

**PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS**  
**Thursday, October 16, 2003, 6:00 p.m., Board Room**  
**Government Center Second Floor, 1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Chairman Douglas Finn.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan T. Sandvick. There were 22 present, 6 absent. Absent were Kathryn McKenzie, Kay Johnson, Wes Johnson, John Robinson (arrived 6:04 p.m.), James Cosgrove, Keith Allen,

Motion by Shepard, second James O'Brien, to approve minutes of the September 18, 2003 meeting. Motion carried.

**CLAIMS AGAINST THE COUNTY**

Summons and Complaint from St. Luke's Hospital, Duluth, Minnesota, seeking payment for medical services provided to Douglas County jail inmate, in the amount of \$11,788.37.

Notice of Circumstances Giving Rise to Claim and Claim for Specific Relief by Attorney Richard S. Gondik, Jr., on behalf of Victor Jose Cano Gonzalez, Emilie Jo Cano Ksiazek and Jena Victoria Cano Ksiazek, alleging intentional interference with familial relationships by the Douglas County Human Services Department, Marcia Gurno, and Douglas County, in the amount of \$4,050,000.00.

**CORRESPONDENCE**

1. Wisconsin Department of Transportation, 2004 General Transportation Aids Estimate. Referred to Highway Committee and Administration Committee.
2. Northern Waters Library Service, 2004 Douglas County Service Agreement. Referred to County Board Chair.
3. Public Service Commission of Wisconsin Notice of Hearing on amendment to natural gas safety rules, Wisconsin Administrative Code. Referred to Corporation Counsel.
4. Wisconsin Department of Revenue, 2003 equalized value of tax exempt computers. Referred to Administration Committee.
5. Public Service Commission of Wisconsin Scheduling Order and Notice of Hearing regarding joint application of Minnesota Power Company and Wisconsin Public Service Corporation to construct Arrowhead-to-Weston transmission lines. Referred to Corporation Counsel.

6. Northwest Regional Planning Commission, notice of public meeting (date change to October 22, 2003, Superior Public Library), regarding Douglas County Hazard Mitigation planning process. Referred to Law Enforcement Committee.
7. Wisconsin Department of Commerce, notice of unsuccessful application by Douglas County for 2003-2004 CDBG Housing Program. Received and placed on file.
8. Allen Cambronne, letter extending appreciation to Douglas County Board of Supervisors for adoption of resolution protecting Wildlife Management Area. Received and placed on file.
9. Lafayette County, resolution opposing Section 1632MB of 2003 Senate Bill 44, authorizing counties to sell tax certificate on tax delinquent real estate properties to third parties. Referred to Land and Development Committee.
10. Donald Dahlberg, Graceland Cemetery, regarding 2002 request for reimbursement of cemetery maintenance costs and additional contribution. Referred to County Board Chair, Administration Committee, and Judiciary, Legislative and Veterans Committee.
11. Adams County, resolution to protect groundwater resources. Referred to Zoning Committee.
12. Superior Public Library and Library Board Planning Committee, Douglas County Library Service Plan 2003-2004. Received and placed on file.
13. Wisconsin Counties Association, notice of seminar - "Protective Services Issues Following the Judy K Decision", November 17, 2003, Wausau. Referred to Administration Committee.

Correspondence not on agenda:

14. Wisconsin Department of Administration, estimated 2003 population for Douglas County. Received and placed on file.
15. U.S. Army Corps of Engineers, notice of maintenance work for Duluth-Superior harbor, October - November, 2003. Received and placed on file.

## **ORDINANCES**

**AMENDMENT TO ORDINANCE #8.0  
ZONING ORDINANCE  
PRESENTED BY THE ZONING COMMITTEE**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

WHEREAS, the Douglas County Zoning Committee held a public hearing on October 9, 2003, on the following petition for amendment of the county zoning district ordinance map:

Application by Jessie Edwards & James Pettit, et al., P.O. Box 30, Solon Springs, WI for a petition for amendment to the Douglas County Zoning Ordinance from the A-1: Agriculture zoning district to the R-1: Residential zoning district, (proposed use: subdivision), located in Pt. of the N1/2 of the NE1/4 of the SW1/4 of the NE1/4, Section 35, T45N-R12W, (SO-026-01217-01), (Biller Loop), Town of Solon Springs.

