

LANGLADE COUNTY BOARD OF SUPERVISORS
MONTHLY MEETING – MARCH 17, 2009

These Board proceedings are published as prescribed by Section 59.14(2) of the Wisconsin Statutes at County Government expense.

The Langlade County Board of Supervisors met in the Langlade County Board Room. Chairman Michael Klimoski called the meeting to order at 9:00 a.m.

On call of the roll, all Supervisors reported present, except Supervisor Nonnenmacher, who had asked to be excused. Motion was made by Supervisor Kamps, seconded by Supervisor Jansen, to excuse him. All ayes, the motion carried. Members of the public were also in attendance.

The Board recited the Pledge of Allegiance and observed a moment of silence.

Motion was made by Supervisor Morse, seconded by Supervisor Jansen, to approve the minutes of the February 17, 2009 meeting as printed. All ayes, the motion carried.

Approve or amend the agenda as printed:

Supervisor Bornemann requested that we pull Resolution #17-2009 and send it back to Committee, seconded by Supervisor Schultz. All ayes, the motion carried.

Motion was made by Supervisor Morse to approve the agenda as amended, seconded by Supervisor Hurlbert. All ayes, the motion carried.

Citizens and Delegations:

Dawn Doperalski, 4-H Youth Development Agent, and Roxanne Bornemann, Antigo School District Administrator, explained the program "Teens Active in Government". The purpose is to engage students in civic education by getting them involved with County Board. This will help them develop good citizenship and life skills, and will encourage them to be involved in government issues. The representatives would serve a one year term. The Antigo, Elcho, and White Lake School Districts are interested in having students involved in this program, which has been active in Oneida County for over three years. These are efforts to develop more positive opportunities for our youth in this community. This will give them a real experience in participation in government. The goal would be to select one student and one alternate student to be the representative from each high school on County Board. These students would receive training and mentoring so they are prepared for these meetings. They would participate in meetings, share their opinions, and vote on issues. However, their vote would not be counted.

Questions and discussion followed. Motion was made by Supervisor Hurlbert to proceed with planning for this program, seconded by Supervisor Kamps. All ayes, the motion carried.

Tom Madsen, Director of Social Services, and Patsy Rolo, Economic Support Supervisor, presented the Department of Social Services Economic Support Statistical Report. With the state of the economy they are seeing an increase in the need for all of their programs for financial assistance. The programs that they operate are entitlement programs. The people have to meet income and asset guidelines. Patsy reviewed details of the Energy Assistance and the Economic Support Programs. Currently there are about 2300 caseloads in Langlade County, which is approximately 20% of the families in our County receiving some assistance. This service helps the families and our local businesses. Questions and discussion followed.

Supervisor Olsen requested to be excused at 11:15 a.m. Motion was made by Supervisor Barnett, seconded by Supervisor Kamps, to excuse him at 11:15 a.m. All ayes, the motion carried.

Robin Stowe, Corporation Counsel, and Becky Frisch, Zoning Administrator, gave a review of the County Comprehensive Planning Process. Part of the Comprehensive Planning Law requires that all the municipalities with land use regulations, effective January 1, 2010, must be consistent with the Comprehensive Plan. By January 1, 2010, Langlade County needs to adopt a Comprehensive Plan. Becky stated Langlade County is in the final stages of the planning process. The Citizens Advisory Committee developed a public participation plan which County Board adopted. There are nine elements outlined in State Statute which must be addressed in the Comprehensive Plan. These include: Issues and Opportunities, Natural and Cultural Resources, Housing, Transportation, Utilities and Community Facilities, Economic Development, Land Use, Intergovernmental Cooperation, and Implementation. The County's Comprehensive Plan will have a chapter on each of these elements. Five townships are in the process of adopting, or have adopted, their own Comprehensive Plans, and the land use elements that they have developed will be incorporated into the County Plan. The Citizens Advisory Committee will meet to look at goals, objectives and policies. The Water and Land Use Planning Committee will hold a public hearing on the Plan this fall. It will then come to County Board for approval as an Ordinance. Then they will begin working on implementation. Questions and discussion followed.

The Board took a five minute break and then returned to open session.

Motion was made by Supervisor Bornemann, seconded by Supervisor Jansen, to approve the Consent Agenda. All ayes, the motion carried. The Consent Agenda is adopted.

