

**MEETING OF THE RUSK COUNTY
BOARD OF SUPERVISORS
FEBRUARY 26, 2019
9:00 A.M.**

Meeting called to order by Chair Dave Willingham at 9:00 a.m.

Roll Call. Present – 17. Excused – 2. Present: DuSell, Rathsack, Hauser, Vacho, Stout, Tatur, Lieffring, McBain, Pedersen, Schneider, Gierke, Schmitt, Fisher, Hanson, Mai, Brown, Willingham. Corporation Counsel, Rich Summerfield. Excused: Biller, Hraban.

Brief biography of Nathan Vacho read by Chair Willingham.

Invocation by David Willingham of Island Lake Church of Christ.

Pledge of Allegiance led by John Vacho in memory of his son, Nathan Vacho.

APPROVAL OF MINUTES

Motion by Gierke, second by Brown, to approve the minutes from the January 22nd, 2019 meeting. Motion carried.

COUNTY GOVERNMENT DAY

Chair Willingham welcomed students from area schools and thanked the American Legion for the many years they have sponsored the Annual County Government Day and also explained agenda items. Students from area schools introduced themselves and identified the school they are representing. John Terrill provided a brief history of Rusk County. Wisconsin Counties Association video on counties was viewed.

RESOLUTION #19-3 2019 ATV TRAIL MAINTENANCE AND DEVELOPMENT

WHEREAS, Rusk County is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and;

WHEREAS, Financial aid is required to carry out the project; and;

NOW, THEREFORE, BE IT RESOLVED, Rusk County has budgeted a sum sufficient to complete the project or acquisition; and;

HEREBY AUTHORIZES Jeremy Koslowski, Rusk County Forestry Department to act on behalf of Rusk County to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
Submit signed documents; and
Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the Rusk County Board of Supervisors will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Submitted by the Rusk County Forestry Committee: S/Schneider, Lieffring, DuSell, Rathsack, Biller.

Motion by Lieffring, second by Stout to adopt. Jeremy Koslowski, Forestry Administrator, explained resolutions being done yearly to allow the department to apply for grants. Motion carried. Resolution adopted by aye vote.

RESOLUTION #19-4 2019 SNOWMOBILE MAINTENANCE AND DEVELOPMENT

WHEREAS, Rusk County is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and;

WHEREAS, Financial aid is required to carry out the project; and;

NOW, THEREFORE, BE IT RESOLVED, Rusk County has budgeted a sum sufficient to complete the project or acquisition; and;

HEREBY AUTHORIZES Jeremy Koslowski, Rusk County Forestry Department to act on behalf of Rusk County to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
Submit signed documents; and
Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the Rusk County Board of Supervisors will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Submitted by the Rusk County Forestry Committee: S/Schneider, Lieffring, DuSell, Rathsack, Biller.

Motion by Rathsack, second by Schneider to adopt. Koslowski explained resolution, maintenance costs and grant monies. Motion carried. Resolution adopted by aye vote.

RESOLUTION #19-5 2019 RECREATIONAL BOATING FACILITIES GRANTS

WHEREAS, Rusk County is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and;

WHEREAS, Financial aid is required to carry out the project; and;

NOW, THEREFORE, BE IT RESOLVED, Rusk County has budgeted a sum sufficient to complete the project or acquisition; and;

HEREBY AUTHORIZES Jeremy Koslowski, Rusk County Forestry Department to act on behalf of Rusk County to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
Submit signed documents; and
Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the Rusk County Board of Supervisors will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Submitted by the Rusk County Forestry Committee: S/Schneider, Lieffring, DuSell, Rathsack, Biller.

Motion by Pedersen, second by Schneider to adopt. Koslowski explained resolution and grant monies. Motion carried. Resolution adopted by aye vote.