WHEREAS, proof of publication of the notice of the public hearing and proof of giving notice to the town clerk of the hearing is as shown on Exhibit A-10-03.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and approve the petition, subject to approval of the respective town.

BE IT FURTHER RESOLVED that the County Clerk notify the town clerk of the action.

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)  
(Fiscal Note: None)

ACTION: Motion by Coletta, second C. Johnson, to approve. In response to a question on town or village approval, it was noted that letters from the towns sometimes arrive after approval, due to timing of a municipality meeting. C. Johnson, Chair of the Zoning Committee, explained, that in these cases, the Zoning Committee will act on an application contingent on receipt of town's letter. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		

**AMENDMENT TO ORDINANCE #5.01  
DOUGLAS COUNTY TRAFFIC ORDINANCE  
PRESENTED BY THE LAW ENFORCEMENT COMMITTEE**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

**SECTION I. INTENT**

The Douglas County Board of Supervisors hereby accepts the Douglas County Traffic Ordinance which adopts the following Wisconsin Statutes verbatim or with subsequent changes thereto:

- ~~340.01~~ Word and phrase defined
- ~~341.04~~ Penalty for operating unregistered or improperly registered vehicle
- ~~341.045~~ Use of registered farm trucks regulated
- ~~341.11 (4)~~ Display of certificate of registration
- ~~341.15~~ Display of registration plates
- ~~341.16 (4)~~ Issuance of duplicate plates
- ~~341.42 (4)(5)~~ Reciprocity Permits
- ~~341.51 (5)~~ Dealer Registration
- ~~341.55~~ Penalty for misuse of plates
- ~~341.57 (3)~~ Registration of finance companies, credit unions and banks
- ~~341.61~~ Improper use of evidence of registration
- ~~341.62~~ False evidence of registration
- ~~341.63 (3)~~ When registration to be suspended
- ~~342.05~~ When certificate of title required
- ~~342.15~~
- ~~(5)(6)&(7)~~ Transfer of interest in a vehicle
- ~~342.23~~ Secured party's and owner's duties
- ~~342.30~~
- ~~342.31~~
- ~~342.33~~ Auto Theft and Anti-fraud provision
- ~~342.34~~
- ~~342.40~~
- ~~343.01~~ Words and phrases defined
- ~~343.05~~ Operators to be licensed; exceptions
- ~~343.10 (6)~~ Occupational Licenses
- ~~343.12~~ School bus operators to obtain special license
- ~~343.22~~ Notice of change of address or name
- ~~343.305~~ Implied Consent
- ~~343.45~~ Permitting unauthorized person to drive

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		

- ~~343.46~~      ~~Duty of persons renting vehicles to another~~
- ~~344.45~~      ~~Surrender of license and registration upon suspension~~
- 344.46      Transfer of vehicle ownership to defeat purpose of chapter
- 344.47      Operating vehicle after suspension or revocation
- 344.51      Financial responsibility for domestic rented vehicles

Chapter 346

- Exceptions:
- 346.04 (3)
- 346.61 through 346.64
- 346.67
- 346.74 (5)

Chapter 347

Chapter 348

Pursuant to the authority of Wisconsin Statutes Section 349.06, the traffic regulations for which the penalty is solely a forfeiture set forth in Wisconsin Statutes Chapters 110, 340 to 348, 350, and Wisconsin Statutes Section 23.33, and including all existing and future amendments made thereto, are adopted by reference and made part of this ordinance. For the traffic regulations adopted herein, see Wisconsin Statutes Chapters 110, 340 through 348, 350, and Wisconsin Statutes Section 23.33.

**SECTION II.            PENALTIES**

**A.      The penalty for violation of any provision of this section shall be a forfeiture as hereinafter provided in the Douglas County Traffic Citation Fee Schedule, together with any and all costs authorized pursuant to Wisconsin Statutes Section 345.27.**

**B.      The forfeiture penalties provided in the Douglas County Traffic Citation Fee Schedule are adopted by reference to the statutory provisions set forth in Wisconsin Statutes Chapters 110, 340 to 348, 350, and Wisconsin Statutes Section 23.33, and shall be in strict conformity with the forfeitures permitted by state law, including all existing and future amendments and increases made thereto.**