CONSENT AGENDA:

- 1. Elections or Appointments:
 - a. Confirm the 2009 Emergency Fire Warden List, which is on file in the County Clerk's Office
 - b. Confirm the appointments to the new County Loan Review Board:
Judy Karpf, David Morse, Paul Walter, John Forstner, Chad Matuszewski, Marji Majewski, and Dave Visser.
- 2. Letters, Petitions and Communications:
- 3. Zoning Ordinances:
REPORT OF: WATER & LAND USE PLANNING COMMITTEE
INTENT: AMEND THE LANGLADE COUNTY ZONING MAPS PETITION FOR ZONING AMENDMENT #868 (Report is on file in the County Clerk's Office)

ORDINANCE # 3-2009Z

The Langlade County Board of Supervisors do hereby ordain as follows:

SECTION 1 That the lands described as

Being part of the SE NW of Section 22, T30N, R12E described as commencing at the West ¼ corner said Section 22; thence N89°54'31" E 33.04' to POB; thence continuing on same bearing 433.51' along East/West ¼ line; thence N02°41'16" E 175.35' then Northeasterly 335.89' along arc of a 234' radius curve concave to the Southeast whose long chord bears N43°48'16" E 307.79' thence N84°55'26" E 178.04' thence Northeasterly 316.30' along arc of 300' radius curve concave to the Northwest whose long chord bears N54°43'56" E 301.85' thence N24°31'08" E 366.87' thence Northeasterly 261.60' along arc of a 234' radius curve concave to the Southeast whose long chord bears N56°32'56" E 248.19' thence N88°34'33" E 1144.05' to East line of NW ¼ said section; thence N01°24'28" E 172.77' thence N88°13'07" W 1320.59' thence S62°52'01" W 900.76' thence S39°02'16" W 252.15' thence S11°26'22" W 181.83' thence N89°43'43" W 107.47' thence S38°59'06" W 139.36' thence S02°41'01" W 407.10' to POB (Pt Parcel 016-0340.001).

Now comprising a part of the A-1, Exclusive Agriculture District is hereby rezoned into the AFR, Agriculture/Forestry/ Residential District.

SECTION 2 This change in zoning shall be designated on the official county zoning map for the Town of Norwood.

SECTION 3 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4 This ordinance shall be in full force and effect from and after its date of adoption.

ADOPTED: March 17, 2009	APPROVED: Michael P. Klimoski County Board Chairman
APPROVED: March 17, 2009	ATTEST: Kathryn Jacob Langlade County Clerk

RESOLUTION # 10-2009

INTRODUCED BY: FINANCE AND LAND SALES COMMITTEE

INTENT: TAKE TAX TITLE TO DELINQUENT TAX LANDS FOR 2005 TAX YEAR

WHEREAS, Tax Deed notices have been sent out to property owners with 2005 delinquent taxes, allowing them three months to pay in full, including interest;

NOW THEREFORE, BE IT RESOLVED, that the Langlade County Board of Supervisors approve that the County Clerk take Tax Title to delinquent tax properties that remain unpaid from the year 2005.

FINANCE AND LAND SALES COMMITTEE

George Bornemann
Michael P. Klimoski
Jerrold L. Burns
Ronald Nye
Steve Koss

FISCAL NOTE: When the County takes tax deed to the properties, there will be costs associated due to the delinquent taxes. The County will bear these costs until such time as the properties are sold.

RESOLUTION # 15- 2009

INTRODUCED BY: FINANCE AND LAND SALES COMMITTEE

INTENT: SALE OF COUNTY OWNED PROPERTY - PARCEL #201-1555

WHEREAS, Ray C. Ramer has submitted a bid of Five Thousand Five Dollars (\$5,005.) to purchase a parcel of land in the City of Antigo, known as Tax Parcel #201-1555 pursuant to the Land Sales Ordinance, which has an estimated value of \$5,000.

WHEREAS, this is the only bid received for this parcel, the Land Sales Committee recommends that this offer be accepted.

NOW THEREFORE, BE IT RESOLVED, by the Langlade County Board of Supervisors that this offer of \$5,005. be accepted and that the County Clerk issue a Quit Claim Deed to Ray C. Ramer, upon receipt of the balance due of Three Thousand Nine Hundred Three Dollars (\$3,903.).

FINANCE AND LAND SALES COMMITTEE

George Bornemann
Michael P. Klimoski
Steve Koss
Jerrold L. Burns
Ronald Nye

FISCAL NOTE: Total amount of sale \$5,005.

RESOLUTIONS:

RESOLUTION #11-2009

INTRODUCED BY: AGRICULTURE AND EXTENSION EDUCATION COMMITTEE
INTENT: ADOPT CONTRACT BETWEEN LANGLADE COUNTY AND THE WISCONSIN POTATO INDUSTRY BOARD

WHEREAS, Langlade County contracts with the Wisconsin Potato Industry Board for the operation of the Langlade County Agricultural Experiment Station; and

WHEREAS, it is agreed between the parties that the Wisconsin Potato Industry Board shall pay Langlade County the sum of \$10,000 to be used for the purchase of supplies for the Experiment Station.

NOW THEREFORE, BE IT RESOLVED, that the Langlade County Board of Supervisors hereby adopts the contract between Langlade County and the Wisconsin Potato Industry Board for the contract period of March 15, 2009 to June 30, 2010.

AG AND EXTENSION EDUCATION COMMITTEE

Eugene Kamps
Steve Koss
Joseph W. Barnett
Thomas A. Schultz
David Solin

Fiscal Note: By entering into this contract, the Wisconsin Potato Industry Board will give the County a \$10,000 Grant to be used at the Research Station.