RESOLUTION #19-6 2019 COUNTY CONSERVATION MAINTENANCE AND DEVELOPMENT

WHEREAS, Rusk County is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and;

WHEREAS, Financial aid is required to carry out the project; and;

NOW, THEREFORE, BE IT RESOLVED, Rusk County has budgeted a sum sufficient to complete the project or acquisition; and;

HEREBY AUTHORIZES Jeremy Koslowski, Rusk County Forestry Department to act on behalf of Rusk County to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the Rusk County Board of Supervisors will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Submitted by the Rusk County Forestry Committee: S/Schneider, Liefkring, DuSell, Rathsack, Biller.

Motion by Schneider, second by Gierke to adopt. Koslowski explained resolution and cost sharing. Motion carried. Resolution adopted by aye vote.

RESOLUTION #19-7 CREATION OF FINANCE ACCOUNTANT III POSITION

WHEREAS, an impending vacancy offered an opportunity to review financial related staff positions in the Highway Department and Finance offices; and

WHEREAS, a restructure of staffing was identified; and

WHEREAS, the restructure of staffing will result in the alignment of finance positions under the Finance Department; and

WHEREAS, it was determined that a new Finance Department position of Finance Accountant III should be created to replace the Highway Finance Administrator/Office Manager position; and

WHEREAS, the Personnel Committee has reviewed the duties and responsibilities of the position, approved the job description, and determined the point factor and wage for the position.

NOW, THEREFORE, BE IT RESOLVED, that the Rusk County Board of Supervisors does hereby approve the creation of the Finance Accountant III position at a pay rate of \$22.75 per hour.

Submitted by Rusk County Personnel Committee: S/Willingham.

Motion by Gierke, second by Hanson to adopt. Kitzie Nelson, Finance Director, explained reclassification and resolution. Motion carried. Resolution adopted by aye vote.

RESOLUTION #19-8 APPOINTING AN INTERIM REGISTER IN PROBATE AND ESTABLISHING COMPENSATION

WHEREAS, Rusk County operates a Judicial branch and employs staff to support an elected Judge and Clerk of Court; and

WHEREAS, Judicial operation includes operation of the Court, Juvenile Court, Register in Probate and Clerk of Courts office; and

WHEREAS, the Judge holds the authority to appoint the Register in Probate; and

WHEREAS, due to a temporary employee leave it is necessary to appoint an interim Register in Probate ; and

WHEREAS, the Judge has requested and it has been determined allowable to appoint the Clerk of Courts as interim Register in Probate;

WHEREAS, it is necessary to establish compensation for the interim appointment.

NOW, THEREFORE, BE IT RESOLVED, that the Rusk County Board of Supervisors does establish compensation for an interim Register in Probate appointment of \$250/a pay period (based on a \$6,000 annual stipend).

BE IT FURTHER RESOLVED, that the interim appointment and compensation is effective (retroactive) to January 1, 2019 and shall not go beyond August 31, 2019 without further approval.

Submitted by Rusk County Personnel Committee: S/.

Motion by Fisher, second by Schmitt to adopt. Substitute resolution distributed by Andy Albarado, Administrative Coordinator. Motion by Fisher, second by Schmitt to amend resolution by adopting substitute resolution. Albarado explained resolution. Resolution adopted as amended by aye vote.

RESOLUTION #19-9 ELECTRICAL UPGRADES AT RUSK COUNTY FAIRGROUNDS

WHEREAS, Rusk County owns the Rusk County Fairgrounds, and

WHEREAS, it has been determined that the Fairgrounds is in need of electrical upgrades for safety and to meet current demands, and

WHEREAS, funds of One hundred thousand dollars (\$100,000) were included in the 2019 Budget to undertake electrical upgrades at the Fairgrounds, and

WHEREAS, after further review of the current and future electrical needs at the Fairgrounds total costs are estimated at \$215,000, and

WHEREAS, the Property Committee has reviewed the project and estimate and determined that it would be appropriate to proceed with the full project immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Rusk County Board of Supervisors does hereby approve proceeding on identified Fairgrounds electrical upgrades

BE IT FURTHER RESOLVED, that up to \$115,000 of funds be allocated from the Capital Improvement Fund for the additional cost of the Fairgrounds electrical upgrades.