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		

**SECTION III. ENFORCEMENT**

**A. This ordinance shall be enforced according to those provisions in Wisconsin Statutes Chapters 110, 340 to 348, 350 and 799.**

**B. Any person cited for a violation of this ordinance may make a deposit of money as directed by the citing officer. The citing officer shall orally or in writing inform any person issued such a citation of the following:**

- 1. The time at which the alleged violator may appear in court.**
- 2. That if the person fails to appear in court at the time fixed in the citation, the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit.**
- 3. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the County may commence an action against the alleged violator to collect the forfeiture.**

**SECTION IV. EFFECTIVE DATE**

**This ordinance shall take effect upon passage and publication.**

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

**ACTION:** Motion by Glenn, second Zukowski, to approve. Chair of the Law Enforcement Committee Glenn explained that the changes were recommended by Sheriff Dalbec for several reasons, one of which is a provision that will add revenue to the county. Motion carried.

## **RESOLUTIONS**

**RESOLUTION #108-03**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Land Sales

WHEREAS, Douglas County has advertised for sale various parcels of land on September 8, 15, and 22, 2003, in accordance with Section 75.69, Wisconsin Statutes, and the highest bids received are as follows:

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

\$ 7,804.00 PARCEL 69-03: Lots 11 & 12, Block 4, Hammond Boulevard Addition, City of Superior, known as 3121-23 Cumming Avenue, from Ray and Kristine Kosey. Intended use: Adjacent property owners.

\$ 1,255.00 PARCEL 74-03: Lot 22, Block 137, West Superior, 4<sup>th</sup> Division, City of Superior, known as 1314 John Avenue, from Jerome and Michelle Schultz. Intended use: Adjacent property owners.

~~\$ 6,500.00 PARCEL 78-03: Lots 501, 503, 505, 507 & 509, Block 33, Consolidated Land Company's Rearrangement of Trans-Nemadji Blocks, City of Superior, known as 501-09 40<sup>th</sup> Avenue E, from Mark and Christie Hunter. Intended use: Home site.~~

\$ 207.78 PARCEL 79-03: West 15 feet of Block 54 and 45<sup>th</sup> Avenue E. Vacated, E. 3<sup>rd</sup> Street, Townsite of Superior, City of Superior, known as 4501 E. 3<sup>rd</sup> Street, from Daniel and Katharine Watland. Intended use: Adjacent property owners.

\$ 3,000.00 PARCEL 81-03: Lots 538 thru 544, even numbers, Alley & 14<sup>th</sup> Avenue E. Vacated, 9<sup>th</sup> Street, Ely's Addition to Superior, except R/W, City of Superior, known as 1402-08 E. 9<sup>th</sup> Street from Janice Bujold. Intended use: Adjacent property owner.

\$ 1,100.00 PARCEL 82-03: West 150 feet of South 350 feet of SW1/4 of SE1/4, Sec.23-47-14, Town of Superior from Gene and Jean Drolson. Intended use: Adjacent property owners.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

NOW, THEREFORE, BE IT RESOLVED by the Douglas County Board of Supervisors, in regular meeting assembled, the County Clerk be, and she hereby is authorized to execute quit claim deeds to the above named persons on the above named properties.

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)  
 (Fiscal Note: Increase Profit and Loss on "Land Sales Account" by \$19,866.78 **\$13,366.78**)

ACTION: Motion by Martin, second Glenn, to adopt. Motion by Conley, second Glenn, to refer Parcel #78-03 back to committee. Motion carried. Motion to adopt resolution, as amended, carried.

**RESOLUTION #109-03**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Land Sales - Special

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Land and Development Committee and approve sale of the following described properties, which were previously advertised and did not sell:

\$ 4,000.00      PARCEL 32-02: South 1/2 of Northeast 1/4 of Southwest 1/4, Sec. 13-48-12, Town of Lakeside, to Donald Thorp. Intended use: Recreation.

\$ 5,000.00      PARCEL 63-02: Southwest 1/4 of Block 14, West 11<sup>th</sup> Street., Townsite of Superior, City of Superior, known as 2401 - 15 E. 12<sup>th</sup> Street, to Steven and John Doolittle. Intended use: Future development - home.