Motion was made by Supervisor Kamps, seconded by Supervisor Schultz, to adopt.

Supervisor Kamps stated this comes to County Board every year. It comes from the Wisconsin Potato and Vegetable Growers Association to help support the Research Station at the Airport.

On call of the roll to adopt Resolution #11-2009, all Supervisors present voted aye. Resolution #11-2009 is adopted.

RESOLUTION #12-2009

INTRODUCED BY: FINANCE COMMITTEE
INTENT: TO TRANSFER FUNDS FROM THE CONTINGENCY ACCOUNT TO COVER THE COST OF THE FORMER TREASURER’S ACCUMULATED SICK LEAVE PAYOUT.

WHEREAS, Janice Burkhart retired from the County effective 1/04/09, and was eligible for a retirement payout for unused accumulated sick leave that was accumulated prior to her taking office as the Treasurer; and,

WHEREAS, the County Treasurer Janice Burkhart was paid \$7,703 for her accumulated sick leave when she retired, with fringe benefits totaling \$1,411 for a total cost of the payout of \$9,114. This retirement payout was not budgeted in the Treasurer’s 2008 or 2009 budget; and,

WHEREAS, the Finance Committee recommends transferring \$9,114 from the Contingency Account to cover this payout; and,

NOW THEREFORE, BE IT RESOLVED, by a majority vote of the Langlade County Board of Supervisors to transfer \$9,114 from the Contingency Account to the Treasurer’s appropriate salary and fringe benefit accounts to cover the cost of the former Treasurer’s accumulated sick leave payout that was accumulated prior to her taking office as the Treasurer.

FISCAL NOTE: \$9,114 would be transferred from the Contingency Account (100.00.511001.0000.0000) to the appropriate accounts in the Treasurer’s 2009 budget. (100.11.515100.0000)

FINANCE COMMITTEE

George Bornemann
Michael P. Klimoski
Jerrold Burns
Ronald Nye
Steve Koss

Motion was made by Supervisor Nye, seconded by Supervisor Schultz, to adopt.

On call of the roll to adopt Resolution #12-2009, all Supervisors present voted aye. Resolution #12-2009 is adopted.

RESOLUTION #13-2009

INTRODUCED BY: WATER & LAND USE PLANNING COMMITTEE

INTENT: AUTHORIZE COUNTY BOARD CHAIRMAN TO APPLY FOR LAKE PROTECTION GRANT

WHEREAS, Langlade County lakes and streams are an important resource used by the public for recreation and enjoyment of natural beauty; and

WHEREAS, the protection of critical watershed areas and reasonable land use activities are paramount in the protection of water quality and the natural ecosystems of the lakes and streams; and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) has lake protection grant monies available to help fund county lake and stream protection activities; and

WHEREAS, Langlade County has been successful in previous grant applications and has been awarded nearly \$300,000 from the lake protection grant program to date; and

WHEREAS, Langlade County partnered with Lincoln County in 2007 and was awarded a joint lake protection grant for \$90,000 and both counties desire to continue this successful partnership program; and

WHEREAS, the grant funds 75% of the project costs with the county funding the remaining 25% through in-kind hours of existing county employees,

NOW THEREFORE BE IT RESOLVED, Langlade County requests the funds and assistance available from the DNR Lake Protection Grant program; and

BE IT FURTHER RESOLVED that the County Board Chairman is authorized to act on behalf of Langlade County to submit a grant application to the DNR, to sign documents and take necessary action to undertake, direct, and complete an approved lake protection project; and

BE IT FURTHER RESOLVED, Langlade County will comply with state rules for the program, may perform force account work and will meet the financial obligations under the grant.

FISCAL NOTE: Maximum amount of grant will be \$100,000. Grant dollars will be used to fund a casual employee position, with salary and fringe benefit amounts not exceeding the amount of the grant.

WATER AND LAND USE PLANNING COMMITTEE

Michael P. Klimoski, Chairman

Eugene Kamps

Ronald Nye

David Solin

Frank J. Sus

Motion was made by Supervisor Morse, seconded by Supervisor Hurlbert, to adopt.

On call of the roll to adopt Resolution #13-2009, all Supervisors present voted aye. Resolution #13-2009 is adopted.

RESOLUTION # 14-2009

INTRODUCED BY: FINANCE COMMITTEE

INTENT: CARRY UNEXPENDED 2008 ACCOUNTS INTO 2009 BUDGET

WHEREAS, the unused portion of the attached 2008 accounts will remain unexpended; and

WHEREAS, the intended purpose of the attached appropriations have not been completed or are non-lapsing accounts.

NOW THEREFORE, BE IT RESOLVED, by the Langlade County Board of Supervisors that the remaining amounts in the attached 2008 accounts be carried forward into the 2009 budget.