Submitted by Rusk County Property Committee: S/Hauser.

Motion by Hauser, second by Liefkring to adopt. Albarado explained the proposed improvements and the resolution. Discussion on safety, other concerns with electricity issues at fairgrounds. Motion carried. Roll Call Vote. Voting Yes – 17. Voting No – 0. Voting Yes: Tatur, Liefkring, McBain, Pedersen, Schneider, Gierke, Schmitt, Fisher, Hanson, Mai, Brown, Willingham, DuSell, Rathsack, Hauser, Vacho, Stout. Resolution adopted by roll call vote.

RESOLUTION #18-22A A RESOLUTION AMENDING SECTION 9.50, TRUANCY

WHEREAS, Rusk County Truancy Ordinance 9.50 was adopted on October 23, 2018, and

WHEREAS, an amendment is needed due to a statutory reference mistake, and

NOW, THEREFORE, BE IT RESOLVED, that Section 9.50 of the Rusk County General Code, including Subsection 9.50.11 be amended.

BE IT FURTHER RESOLVED that the County Board of Supervisors of the County of Rusk does hereby amend ordinance 9.50 as follows:

1. Section 9.50 of the Rusk County General Code is hereby adopted as follows:

9.50.01 Definitions

- a. "Dropout" means a child who ceased to attend school, does not attend a public, private, or tribal school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under §§ 118.15 (1) (b) to (d) or (3), Wis. Stats.
- b. "Habitual Truant" means a pupil who is absent from school without an acceptable excuse under §§ 118.16 (4) and §§ 118.15, Wis. Stats., for part or all of 5 or more days on which school is held during a school semester.
- c. "Truant" means a pupil who is absent from school without an acceptable excuse for part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of §§ 118.15, Wis. Stats.
- e. "School Attendance Officer" means an employee designated by the school board to deal with matters relating to school attendance and truancy. "school attendance officer" does not include an individual designated under §§ 118.16(2m)(a), Wis. Stats., to take into custody a child who is absent from school without an acceptable excuse under §§ 118.15 Wis. Stats., unless that individual has also been designated by the school board to deal with matters relating to school attendance and truancy.
- f. "Operating privilege" means, in the case of a person who is licensed under Chapter 343, Wis. Stats., the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Chapter 343, Wis. Stats.

9.50.02 Truancy Prohibited No person under the age of eighteen shall be truant.

9.50.03 Dispositions Available Any person deemed to be truant from school shall be subject to the following dispositions of the court:

- a. Order the person to attend school.
- b. Impose a forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to §§ 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian of the person, or both.
- c. Order the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. §§ 938.34(5g), Wis. Stats., applies to any community service work performed by a person under this paragraph.

9.50.04 Habitual Truancy Prohibited No person under the age of eighteen shall be habitually truant.

9.50.05 Dispositions Available Any person deemed to be a habitual truant shall be subject to the following dispositions of the court:

- a. Suspend the person's operating privilege, as defined in §§ 340.01(40), Wis. Stats., for not less than 30 days nor more than one year. The court may take possession of the suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and duration of the suspension.
- b. Order the person to participate in counseling or a supervised work program or other community service work as described in §§ 938.34(5g), Wis. Stats. The costs of any counseling, supervised work program, or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department, community agency, public agency, or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned under an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.
- c. Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
- d. Order the person to attend an educational program under §§ 938.34(7d), Wis. Stats.
- e. Order the Department of Workforce Development to revoke, under §§ 103.72, Wis. Stats., a permit under §§ 103.70, Wis. Stats., authorizing the employment of the person.
- f. Order the person to be placed in a teen court program if all of the following conditions apply:
 1. The chief judge of the judicial administrative district has approved a teen court program established in the person's county of residence and the court determines that participation in the teen court program will likely benefit the person and the community.
 2. The person admits or pleads no contest in open court, in the presence of the person's parent, guardian, or legal custodian, to the allegations that the person violated the county ordinance enacted under §§ 118.163(2), Wis. Stats.
 3. The person has not successfully completed participation in a teen court program during the 2 years before the date of the alleged county ordinance violation.
- g. Order the person to attend school.
- h. Impose a forfeiture of not more than \$500 plus costs, subject to §§ 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian of the person, or both.
- i. Order the person to comply with any other reasonable conditions that are consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises, restrictions on associating with other juveniles or adults and restrictions on electronic devices or social media.
- j. Place the person under formal or informal supervision, as described in §§ 938.34(2), Wis. Stats., for up to one year.
- k. Order the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. §§ 938.34(5g), Wis. Stats., applies to any community service work performed by a person under this paragraph.

9.50.06 Orders Applicable To Parents, Guardians, And Legal Custodians

- (a) If the court finds that the person violated a county ordinance enacted under §§ 118.163 (2), Wis. Stats., the court may, in addition to or instead of the dispositions under sub (1g), order the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both, if the disposition is authorized by the county ordinance.
- (am) If the court finds that the person violated a county ordinance enacted under §§ 118.163 (1m), Wis. Stats., the court may, as part of the disposition under sub. (1d), order the person's parent or guardian to pay all or part of a forfeiture plus costs assessed under sub. (1d)
- (b) If the court finds that the person violated a county ordinance enacted under §§ 118.163 (2), Wis. Stats., the court may, as part of the disposition under sub. (1g), order the person's parent or guardian to pay all or part of the costs of any program ordered under sub. (1g) (b) or to pay all or part of a forfeiture plus costs assessed under sub. (1g) (h).
- (c) No order to any parent, guardian, or legal custodian under par. (a) or (am) may be entered until the parent, guardian, or legal custodian is given an opportunity to be heard on the contemplated order of the court. The court shall cause notice of the time, place, and purpose of the hearing to be served on the parent, guardian, or legal custodian personally at least 10 days before the date of the hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases to the court. At the hearing, the parent, guardian, or legal custodian may be represented by counsel and may produce and cross-examine witnesses. A parent, guardian, or legal custodian who fails to comply with any order issued by a court under par. (a) or (am) may be proceeded against for contempt of court.

9.50.07 SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a juvenile is in need of protection or services based on the fact that the juvenile is a school dropout, as defined in §§ 118.153(1)(b), Wis. Stats., or based on habitual truancy, and the court also finds that the juvenile has dropped out of school or is a habitual truant as a result of the juvenile's intentional refusal to attend school rather than the failure of any other person to comply with §§ 118.15(1)(a) and (am), Wis. Stats., the court, instead of or in addition to any other disposition imposed under sub. (1), may enter an order permitted under §§ 938.342, Wis. Stats.

9.50.08 Disclosure Of Dropouts The Court may order any school district in Rusk County to provide to the Court a list of all persons who are known to the school district to be dropouts and who reside within Rusk County.

9.50.09 Persons Under Seventeen Any person who is under the age of seventeen years of age on the date of the disposition under this section is subject to §§ 938.342, Wis. Stats., as presently enacted or as may from time to time be amended.

9.50.10 Encouraging or Contributing To Truancy Prohibited

- (1) Except as provided in sub. (2), no person 17 years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy, as defined under §§ 118.16(1)(c), Wis. Stats., of a person 17 years of age or under. This shall include, without limitation by enumeration, harboring truants or knowingly allowing pupil(s) to enter into or remain upon premises in their possession or under their control while school is in session, and said pupil(s) is/are absent without an acceptable excuse.
- (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under §§ 49.26(1)(h), Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

9.50.11 Dispositions Available Any person deemed to be encouraging or contributing to truancy in violation of 9.50.09 .10 shall be subject to the following dispositions of the court:

- (a) Impose of a forfeiture of not more than \$500
- (b) Order the person to perform community service work for a public agency or nonprofit charitable organization.