\$ 3,300.00      PARCEL 24-03: Southeast 1/4 of Northwest 1/4 of Southwest 1/4, Sec. 13-48-12, Town of Lakeside, to Donald Thorp. Intended use: Recreation.

BE IT FURTHER RESOLVED by the Douglas County Board of Supervisors, in regular meeting assembled, the County Clerk be, and she hereby is authorized to execute quit claim deeds to the above named persons on the above named properties.

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Increase Profit and Loss on "Land Sales Account" by \$12,300.00)

**ACTION:** Motion by Glenn, second John O'Brien, to adopt. Zukowski asked what intended use "recreation" means. Glenn explained it could mean hunting, ATV use, trapping, fishing, etc. Zukowski would like a little more detail on this type of explanation. Sandvick explained in most cases, the bidder generally writes in recreation or building site, and is not specific. Brief discussion on zoning changes followed. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> _____ Lost        _____ Refer       _____ Amend     _____ Other      _____		

**RESOLUTION # 110-03**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Land Sale - Special

WHEREAS, sale of Parcel #57-03, was referred from the County Board meeting to the Land and Development Committee for further review, and

WHEREAS, two bids were received on the property, with the highest bidder intending to build on the parcel, and

WHEREAS, it was determined that the parcel is not a building site and the bidder requested withdrawal of his bid, and

WHEREAS, the second bidder is an adjacent property owner and desirous of obtaining the property.

NOW, THEREFORE BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Land and Development Committee and approve sale of the following described property:

PARCEL 57-03: East 10 feet of Lot 5, all of Lot 6 and West 10 feet of Lot 7, Block 1, Fish Division of South Superior, City of Superior, known as 2006 N. 58<sup>th</sup> Street,

to Bonnie Wolden, for the amount of \$2,000.00.

BE IT FURTHER RESOLVED by the Douglas County Board of Supervisors, in regular meeting assembled, the County Clerk be, and she hereby is authorized to execute a quit claim deed to the above named person on the above named property.

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Increase Profit and Loss on "Land Sales Account" by \$2,000.00)

**ACTION:** Motion by Quam, second Glenn, to adopt. This was referred from last month because it was not a buildable lot. Highest bidder withdrew, and second highest bid from adjacent owner was then approved. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		

**RESOLUTION #111-03**  
**RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS**

Subject: Application for DNR Financial Assistance

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Recycling/Solid Waste Management Advisory Committee and authorize the Douglas County Recycling and Solid Waste Coordinator to submit an application for Department of Natural Resources financial assistance under Section 287.23, Wisconsin Statutes, Chapters NR 542, 544, and 549, Wisconsin Administrative Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in Section 287.11(2)(a) to (h), Wisconsin Statutes.

Dated this 16<sup>th</sup> day of October, 2003.

(Fiscal Note: None)

ACTION: Motion by Browne, second Hooper, to adopt. Motion by Coletta, second Browne, to amend resolution and have it sponsored by the entire County Board. Motion carried. C. Johnson indicated this resolution is important, noting that the towns have had very successful recycling programs this past year. This funding helps out. Motion to adopt resolution, as amended, carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

**RESOLUTION #112-03**  
**RESOLUTION BY SUPERVISORS ON THE**  
**RECYCLING/SOLID WASTE MANAGEMENT ADVISORY**  
**COMMITTEE**

Subject: Recycling Agreement with City of Superior

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Recycling/Solid Waste Management Advisory Committee and approve the Cooperative Agreement for Electronics Collections with the City of Superior as set forth in Exhibit B-10-03.

Dated this 16<sup>th</sup> day of October, 2003.

(Fiscal Note: None)

**ACTION:** Motion by Glenn, second James O'Brien, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		

**RESOLUTION #113-03  
RESOLUTION BY THE DOUGLAS COUNTY  
BOARD OF SUPERVISORS**

Subject: Duluth Air National Guard Base

WHEREAS, the United States Base Realignment and Closure Commission (BRAC) is considering the closure of U.S. military bases including the possible closure of the Air National Guard base located in Duluth, Minnesota, and

WHEREAS, the 148<sup>th</sup> Fighter Wing is currently on Air Defense Alert protecting the air sovereignty of the United States and performing an essential mission in the war on terrorism, and

