

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, November 20, 2003, 6:00 p.m., Board Room, Government Center Second Floor
1316 North 14th 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 27 present, 1 absent. Absent and excused was Wes Johnson.

Motion by John O'Brien, second Shepard, to approve minutes of the October 16, 2003 meeting. Motion carried. October 28, 2003 budget meeting minutes were not completed in time for publication.

CORRESPONDENCE

1. Brown County, resolution on state aid to Wisconsin Fairs. Received and placed on file.
2. Wisconsin Department of Health and Family Services, satisfaction of Douglas County's Fiscal Year 2002 single audit report. Referred to Health and Human Services Board.
3. Wisconsin Department of Health and Family Services, notice of federal and state aids deposit for various contracts. Referred to Health and Human Services Board.
4. Carpenter, Dr. Richard G., President, Wisconsin Technical College System, thank you to Douglas County Board Chair Finn for participating in business roundtable in Superior. Received and placed on file.
5. Eau Claire County, resolution supporting 2003 Senate Bill 176. Received and placed on file.
6. Harkins Cunningham, Environmental Appendix on Canadian National Railway Company acquisition of DM&IR Railway Company, Bessemer and Lake Erie Railroad Company, and The Pittsburg & Conneaut Dock Company, for public review and comment. Received and placed on file.
7. Rainy River Energy Corporation, notice to property owners of preliminary site preparation plans for building a natural gas-fired generating plant in Superior. Received and placed on file.
8. Adams County, letter regarding protection of groundwater and springwater, Assembly Bill 486 and Senate Bill 246. Referred to Environment, Agriculture and Extension Committee.
9. Jackson County, resolution opposing Assembly Bill 133, modifications to property tax payment system. Received and placed on file.

Correspondence not on agenda:

10. Vic Wester, note of thanks. Received and placed on file.
11. Wisconsin Department of Revenue, November distribute of shared revenues, SMSR and expenditure restraint payments. Referred to Administration Committee.
12. Wisconsin Division of Hearings and Appeals, notice of telephonic pre-hearing on re-issuance of WPDES permit to Murphy Oil USA, Inc. Received and placed on file.
13. Wisconsin Counties Association, November 2003 - December 2004 meeting dates. Received and placed on file.
14. Racine County, resolution regarding the entire taxing, fees, and revenue raising activities of the state and local governments. Referred to Administration Committee.
15. LaCrosse County, resolution opposing modification to property tax payment system. Received and placed on file.

Motion by Pleski, second Liebaert, to suspend rules and hear from constituent of Pleski, Holly Conklin. Motion carried.

Holly Conklin, County Road B resident, came home last Thursday, and found that lilac bushes along the right-of-way in front of her home had been cut down. She stated she understood the bushes were in the right-of-way area, but had her family been informed the cutting/brushing was going to be done, they would have had the bushes moved further into their property. Conklin is upset that there is no prior notification, and requested that the county consider a policy of informing affected property owners when right-of-way cutting is scheduled. Photos of the area, taken prior to and after the cutting, were given to Jack Shepard, Chair of the Highway Committee. He assured Conklin this will be referred to the Highway Committee. They will let her know when the committee is meeting. Conklin's address is 3272 E. County Road B., Foxboro, 54836.

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 November 13, 2003, on the following petition for amendment of the county zoning district ordinance map:

Part of the S1/2 of the SE1/4 of the SE1/4, Section 2, T46N-R14W, (SU-028-00449-00), (County Road A), Town of Summit, from the R-2: Residential zoning district to the C-1: Commercial zoning district, by Robert & Lorealea Brown, 7597 S. County Road A, Superior, Wisconsin. Intended use: Existing flooring business.

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-11-03.

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 town.