FINANCE COMMITTEE

George Bornemann

Michael P. Klimoski

Jerrold L. Burns

Ronald Nye

Steve Koss

FISCAL NOTE: Total funds to be carried forward amount to \$296,828.21.

Motion was made by Supervisor Bornemann, seconded by Supervisor Burns, to adopt.

Supervisor Bornemann made a motion to amend the attached appropriations on the first line of General Government the Contingency to be \$125,000; add to the Finance Dept. \$7,727. for Health Insurance. The final total will be \$354,555.21. Supervisor Jansen seconded the motion. All ayes, on the motion to amend. The motion carried.

On call of the roll to adopt Resolution #14-2009 as amended, all Supervisors present voted aye. Resolution #14-2009 is adopted.

RESOLUTION #16 -2009

INTRODUCED BY: FINANCE COMMITTEE

INTENT: TO COVER DEPARTMENT BUDGET OVERAGES FOR THE YEAR ENDED 2008.

WHEREAS, the Finance Department is in the process of closing the books for the year 2008; and

WHEREAS, the Wisconsin Statutes require a resolution adopted by the County Board under section 65.90 (5)(b) for the transfer of money for any purpose in excess of funds appropriated; and

WHEREAS, the County Clerk went over budget due to election costs and the Court System was over budget due to court appointed attorney payments for 2008.

NOW THEREFORE, BE IT RESOLVED, by a majority vote of the Lantlade County Board of Supervisors that a transfer of funds be authorized of \$5,808.00 from the Contingency Account to the 2008 appropriations for the following accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100.10.514110.0000.3225	County Clerk	\$3,168.00
100.13.512200.0000.2138	Circuit Court	<u>2,640.00</u>
Total		<u>\$5,808.00</u>

FINANCE COMMITTEE
George Bornemann
Michael P. Klimoski
Jerrold L. Burns
Ronald Nye
Steve Koss

FISCAL NOTE: \$5,808.00 to be transferred from the Contingency Account.

Motion was made by Supervisor Bornemann, seconded by Supervisor Morse, to adopt.

On call of the roll to adopt Resolution #16-2009, all Supervisors present voted aye. Resolution #16-2009 is adopted.

RESOLUTION #18 -2009

INTRODUCED BY: FINANCE COMMITTEE

INTENT: TO RESERVE FUND BALANCE AMOUNTS FOR SPECIAL PURPOSES.

WHEREAS, every year the County Board approves a listing of carry forward amounts from items that were budgeted for and not spent in the previous year; and

WHEREAS, some of these items are for projects that might not be completed within a given year; and

WHEREAS, it is sound financial advice to designate money within the General Fund for special projects or purposes, so that these amounts will not be kept in department budgets to be used for purposes other than those they are designated for; and

WHEREAS, the Finance Director and Finance Committee recommend the following amounts be reserved for the following purposes:

\$568,932 for Capital Improvement Projects

\$100,000 for a Recreation Fund

\$70,152.09 for Federal Forfeitures from Drug Funds for the Sheriff's Department

\$26,415 to be added to the already existing Computer Replacement Fund

\$150,000 for a Retirement Fund to pay out accumulated sick leave to retiring employees.

WHEREAS, these funds can be replenished at the end of the year with action from the Finance Committee and County Board, and the use of the funds will follow current policies and procedures, and require approval from the Finance Committee.

NOW THEREFORE, BE IT RESOLVED, by a two-thirds (2/3rds) vote of the Lantlade County Board of Supervisors to designate the amounts listed in this resolution for Capital Improvement Projects, Recreation Fund, Federal Forfeitures, Computer Replacement, and a Retirement Fund.

FISCAL NOTE: The amount to be designated in the appropriate funds will be \$915,499.09.

FINANCE COMMITTEE
George Bornemann
Michael P. Klimoski
Jerrold L. Burns
Ronald Nye
Steve Koss

Motion was made by Supervisor Bornemann, seconded by Supervisor Morse, to adopt.

Supervisor Bornemann stated this is to establish separate reserve funds for those specific purposes.

On call of the roll to adopt Resolution #18-2009, all Supervisors present voted aye. Resolution #18-2009 is adopted.

REPORT OF: WATER & LAND USE PLANNING COMMITTEE

**INTENT: AMEND THE LANGLADE COUNTY ZONING ORDINANCE CHAPTER 15
PRIVATE ONSITE WASTE TREATMENT SYSTEMS**

DATE: March 17, 2009

TO THE COUNTY BOARD OF SUPERVISORS:

The Wisconsin Department of Commerce revised COMM 83, the Private Onsite Wastewater Treatment System (POWTS) code effective October 1, 2008 which requires counties to revise their POWTS ordinance to comply

with the new COMM83. At the direction of the Water and Land Use Planning Committee, a revised POWTS ordinance was drafted which includes the required revisions, a new requirement for the evaluation of POWTS when properties are being transferred, and amendments to clarify existing language and eliminate outdated language

Your Water & Land Use Planning Committee at a public hearing held on January 27 & February 24, 2009 considered Petition #869 by the Water & Land Use Planning Committee, Michael Klimoski Chairman, to amend Chapter 15, the Langlade County Private Onsite Wastewater Treatment System ordinance.

