acquired the property by tax deed, advising the former owner(s) of the process and deadline to remove any personal belongings. Any personal belongings that remain unclaimed 30 days after notice shall be deemed abandoned and forfeited to Forest County. Forest County reserves the right to dispose of personal property separately from the sale or transfer of the real estate.
- b. Contact the County’s property liability insurance carrier to add the property under the County’s policy.
- c. If the property includes fixtures, request the Maintenance Department to inspect and secure the property (i.e., change locks, disconnect utility services, etc.) and submit a report of the property’s condition to the Land Sales Committee. When called upon to conduct inspections of property, the Maintenance Department may request the assistance of the Sheriff’s Department.
- d. Contact the municipal clerk and utility services regarding the change in property ownership.

e. If the County believes that the building is not safe for human habitation, then the County Treasurer shall contact the Public Health Department. The County can request that the local municipality raze the structure.

f. If the former owner(s) remains on tax deeded property, then law enforcement will be requested to hand deliver a written notice to the occupant to vacate the premises and to also post notices at each entrance prohibiting anyone from entering the premises without the County's permission. If the former owner(s) refuse to vacate and surrender the property, then the County Treasurer shall refer the matter to the Corporation Counsel to commence an eviction action in Small Claims Court and to apply for a Writ of Restitution (Eviction) requiring the Sheriff to forcibly remove the former owner(s)/occupant(s), if necessary.

### Section III. Determination of which tax deed properties will be offered for sale to the public.

After the acquisition of property by tax deed, the Land Sales Committee shall promptly review each parcel to determine which properties will be advertised for sale to the public. In the event the Committee determines not to make a tax deed property available for sale to the public, then the remainder of this policy does not apply to that tax deed property. The Land Sales Committee may determine that the County will retain the parcel for up to one year, or convey the parcel to a local municipality, exchange the parcel for a public purpose or allow the former owner(s) to redeem the parcel.

The Land Sales Committee may recommend the conveyance of a tax deed parcel to the local municipality upon terms and conditions established by the Committee. Such conditions may include: an indemnification agreement, adding Forest County as an additional insured on the property, reimbursement of delinquent tax amounts and/or the retention of a reversionary interest to the property.

The Land Sales Committee may, at its option, give preference to the former owner(s) who lost his or her title through delinquent tax collection enforcement procedure or his or her heirs, in the right to repurchase such lands. If the former owner(s), or his or her heirs, is/are permitted to repurchase land after Tax Deed is issued to Forest County, then the purchase price shall include all delinquent taxes, interest, penalties and expenses incurred by the County.

### Section IV. First advertisement for bids at appraised value.

If the tax deed property will be advertised for sale to the public, then that tax deed property may not be sold unless the sale and appraised value of such real estate has first been advertised by publication of a class 3 notice, under ch. 985, Wis. Stats. The Land Sales Committee shall determine the appraised value for each tax deed property. The Committee may use any credible source in establishing the appraised value, including but not limited to, the property's fair market value as listed on the tax roll. Notice of sale shall be mailed to the clerk of the municipality in which the real estate is located at least 3 weeks prior to the time of the sale. A copy of the land sale listing shall also be sent to the Land Records and Forestry Departments.

During the first attempt to sell the property, the Committee may accept the bid most advantageous to it but every bid less than the appraised value must be rejected. If the Committee accepts a bid in excess of the appraised value but less than the highest bid, then the Committee shall prepare a written statement that explains the reasons for accepting a bid that is less than the highest bid.

Section V. Land Sales Committee to approve the terms of sale.

In the event that a tax deed property is not sold after the first advertisement for bids, then after a subsequent class 1 notice of sale, the Land Sales Committee may accept any bid amount. The Committee may establish the terms of sale, including but not limited to: the minimum appraised value, the method of sale and the closing deadline. The Committee may authorize the County Treasurer to sell or convey the property upon receipt of a genuine offer that satisfies the terms of sale previously established by Committee and direct the County Treasurer to issue a Quit Claim Deed.