9.50.12 Enforcement

- (a) **Initial Determination** It shall be the responsibility of the School Attendance Officer to make the initial administrative determination that an absence or absences are without acceptable excuse, and that a pupil in a school under his/her jurisdiction is a truant, a habitual truant or a dropout pursuant to §§ 118.16(1)(a) and (c), Wis. Stats., §§ 118.153(1)(b), Wis. Stats., The school attendance policies of the School District, and this Chapter, and to make referrals to the following authorities for necessary enforcement actions under this Chapter.
- (b) Any sworn law enforcement officer of the Sheriff's Department or otherwise credentialed by said Office, upon receipt of such referral and the completion of any necessary further investigation, or if such information comes to his/her attention from other sources in the performance of his/her duties, shall have the authority to issue a citation for violations of this Chapter.
- (c) The Department of Health and Human Services shall receive all referrals for violations of this Chapter, and upon the completion of any necessary further investigation, refer to the District Attorney whom may proceed to prosecute the same, including issuing citations.
- (d) Nothing in this Chapter shall be construed to limit the authority of the School Attendance Office or the Corporation Counsel to refer a habitually truant or dropout juvenile alleged to be in need of protection or services pursuant to §§ 938.13(6) or (6m), Wis. Stats., to the Intake Worker of the County Department of Health & Human Services, if the evidence is provided by the School Attendance Officer that the activities under §§ 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in §§ 118.16(5m), Wis. Stats.
- (e) An ordinance enacted by a county under §§ 118.63 sub. (1m), (2), or (2m), Wis. Stats., is applicable and may be enforced in that of any city or village located in the county and in any town located in the county regardless of whether the city, village, or town has enacted an ordinance under §§ 118.63 sub. (1m), (2), or (2m), Wis. Stats.

Submitted by Rusk County: S/

Motion by Schneider, second by Schmitt to adopt resolution. Jeremy Jacobs, Health & Human Services Director, explained resolution, revision being made on 5th page, line 32. Motion carried. Resolution adopted by aye vote.

DISCUSSION AND POSSIBLE MOTION

Approval of Emergency Fire Wardens List – Discussion on number of fire wardens in the county compared to previous years. Motion by Tatur, second by DuSell to approve list. Discussion on year printed on list, is intended for 2019, typo in header of list. Motion carried. List approved by aye vote.

ANIMAL CONTROL ANNUAL REPORT

Karen Welke, Animal Control Officer, provided 2018 shelter report handout and gave presentation on information including the move to the new helter, services provided, revenues and the information provided in the handout regarding intake/outtake numbers.

REGISTER OF DEEDS ANNUAL REPORT

Carol Johnson, Register of Deeds, provided handout and explained the duties of the office and the new computer system upgrade in 2018.

COUNTY CLERK ANNUAL REPORT

Loren Beebe, County Clerk, presented slideshow of information on services provided in the office. Discussion on elections in relation to the County Clerk Office.

CLOSED SESSION

Announced by Chair for discussion regarding the sale of county property.

For Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Wis. Stats. 19.85

Motion by Fisher, second by Gierke to enter closed session. Roll call vote. Voting yes: 17. Voting no: 0. Voting yes: DuSell, Rathsack, Hauser, Vacho, Stout, Tatur, Lieftring, McBain, Pedersen, Schneider, Gierke, Schmitt, Fisher, Hanson, Mai, Brown, Willingham.

Closed session at 10:47 a.m.

Open session at 10:53 a.m.

Motion by Rathsack, second by Schneider to approve sale of property at 801 Gustafson Road to Lemke Oil for \$150,100. Motion carried.

ADJOURNMENT

Motion by Lieftring, second by McBain to adjourn. Motion carried. Meeting adjourned at 10:55 a.m.

Next meeting March 26, 2019 at 7:00 p.m.