WHEREAS, since September 11, 2001, the 148<sup>th</sup> Fighter Wing has flown over 800 sorties and logged over 1,700 hours of flying time in support of Operation Noble Eagle, including escorts for Air Force One and air defense missions over the White House, Camp David, Crawford, Texas, and other major cities in the United States, and

WHEREAS, this installation provides critical support and assistance to local naval reserve, coast guard, army reserve, Army National Guard, active duty military personnel, and military retirees, and

WHEREAS, the 148<sup>th</sup> Fighter Wing provides over 400 full-time and 600 part-time living wage jobs to individuals from Northwestern Wisconsin, Northern Minnesota and the Upper Peninsula of Michigan, and

WHEREAS, the base had over \$80 million in economic impact in 2002 on the local economy, and supports over 100 local and regional vendors with contracted and direct purchase services and goods, and

WHEREAS, the closure of the base would increase unemployment in the region and create economic hardship for individuals and businesses in the greater Twin Ports area, and

WHEREAS, the loss of the base will degrade services offered at the airport increasing costs to airport tenants, airlines servicing Duluth, and those traveling.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> _____ Lost _____ Refer _____ Amend <u>  X  </u> _____ Other _____		

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors supports the continued operation of the Air National Guard Base in Duluth, Minnesota, and opposes any effort on the part of the BRAC to close the Base.

BE IT FURTHER RESOLVED, that upon passage, copies of this resolution be sent to Senator Kohl, Senator Feingold, and Congressman Obey.

Dated this 16<sup>th</sup> day of October, 2003

(Fiscal Note: None)

ACTION: Motion by Hooper, second Egan, to adopt. Motion by Browne, second Liebaert, to amend resolution and have it sponsored by the entire County Board. Motion carried. Brief discussion followed on the future of the Air Base, and Finn noted that Andy Lisak, Director of Development Association, is working with a group of individuals and organizations, to be certain the base is not kept on the list of potential base closings. City of Superior, City of Duluth and St. Louis County are considering a similar resolution. Motion to adopt resolution, as amended, carried.

**RESOLUTION #114-03**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE AND ADMINISTRATION COMMITTEE**

Subject: Appropriation for Head of the Lakes Fair, Inc. and Superior  
Speedway, Inc., Audits

RESOLVED that the Douglas County Board of Supervisors  
accept the recommendation of the Land and Development Committee and  
Administration Committee and approve appropriation of \$10,000.00 from  
the Land Improvement Account for audits of the Head of the Lakes Fair,  
Inc., and Superior Speedway, Inc.

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Reduce Land Improvement Account by \$10,000.00)

ACTION: Motion by Ryan, second Shepard, to adopt. Roll call vote  
taken and passed with 23 Yes, 0 No, 5 Absent. Absent were McKenzie,  
K. Johnson, W. Johnson, Cosgrove, Allen.

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John	X	
4. Glenn	X	
5. Zukowski	X	
6. Eckman	X	
7. Ward	X	
8. Martin	X	
9. Prettie	X	
10. Robinson	X	
11. Conley	X	
12. Waterman	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie		
16. Shepard	X	
17. Egan	X	
18. Allen		
19. Ryan	X	
20. Hooper	X	
21. Johnson, Kay		
22. Pleski	X	
23. Johnson, Wes		
24. Liebaert	X	
25. Coletta	X	
26. Johnson, Carol	X	
27. Cosgrove		
28. Jensen	X	
Roll: Ayes <u>  23  </u> Noes <u>  0  </u> Absent <u>  5  </u> Abstain <u>    </u>  Passed <u>  X  </u> Lost <u>    </u> Refer <u>    </u> Amend <u>    </u> Other <u>    </u>		

Roll Call		
District Number	Yes	No
1. Finn	x	
2. Browne	x	
3. O'Brien, John	x	
4. Glenn	x	
5. Zukowski	x	
6. Eckman	x	
7. Ward	x	
8. Martin	x	
9. Prettie	x	
10. Robinson	x	
11. Conley	x	
12. Waterman	x	
13. Quam	x	
14. O'Brien, James	x	
15. McKenzie		
16. Shepard	x	
17. Egan	x	
18. Allen		
19. Ryan	x	
20. Hooper	x	
21. Johnson, Kay		
22. Pleski	x	
23. Johnson, Wes		
24. Liebaert	x	
25. Coletta	x	
26. Johnson, Carol	x	
27. Cosgrove		
28. Jensen	x	
Roll: Ayes <u>  23  </u> Noes <u>   0   </u> Absent <u>   5   </u> Abstain <u>   0   </u>  Passed <u>  X  </u> Lost <u>      </u> Refer <u>      </u> Amend <u>      </u> Other <u>      </u>		

**RESOLUTION #115-03**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Budgetary Transfer

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve the following budgetary transfer:

Surveyor           \$2,030.04 (J.E. 107601 - Transfer from Contingency to Surveyor equipment rental.)