The Committee carefully considered this petition and the testimony presented at said hearing, including written comments from the Department of Commerce.

The Committee has drafted an ordinance to effectuate Petition #869 as revised.

This ordinance is hereby reported to the Langlade County Board of Supervisors for their consideration with this committee recommending APPROVAL.

WATER AND LAND USE PLANNING
Michael P. Klimoski, Chairman
Eugene Kamps
Ronald Nye
Frank J. Sus Jr.
David Solin

ORDINANCE #2-2009

The Langlade County Board of Supervisors do hereby ordain as follows:

SECTION 1:

Repeal and Amend Chapter 15; the Langlade County Private Sewage ordinance as follows:

15.02 PURPOSE.

The purpose of this chapter is to promote and protect public health, safety, prosperity, aesthetics, and general welfare of the people and communities within the County. The general intent of this chapter is to regulate the location, design, installation, alteration, inspection and management of private onsite wastewater treatment systems and non-plumbing sanitation systems, and to assure the timely repair or replacement of failing private onsite wastewater treatment systems so as to protect the health of residents and transients and to secure safety from disease, nuisance and pestilence and for the protection of the groundwater resource.

15.06 DEFINITIONS.

Failing Private Onsite Wastewater Treatment System. öFailing onsite wastewater treatment systemö has the following meanings:

- (1) Those specified under §145.245(4), Wisconsin Statutes.
- (2) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect.

Delete current (3) and create (3) Those specified under COMM 83.03(2)(b)2 Wis. Adm. Code.

Land Division. The division of land as defined in Chapter 18 where there is an existing POWTS which will be separated on a parcel of land less than 10 acres in size.

Minor Repairs. A minor repair to a private sewage system includes the replacement or repair of any of the following:

- a. manhole covers;
- b. manhole risers;
- c. septic tank baffles;
- d. effluent pumps and related controls or wiring;
- e. other components as determined by the Department;

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase in the number of bedrooms.

Delete the definition of Occupancy, seasonal.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

Transfer of Property. Any conveyance of ownership of a parcel of land for which a transfer fee is collected.

GENERAL REQUIREMENTS

15.07 COMPLIANCE.

- (2) The private onsite wastewater treatment system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit under Section 15.23 shall be approved and installed and may be inspected before the structure may be occupied.

Delete (3)

15.08 INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private onsite wastewater treatment systems: §59.70(5), Chs. 145, 281.48 and 968.10, Wisconsin Statutes; Chs. COMM 81, COMM 82, COMM 83, COMM 84, COMM 85, COMM 87, COMM 91, NR 113 and NR

116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.10 LIMITATIONS

- (4) Installation of a holding tank is prohibited if any other type of private onsite wastewater treatment systems permitted by COMM 83, Wisconsin Administrative Code can be utilized.
- (5) When a failing private onsite wastewater treatment system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order. Unlawfully modified private onsite wastewater treatment systems, a private onsite wastewater treatment system that has sewage bypassing the system, or a holding tank which is discharging sewage into the ground, onto the ground's surface, or into surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.

Delete (6) & (7)

15.11 ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private onsite wastewater treatment system shall be disconnected within one year and a connection made to the public sewer.

Delete (a)

Abandonment of the disconnected private onsite wastewater treatment system shall be done in accordance with the provisions of COMM 83, Wisconsin Administrative Code.

- (2) The components of an existing private onsite wastewater treatment system that are not part of the approved sanitary permit for a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with COMM 83.33, Wisconsin Administrative Code.

Delete current 15.13 and create new 15.13 PROPERTY TRANSFER REQUIREMENTS (Effective on April 1, 2009)

- (1) A complete evaluation of an existing private onsite wastewater treatment system is required prior to the transfer of property or land division on which there is one or more structure(s) served by a private onsite wastewater treatment system(s).
- (2) The grantor or the grantor's agent must submit a complete Existing POWTS Evaluation Report, as specified in Section 15.25, to the Department prior to the transfer of property. When there is more than one private sewage system on a parcel a separate Existing POWTS Evaluation Report shall be submitted for each system.
- (3) The Department will waive the requirement for evaluation of an existing private onsite wastewater treatment system pursuant to this section if Department records confirm any of the following:
 - (a) A code compliant private onsite wastewater treatment system was installed less than ten (10) years prior to the transfer of property or land division and system maintenance has been completed in compliance with this ordinance.
 - (b) A valid sanitary permit exists for a private onsite wastewater treatment system to replace the existing system.
 - (c) An Existing POWTS Evaluation Report was accepted by the Department less than five (5) years prior to the transfer of property or land division and that system maintenance has been completed in compliance with this ordinance.
 - (d) Documentation from a municipality or sanitary district verifies that public sewer will be available to serve the structure(s) within twelve (12) months of the transfer of property.
- (4) The Department shall review and make a determination on an Existing POWTS Evaluation Report within ten (10) business days after receiving all required information and fees, except when weather conditions prevent verification of the report.
 - (a) If the report confirms that the POWTS is compliant with applicable codes, the Department shall accept the report.
 - (b) If the existing POWTS is found to be failing or not in conformance with this ordinance it shall be repaired, replaced with a system that is compliant with applicable codes, or otherwise brought into compliance as required by Department order.
 - (c) If the existing POWTS is older than April 1, 1968, it shall be replaced as required by department order unless the evaluation report confirms the system is compliant with applicable codes as determined by the department.