Terms of sale include: All tax deed properties are sold “as is”. No warranty of title, use, condition, occupancy, habitability or conformance to applicable land use regulations is expressed or implied. All valid deed restrictions and covenants of record in the chain of title shall continue. Any special assessments levied against the property after acquisition of tax deed shall be the responsibility of and assumed by the bidder. Real estate taxes shall be prorated as of date/year of closing and Purchaser shall be responsible for its share of real estate taxes. Purchaser shall be responsible for the recording fee (\$30.00 effective 2014 and subject to change).

Section VI. Procedure for open bids (public auction).

Following the first attempt to sell the property, the property may be listed for sale by an open bid procedure (public auction). The Committee shall establish the period of time during which a tax deed property may be listed for sale for open bids (public auction). The listing of the property at public auction shall include any and all terms of sale previously approved by the Committee. The bidding procedure used at public auction shall guarantee that the bid amount and any required fees (i.e., recording fees) are due and payable immediately at the close of the auction. The Committee may utilize the services of a certified auctioneer or real estate agent to list the properties for public auction or the Committee may authorize the listing of tax deed properties on the Forest County public surplus auction website.

If the tax deed property is sold by an auctioneer or real estate agent, then the bidder shall be separately responsible for payment of any applicable commissions for these services. The bidder shall also be required to pay the bid amount plus closing costs (i.e, recording fees) at the close of the auction. Any additional closing services, such as title insurance shall be at the bidder’s option. Upon sale of property at the public auction (i.e., satisfies the terms of sale, including receipt of bid amount and recording fee), then the County Treasurer will issue and record a Quit Claim deed to the successful bidder.

VII. Procedure for closed bids.

When a tax deed property is not subject to an open bid (public auction) process, then the property shall be listed for sale by a closed bid process (sealed bids). Sealed bids for the purchase of tax deed real estate shall be filed with the County Treasurer. A 10% deposit must accompany all bids. Deposits of unsuccessful bidders will be refunded. Bids shall be opened publicly during a meeting of the Land Sales Committee. After the initial advertisement of bids, as set forth in Section IV (above), then any subsequent bid amount can be accepted by the Committee. The successful bidder shall be notified immediately of the acceptance of the bid, and such bidder has 30 days from the date notice is mailed to pay the balance of the bid. Upon payment of the purchase price, in addition to the recording fee for the Register of Deeds, the County Treasurer shall issue a Quit Claim deed to the bidder and record it with the Register of Deeds.

VIII. Procedure for repurchase by delinquent property owner(s).

The Land Sales Committee may give preference to the former owner(s) who lost his or her title through delinquent tax enforcement procedures if the delinquent property owner provides notice to the County Treasurer in writing prior to the County selling the tax deeded property to a third party or six (6) months from the date the tax deeded property is received by the County, whichever occurs first. Thereafter the Land Sales Committee may offer the delinquent property owner(s) to repurchase the property at twenty-five (25%) of the fair market value of the real estate as identified on the tax bill for the year preceding the sale. The purchaser shall also be responsible for all delinquent taxes, interest penalties and expenses incurred by the County, including the cost to transfer the property.

The delinquent property owner(s) shall have twenty (20) days to accept in writing the County's offer of sale based upon the terms identified herein. Thereafter a closing date shall be scheduled within thirty (30) days from the date the delinquent property owner(s) notifies the county of his/her intent to accept the offer.

The County Treasurer shall thereafter issue a quit claim deed conveying the property in an "as is" condition to the purchaser(s) (delinquent property owner(s)).

SECTION IX. That this Ordinance shall take effect and be in full force and effect upon

its adoption and publication pursuant to law.

Dated this \_\_\_\_ day of April, 2016.

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Paul Millan  
Forest County Board Chairman

ATTEST:

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Lisa Kalata  
Forest County Clerk

Motion by Otto, seconded by Dailey to approve the ordinance as presented. All present voting AYE (19); absent, Matuszewski & Tauer (2). Motion carried. Ordinance adopted as read.

**ANNUAL REPORTS**

None

**ADJOURNMENT**

There being no further business, Motion by Berg, seconded by Dehart to adjourn. All present voting AYE, (19); absent, Matuszewski & Tauer (2). Motion carried. Meeting adjourned at 2:54 p.m.

The foregoing is a condensed version of the minutes from the April 19, 2016 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 June 21, 2016 Forest County Board of Supervisors meeting.

Nora Matuszewski  
Deputy Forest County Clerk