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

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Coletta, 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 _____		

**AMENDMENT TO ORDINANCE #8.4
DOUGLAS COUNTY SHORELAND ZONING ORDINANCE
PRESENTED BY THE ZONING COMMITTEE**

THE DOUGLAS COUNTY BOARD OF SUPERVISORS DOES
ORDAIN AS FOLLOWS:

**SECTION IX. NONCONFORMING LEGAL PRE-EXISTING
USES AND STRUCTURES**

9.1 The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions: **conditions of this ordinance.**

~~9.11 If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance.~~

~~9.12 The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of s. 30.121.~~

~~9.13 If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.~~

~~9.14 Uses which are nuisances shall not be permitted to continue as nonconforming uses.~~

~~9.15 No structural alteration, addition or repair of a building or structure with a nonconforming use or any nonconforming building or structure, over the life of the building or structure, shall exceed 50 percent of its current estimated fair market value unless it is permanently changed to conform to the requirements of this ordinance.~~

9.16 If the alteration, addition or repair of a building or structure with a nonconforming use or a nonconforming building or structure is prohibited because it is in excess of 50 percent of the current estimated fair market value, the property owner may

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

still make the proposed alterations, additions or repairs if:

- (1) A nonconforming use is permanently changed to a conforming use;
- (2) The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustment or the Circuit Court find in the property owner's favor under SS. 59.99(4) or 59.99(10), Wis. Stats.; or
- (3) The property owner successfully petitions to have the property rezoned by amendment to this ordinance in accordance with Section 11.0 of this ordinance and Section 59.97(5)(e), Wis. Stats.

9.2 Legal Pre-Existing Principal Buildings

- (1) **These provisions apply to principal buildings that are legally pre-existing as to any or all shoreland setback requirements. The shortest distance from the principal building to the Ordinary High Water Mark (OHWM) shall determine which Section of §9.2 (2), (3) or (4) applies.**
- (2) **Legal pre-existing principal buildings less than 40 feet from the OHWM are permitted ordinary maintenance and repair, and interior and exterior improvements. Such principal buildings may be improved, as described in subsections a-g below, provided:**
 - (a) **No more than 33% of structural members of existing external walls, and roof, foundation or basement are modified or replaced, exclusive of roof modifications necessary to integrate a new roof plane into an existing roof plane. (e.g., a 24' x 36' building has a perimeter of 120', therefore an alteration or replacement of no more than 39.6' of the exterior wall would be permitted).**
 - (b) **Internal improvements are confined to the building envelope and may be constructed without a land use permit.**

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

- (c) No new basements, foundations, additional stories, expansion, or accessory construction is permitted except for additions allowed under §9.2 (2)(e).
 - (d) All other improvements, modifications, and/or repairs not addressed in §9.2 (2) are strictly prohibited.
 - (e) A one-time expansion of 144 sq. ft. of enclosed dwelling area may be allowed either horizontally on the landward side of the structure or vertically.
 - (f) Expansions under §9.2 (2)(e) require the mitigation requirements of §9.4.
 - (g) Existing principal structures shall have at least 500 square feet of enclosed dwelling area to be eligible for expansion under Section 9.2 (2)(e).
- (3) Legal pre-existing principal buildings 40-75 feet from the OHWM are permitted ordinary maintenance and repair. Such principal buildings may be improved and expanded provided:
- (a) The existing principal building is at least 500 square feet and less than 1500 sq. ft. of enclosed dwelling area.
 - (b) No more than 33% of structural members of existing external walls and roof are modified or replaced, exclusive of roof modifications necessary to integrate a new roof plane into an existing roof plane and exclusive of landward facade modification necessary to integrate a new addition into an existing building. (e.g., a 24' x 36' building has a perimeter of 120', therefore an alteration or replacement of no more than 39.6' of the exterior wall would be permitted).
 - (c) The expansion does not exceed 50% of the current enclosed dwelling area over the life of the

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

structure and the resulting total enclosed dwelling area after expansion does not exceed 1500 sq.ft.. (Measured for all stories excluding an existing basement.) Proposed full, half or walkout basements will be included in determining the final enclosed dwelling area.