PERMITS AND APPLICATIONS

15.14 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall comply with COMM 83, Comm 85 and Comm 91, Wisconsin Administrative Code, and this ordinance.

(4) (d) Denial of the report and/or sanitary permit, if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. Written notice of the right to appeal shall be given to the submitter pursuant to Section 15.41

15.15 SANITARY PERMITS

(3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private onsite wastewater treatment system or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for minor repairs.

- (5) If any part of a private onsite wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated to determine if it is compliant with applicable codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components

that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.

If any part of the system is found to be defective, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

15.16 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 - (h) Appropriate agreements and a management plan for the proposed design describing monitoring, maintenance, and servicing agreements.
- (4) The following documents must be recorded with the Langlade County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements, notification of servicing requirements, or notification of system limitations, if recording is required by Comm 83, Wisconsin Administrative Code, or §15.38 of this ordinance.
- (5) The Department reserves the right to require Floodplain and/or Wetland delineation-prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

15.17 PLANS

- (4) Plans submitted shall comply with COMM 83, Wisconsin Administrative Code, and include the following:
 - (g) A management plan including appropriate agreements and contracts for system management and maintenance.

15.19 PERMIT EXPIRATION.

- (1) A sanitary permit for a private onsite wastewater treatment system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed by the property owner, his agent or plumber, prior to the expiration date of the original permit.
Delete (a), (b), & (c)
- (2) Permit and fee. Prior to the expiration of the sanitary permit, the licensed plumber shall submit the applicable form for the renewal along with the appropriate fee. A new permit card shall be issued when the permit is renewed.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal. Changed Wisconsin Administrative Code, Statute, or ordinance may impede renewal and a new permit may be required.
 - (4) A sanitary permit which has been renewed shall expire two years from the date of renewal.
 - (5) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.20 CHANGE OF OWNERSHIP.

- (1) Change of ownership of a property for which a valid sanitary permit exists shall be subject to the following:
 - (a) The property owner or plumber shall submit the applicable form to the Department with the change of owner section completed and signed along with the applicable fee.
 - (b) Change of ownership shall not affect the expiration date or renewal requirements.

15.21 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary for the owner to submit the applicable form to the Department with the change of plumber section completed and signed by the new plumber along with the applicable fee.
- (2) The change of plumbers shall be approved by the department prior to the installation of the private onsite wastewater treatment system.
- (3) Sanitary permits for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State level approval is obtained by the new plumber.

15.22 PERMIT DENIAL.

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Written notice of the right to appeal along with the procedures for the appeal shall be given to the plumber pursuant to COMM 83.21(3)(d)2.b. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate, the Corporation Counsel.

15.23 RECONNECTION. (Rev. 11/04)

- (1) A county sanitary permit for a reconnection of an existing system shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private onsite wastewater treatment system;
 - (b) Disconnection of a structure from an existing private onsite wastewater treatment system and connection of another structure to the system except as permitted in 15.23(4); or
 - (c) Rebuilding a structure that is reconnected to a private onsite wastewater treatment system.
 - (d) A modification of or addition to an existing building which includes a new building sewer and/or a new connection to an existing private onsite wastewater treatment system.
- (2) Prior to issuing a reconnection sanitary permit, the existing private onsite wastewater treatment system shall be examined to:
 - (a) Determine if it is functioning properly or whether it is a failing system.

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- (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
- (c) Determine that all minimum setback requirements of COMM 83, Wisconsin Administrative Code will be maintained.
- (3) Application for a County reconnection permit shall include the following:
 - (a) All items in §15.16(1)(a - e) and §15.16(1)(i-k);
Delete current (b), (c), (d), (e) and create the following:
 - (b) An Existing POWTS Evaluation Report, as specified in §15.25.
Re-number existing (f), (g), (h), (i) to the following
 - ~~(c)(f)~~ Complete plans, as specified in §15.17, for any system components which will be modified or replaced.
 - ~~(d)(g)~~ If required, a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance for reconnections to existing holding tanks.
 - ~~(e)(h)~~ If required, a new maintenance agreement or contract for reconnections to existing systems other than a holding tank.
 - ~~(f)(i)~~ If required, a copy of an affidavit which has been recorded in the Register of Deeds office.
- (6) Reconnection to an undersized system is not permitted.