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

(Administrative Note: Two-thirds vote of Board-elect required)

**ACTION:** Motion by Quam, second Ryan, to adopt. Roll call vote taken and passed with 23 Yes, 0 No, 5 Absent. Absent were McKenzie, K. Johnson, W. Johnson, Cosgrove, Allen.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

**RESOLUTION #116-03**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Tax Deeds Taken by County

WHEREAS, on October 21, 2003, Douglas County will take tax deeds for 1999 unpaid taxes, and

WHEREAS, Section 75.14 of the Wisconsin Statutes requires County Board approval for issuance of tax deeds.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors hereby accept the recommendation of the Land and Development Committee and approve the issuance of tax deeds on October 21, 2003, for properties listed on Exhibit C-10-03, for those properties with 1999 taxes remaining unpaid as of that date.

**BE IT FURTHER RESOLVED that Corporation Counsel and County Clerk be allowed to use discretion on taking tax deed to properties that are deemed not advantageous to the county.**

Dated this 16<sup>th</sup> day of October, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

**ACTION:** Motion by Martin, second Glenn, to adopt. Sandvick explained the list before the County Board represents properties with delinquent 1999 property taxes, which were due and owing in the year 2000. In August of 2000 a tax certificate was taken on all properties still delinquent for 1999 taxes. According to Statute, the County is allowed to take a tax deed two years after that date, but Douglas County actually takes the deed three years after. People have until this Monday to pay the 1999 tax. There are currently 91 properties still unpaid, consisting of 49 unimproved, 42 improved. Sandvick noted this is higher than the county has seen in the last couple years. The list which went out with the agenda has changed somewhat, since there have been payments received in the last week. Coletta asked that he be provided a copy of the most recent list. Once a tax deed is taken by the County, the owner has until March 1 to repurchase the property upon approval, but then must pay all tax arrears, interest, and fees. Sandvick indicated that the Land and Development Committee gave the County Clerk authority not to take a property that is or has the potential for some type of contamination,

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Zukowski		
6. Eckman		
7. Ward		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Waterman		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hooper		
21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
25. Coletta		
26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		

and that perhaps this resolution should state this discretion. Felker explained that the County has the right to not take property that would not be advantageous to the county, or property that may be a real environmental problem. There are funding alternatives available if the County chooses to take a property that needs to be cleaned-up and put back on the tax rolls. Motion by Coletta, second Hooper, to amend resolution to allow Corporation Counsel and County Clerk discretion on taking tax deed to properties that are deemed not advantageous to the county. Liebaert added that he has a little problem with the county backing away from taking a property that has environmental hazards, leaving it as a risk to the public. Sandvick responded that typically the county has not backed away, and has been fortunate to have received funding assistance for clean-up. But deferring on a particular property, provides an opportunity for more time to investigate issues with a property. Milwaukee County does not take a tax deed on a contaminated property, but waits until a time when a developer comes along, and then proceeds with an In-Rem process to a potential purchaser. As far as razing costs for a structure, that would rest with the municipality. Motion carried. C. Johnson stated concern about legislation that would authorize counties to sell tax delinquent properties to third parties. Sandvick indicated this will be on the next Land and Development Committee agenda. Motion to adopt resolution, as amended, carried.