- (d) Additions and/or expansions shall be located on the landward side of the structure but may extend toward the sideyard in areas provided that they are beyond the required setback.
 - (e) The mitigation requirements of Section 9.4 are implemented.
- (4) Legal pre-existing principal buildings between 75 feet and the applicable lake/river class setback from the OHWM are permitted ordinary maintenance and repair. Such principal buildings may be improved and expanded provided:
- (a) The existing principal structure is less than 2000 sq. ft. of enclosed dwelling area.
 - (b) No more than 33% of structural members of existing external walls and roof are modified or replaced, exclusive of roof modifications necessary to integrate a new roof plane into an existing roof plane and exclusive of landward facade modification necessary to integrate a new addition into an existing building. (e.g., a 24' x 36' building has a perimeter of 120', therefore an alteration or replacement of no more than 39.6' of the exterior wall would be permitted).
 - (c) The expansion does not exceed 50% of the current enclosed dwelling area over the life of the structure (measured for all stories excluding an existing basement.) And the resulting total enclosed dwelling area after expansion does not exceed 2000 sq.ft. (Measured for all stories excluding an existing basement.) Proposed full, half or walkout basements will be included in determining the final enclosed dwelling area.

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

(d) Additions and/or expansions may run parallel with the landward façade of the structure but may not be any closer to the OHWM and may not encroach into the side yard setback.

(e) The mitigation requirements of Section 9.4 are implemented.

9.21 If the expansion of a principal building is prohibited because the requirements of §9.2 (2),()3, or (4) are not meet, the property owner may still make the proposed expansion if:

- (1) The legal pre-existing principal building is permanently changed to a conforming principal building;
- (2) The property owner appeals the determination of the zoning administrator and either the county board of adjustment or the circuit court find in the property owner’s favor under § 59.694(4) or 59.694(10) Wisconsin Stats.
- (3) The property owner successfully petitions to have the property rezoned by amendment to this ordinance in accordance with § 11.0 of this ordinance and § 59.69(5)(e), Wisconsin Stats.

9.3 Legal Pre-Existing Accessory Structures.

- (1) Accessory structures that are legally pre-existing to any or all shoreland setback requirements and/or legally pre-existing to the use are only allowed ordinary maintenance and repair, and interior improvements.
- (2) The ordinary maintenance and repair of legal pre-existing boathouses that extend water ward beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121 Wisconsin Stat.

9.31 If the proposed work on an accessory structure is in excess of what is allowed under ordinary maintenance and repair and/or interior or exterior improvements, the property owner may still make the improvements and/or ordinary maintenance and repair if:

- (1) The legal pre-existing accessory structure is

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

permanently changed to a conforming accessory structure;

- (2) The property owner appeals the determination of the zoning administrator and either the county board of adjustment or the circuit court find in the property owner's favor under § 59.694(4) or 59.694(10) Wisconsin Stats.
- (3) The property owners successfully petitions to have the property rezoned by amendment to this ordinance in accordance with § 11.0 of this ordinance and § 59.69(5)(e), Wisconsin Stats.

9.4 Mitigation Measures.

(1) Required mitigation

A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or their authorized agent and approved by the Zoning Department prior to issuing the related land use permit(s). Mandatory practices for mitigation shall include:

- (a) Evaluation and if needed upgrading of any existing sanitary system on the subject property to meet current Douglas County and Department of Commerce regulations.
- (b) Implementation of standard erosion and storm water runoff control measures described in applicable sections of this ordinance.

(2) Additional requirements

- (a) Accumulating at least two (2) points from among the following proposed or current practices:
 - (1) Maintenance of an existing shoreland buffer area within 35 feet of the OHWM for Class 1&2 Lakes and within 50 feet for Class 3 Lakes and

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

River/Streams (2 points).

(2) Restoration of the shoreland buffer area within 35 feet of the OHWM for Class 1&2 Lakes and within 50 feet for Class 3 Lakes and River/Streams (2 points).