15.24 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private onsite wastewater treatment system, the owner(s) of the property shall:

- (2) Provide the following to the Department:
 - (c) An Existing POWTS Evaluation Report, as specified in §15.25.
- (3) If the existing private onsite wastewater treatment system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by Comm 83 and Comm 84, Wisconsin Administrative Code.
- (5) Prior to commencing construction of any structure or addition to a structure on a site where there exists a private onsite wastewater treatment system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of COMM 83, Wisconsin Administrative Code. Documentation shall be submitted as required in COMM 83, Wisconsin Administrative Code.

Delete current 15.25 and create new 15.25 EXISTING POWTS EVALUATION REPORTS

- (1) When an evaluation of an existing POWTS is required by this ordinance, an Existing POWTS Evaluation Report shall be completed and submitted to the Department. Existing POWTS Evaluation Reports must be on forms provided by the Department. The evaluation report shall include all of the following:
 - (a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock along with identifying a replacement area that complies with COMM 83, Wisconsin Administrative Code.
Submittal of a Soil and Site Evaluation Report will not be required if:
 - 1. The existing POWTS is a code compliant holding tank;
 - 2. An adequate Soil and Site Evaluation Report is on file which was submitted and approved by the Department after July 1, 1980. The Department may accept Soil and Site Evaluation Reports on a case by case basis.
 - (b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by COMM 83, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;
 - (c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by COMM 83, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;
 - (d) A plot plan prepared by a plumber, certified coil tester, certified POWTS inspector, or other person(s) authorized to do so by COMM 83, Wisconsin Administrative Code, including information specified in §15.16(4)(c), unless an accurate plot plan is on file with the Department;
 - (e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - (f) Verification that all domestic wastewater from the structure discharges into the POWTS and that no outfall pipe(s) or connection(s) to drain tile exist.
- (2) Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).
- (3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of the evaluation.

INSPECTIONS

15.27 INSPECTIONS; GENERAL.

- (1) Notice for final inspection shall be given to the Department for all private onsite wastewater treatment systems installed, replaced, repaired, modified or reconnected.

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- (2) These private onsite wastewater treatment systems shall be inspected by the Department for compliance with Comm 82, Comm 83, and COMM 84, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.

15.30 INSPECTIONS; MOUNDS.

- (2) Mound systems may be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling and after all work has been completed, at the discretion of the Zoning Administrator.

15.31 INSPECTIONS; AT-GRADE SYSTEMS.

- (2) At-grade systems may be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling, and after all work has been completed at the discretion of the Zoning Administrator.

15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM 83.60

SYSTEM MANAGEMENT AND MAINTENANCE

15.36 MAINTENANCE AND MANAGEMENT

Delete (6)

15.37 POWTS MAINTENANCE PROGRAM.

- (1) All new and existing private onsite wastewater treatment systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter pursuant to COMM 83.255.

Delete (a) & (b)

- (2) Visual inspection of a private onsite wastewater treatment system shall be conducted by persons specified in COMM 83.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.

- (3) POSTPONEMENT. All new and existing septic tanks shall be pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum pursuant to COMM 83.54(3) & (4).

- (4) PUMPING AND DISPOSAL. The pumping and the disposal of the septage shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.

- (5) REPORTS. The property owner or owner's agent of a private onsite wastewater treatment system shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface and the date of pumping within 30 calendar days of the date of inspection and/or pumping. Reports shall include all information required in COMM 83.55, Wisconsin Administrative Code, and signed by the person(s) inspecting and pumping the private onsite wastewater treatment system. Other maintenance or management reports required by COMM 83 or 84, Wisconsin Administrative Code, shall be included with this report.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of the holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the municipality which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

- (3) An owner of a holding tank found to be violating the Maintenance Agreement and who is unable to replace the holding tanks with a soil absorption system shall hire a plumber to install a water meter and to evaluate the holding tanks for code compliance and sign a new Service Contract which requires the certified septage servicing operator to report water meter readings at each pumping.

ADMINISTRATION AND ENFORCEMENT

15.40 POWERS AND DUTIES.

In the administration of this ordinance, the Administrator shall have the following powers and duties:

- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Codes.

- (9) Issue and enforce orders to plumbers, certified septage servicing operators, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance.

- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.

Delete current (11) and renumber (12) and (13) to (11) and (12) and create new (13) and (14)

- (13) Consider and approve or deny requests for additional time to comply with §15.13(2) where weather conditions or unusual circumstances would prevent compliance prior to the transfer of property or land division. In granting such a request the Department may require affidavits or other documents as deemed necessary to assure compliance with this ordinance.

- (14) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance and administrative codes.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effective April 1, 2009.