**COUNTY ADMINISTRATOR REPORT:** Written report was distributed with agenda. Koszarek reported there are two significant dollar amounts remaining with the Government Center: \$250,000 FF&E item for the Communication Center, and the ongoing dispute on the Construction Manager fee which is in legal hands at this time. They say the fee is \$2.9 million and the County says it is \$2.7 million. Quam recalled that the first Construction Manager always said there would be money returned to the County. In terms of the 2004 budget, on which the County Board will meet Tuesday, October 28<sup>th</sup>, a couple of issues continue to be discussed. A meeting is scheduled for Monday with the Northern Waters Library Service Director and the Superior Public Library, to discuss the assessment to the county, as this cost has risen significantly over the past few years. Several counties are concerned about cost controls in the library system, and the ability of funding organizations to control any of that spending. Brief discussion followed regarding video rentals through public libraries, which can create a competing situation for private video businesses. This was of particular concern to Hooper, if the videos are not educational tools. Pleski reminded supervisors that the role of libraries as resource centers for the public must not be forgotten. Koszarek noted he does not know how much of the overall utilization is represented by video rentals. Discussion followed on the county assessment formula for libraries per state statute, as historically, usage has been the primary factor. The City of Superior has similar library spending control concerns. All involved parties continue to explore options to reduce library costs without detriment to services, materials, and programs. Department Head meeting next week will include budget related issues in planning for 2005, and defining department head roles relative to administrator and standing committees. The last page of the Administrator's Report provides information on Health and Human Services non-mandated services offered through Douglas County. A good deal of money goes into non-mandated services, but in many cases, there are match dollars which allow for opportunities to draw down more state and federal dollars. Direct any questions on Human Services cutbacks to Koszarek.

### **COUNTY BOARD CHAIR REPORT AND APPOINTMENTS**

No appointments at this time. Budget meeting October 28, 2003, 9:00 a.m. in this room. Finn indicated it appears Douglas County is in fairly good shape this budget year, noting all counties are not in this situation. Every county needs to look outside the box to continue programs and services. He commended the Administration Committee and Administrator for the good budget sessions. Supervisors were requested to come to the November County Board meeting about 15 minutes early, as photo will be taken of the County Board. A reminder will accompany the agenda.

### **COMMITTEE REPORTS**

Zukowski reported the Buildings and Grounds Committee continues to work on some minor issues with the Government Center. Koszarek, Strauman, Finn and himself met on some issues to finalize the building project. Entry terrazzo floor problem is being addressed by representative from Chicago. Quam asked that the pedestrian crossing sign be moved to the end of the block. Zukowski advised Quam to sketch it out and drop it off at Strauman's office. Koszarek responded that the mid block cross walk is being addressed with the city.

C. Johnson reported that Monday, October 20<sup>th</sup>, 7:00 p.m., in Solon Springs, an informational meeting on the Shoreland Ordinance is scheduled. Public Hearing on the 22<sup>nd</sup>, 7:00 p.m., will be held in this room. Main change is replacing the 50% market value addition to 50% of square footage.

Pleski reported City-County Committee met Monday, and the two Co-chairs have been empowered to send a letter to the right individuals on the cross walk issue. Communication Center agreement has been finalized and will be forwarded to appropriate individuals. Felker needs to review the current one that was adopted by this body, have it terminated, and review the new one.

Waterman reported the Compensation Review Committee met, and is recommending cutting County Board Chair salary, capping mileage for out-of-county travel, eliminating per diem for out-of-county travel, and allowing the Board Chair in a voting position to receive meeting stipend. Also, the daily meal allowance will be reviewed to update county-wide. The information that went with the agenda, went to all Board members. Goal of the committee is to continue to try and be leaders by controlling expenses for the Board as a whole, in that the same pressure and controls were asked of departments and administration. A recommendation will be on the budget meeting agenda.

#### **APPROVAL OF BILLS AND CLAIMS**

Motion by Hooper, second Ryan, to approve bills and claims. Motion carried.

#### **SUCH OTHER MATTERS AS AUTHORIZED UNDER THE WISCONSIN STATUTES**

Flu shots for County Board available this year. Due to parking issue, the shots will be available at the other sites. There are 10 or 12 sites for the shot clinics, with a list available from Health Department.

Browne indicated residents of North End concerned with removal of the bar building materials that burned last month. Contacts have been made, and if insurance does not respond, the city will be tearing it down.

**ADJOURNMENT:** Motion by Glenn, second James O'Brien, to adjourn. Motion carried. Meeting adjourned at 7:00 p.m. Next regularly scheduled meeting - Thursday, November 20, 2003. 2004 budget public hearing and meeting, Tuesday, October 28, 2003, 9:00 a.m.

Submitted by,

Susan T. Sandvick  
Douglas County Clerk