ADOPTED: March 17, 2009

APPROVED: March 17, 2009

APPROVED: Michael P. Klimoski
County Board Chairman

ATTEST: Kathryn Jacob
Langlade County Clerk

Motion was made by Supervisor Kamps, seconded by Supervisor Solin, to adopt.

Corporation Counsel Robin Stowe explained the main reason for this is the State of Wisconsin has revised their rules for private sewage systems, and municipalities have to conform their existing rules to the State rules that are overseen by the Dept. of Commerce.

Chairman Klimoski stated at the first public hearing only one local soil tester showed up. They held a second public hearing, and no one showed up. Now there is a controversy about the ordinance.

Motion was made by Supervisor Morse, seconded by Supervisor Jansen, to refer this back to Committee for discussion on proposed revisions.

Becky Frisch explained when they hold public hearings on zoning issues, they know there will be an impact on the community, and they send public hearing notices. They sent this public hearing notice to all the soil testers, all the plumbers, all the real estate brokers, all the appraisers, all the abstractors, and all the financial institutions in our county. There is one section in the ordinance that will require a uniform procedure for evaluating septic systems, when a property is being sold. Discussion followed. Becky stated òin this ordinance it will have the requirement, when there is a real estate transaction where a transfer fee is paid, there will be an evaluation of the septic system, there is an exemption for a system less than ten years old. The requirement will be that it be evaluated by a licensed individual, and if they do not have adequate soils information on record since September 1, 1980, that a soil test would have to be done on the property to do a soil boring adjacent to the existing system to see if it is failing or not, and two additional soil borings, at a minimum, to identify a replacement area.ö

Supervisor Morse withdrew his motion, and Supervisor Jansen withdrew his second.

Supervisor Olsen left the meeting at 11:15 a.m..

On call of the roll to adopt Ordinance #2-2009, all Supervisors present voted aye, except Supervisors Bonacci and Koss voted no. Ordinance #2-2009 is adopted.

Administrative Coordinator's Report:

Robin Stowe had summarized the information earlier, and the report is placed on file.

Committee Reports:

Supervisor Morse reported the Commission on Aging met in Elcho and is planning to meet at the various meal sights to get input from the outlying citizens. Future changes will be made to the Aging Plan. Their next meeting will be April 8th in Pickerel at 12:30. Long Term Support met, funds were available to assist remodeling in the home for a handicap individual. They also discussed changes that will occur with Family Care.

Supervisor Benishek reported Public Property Committee is busy with numerous projects. He made a referral to Board of Health Committee that the State of Wisconsin is planning to discontinue their state offices in Rhinelander, and different places. It is important to have a State Health Officer to contact up in this area, rather than just an 800 number. He requests the Board of Health study this issue and bring a resolution to the County Board.

Supervisor Kamps reported for Highway Department. Recently CTH 50 was up for reconstruction this summer, and a local contractor got the bid. This will be from Kennedy Road to CTH 50. Langlade County did again get the contract for marking state roads in Langlade County and some roads in other counties.

Supervisor Karpf reported the Social Services Committee reviewed the bills and the budget. Alternative Care had one case which cost \$97,000 last year. Economic Support case loads continue to rise. At the North Central Health Care Center meeting, they heard the CEO's report. More money was spent than intended, because of the cost of the self-funded health care plan. The inpatient program is working well, because they have contracts with other counties. The State plans now say that Langlade and Lincoln counties probably should be starting their ADRC in November of 2010 and Family Care in January of 2011.

Supervisor Nye reported Finance Committee of North Central Health Care will meet this Friday to discuss issues on the cash flow problem. Lincoln County has a program "Driving With Care" which is a program to try to get people with repeat OWIs off the road. Also, all the mental health programs have been recertified over there.

Supervisor Solin reported for Airport Committee received notice that the repairs to the new hangar will be about \$8,200. They do not know when it will be done or who will do it. Robin Stowe has contacted the State on this issue.

Supervisor Schultz reported Forestry has been able to mark 100 acres of trees with the help of the DNR. They will not have a meeting this month. Snowmobile trails are closed.

Supervisor Barnett reported the Veterans met on March 13. Remodeling continues for the new offices. NEWCAP will have money available for the insulation program. Work will be done by reputable vendors, so the clients get the best value for the money invested.

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Supervisor McKinney-Rice reported Humane Society has 96 animals in their shelter. They have a lot of volunteers who help clean it, and they walk the dogs.

Supervisor Schultz reported the Elton Dog Races had a nice turnout.

Supervisor Bonacci said "Thank You" to all who remembered her during this difficult time.

Motion was made by Supervisor Bornemann, to adjourn the meeting at 11:40 a.m., seconded by Supervisor Hurlbert. All ayes, the motion carried.

I, Kathryn Jacob, Langlade County Clerk, Antigo, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Langlade County Board of Supervisors Monthly Meeting of March 17, 2009.

Dated this 20th day of March, 2009.

Kathryn Jacob
Langlade County Clerk