(3) Restoration of native vegetation along both sideyards, minimum of 5 feet wide measured perpendicular to the lot line for the entire length of the lot. (1/2 point)

(4) Removal of legal pre-existing accessory buildings from within the shoreland setback area (1 point per building)

(5) Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point)

(6) Removal of waterward improvements (seawalls, dockage, artificial sand beach etc. and / or restoration of emergent aquatic vegetation (1/4 point for each distinct removal / restoration effort)

(7) Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of §9.4(2)(a)

(3) A Shoreland Mitigation/Preservation Affidavit shall be signed and recorded with the register of deeds prior to the issuance of a zoning permit for the expansion or improvement of a legal pre-existing principal building which requires mitigation under §9.2.

9.41 Type of Shoreland Buffer.

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

The type of shoreland buffer restoration required under §9.4(2) will be determined by the Zoning Department and/or the Land Conservation Department. The buffer type shall be either woodland, prairie, or wetland. The woodland and prairie buffers shall comply with the standards set forth in §9.41 Table 1. Wetland buffers will also be permitted where deemed appropriate by the Zoning Department and/or the Land Conservation Department.

9.42 Table 1. Shoreland Buffer Planting Standards

Layer	Woodland Buffer		Prairie Buffer		Area Credits
	Minimum number of species	Density per 100 sq. ft.	Minimum number of species	Density Per 100 sq. ft.	
Tree Canopy	3	1	2	0.2	Existing Tree Canopy Edge Viewing corridor
Shurb Understory	4	1.5	2	0.5	Existing Shrub Understory Wet Edge Viewing corridor
Groundcover plant plugs	1	70	5	70	Existing well vegetated native ground cover
Groundcover seeding	1	Varies	5	Varies	Existing well vegetated native ground cover

9.43 Type of Vegetation Recovery.

- (1) **Natural Recovery**
Shoreland buffer areas that are suited for natural recovery will be allowed only after Zoning and /or County Land Conservation approval.
- (2) **Accelerated (planted) recovery**
Areas not suited to natural recovery will require plantings to establish native vegetation and must be planted. Areas such as lawns or eroded sites with no seed source will require plantings. Dense turf grass growths that have been maintained for several years will need to be removed and native plantings installed. Planted buffers must meet the required plant densities based on square footage of buffer area and the type of buffer (Table 1). Planting credits will be allowed for the viewing corridor, areas of existing native vegetation, and areas suited for natural recovery.

9.44 Douglas County Native Plant List.

Species of plants must be selected from the Douglas County Native Plant List and approved for shoreline buffers by the Zoning and /or Land Conservationist. Substitutions must be approved by the Zoning

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

and/or Land Conservationist. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone.

9.45 Planting Densities.

Planting densities are based on the total area of the required buffer. Area credits calculated are subtracted from the total required density on an equal square footage of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to qualify as a credit or planting.

9.46 Shoreland Buffer Plan Requirements.

A shoreland restoration plan shall be completed for all required shoreland mitigation or preservations. Plans must be approved by the Zoning and Land Conservationist.

(1) Shoreland Buffer Restoration Site Plans must include:

- (a) Name and Address of property owner
- (b) Property address and legal description
- (c) Extent of the shoreland buffer
- (d) Scale (e.g. 1 inch = 10 feet)
- (e) North arrow
- (f) Ordinary high water mark (OHWM) location
- (g) Location of all structures in the shoreland buffer zone
- (h) Viewing and access corridor
- (i) Boundary of the shoreland buffer zone
- (j) Existing trees, shrubs, and native ground cover
- (k) Areas to be planted with trees, shrubs, and groundcovers
- (l) Implementation schedule
- (m) A plant species list; indicate if you are requesting substitutions from the prepared list
- (n) Erosion control practices (to be installed prior to and during buffer establishment)
- (o) Water diversions and channelized flow areas
- (p) Buffer Maintenance (weeding, replanting)

(2) Implementation schedule.

The approved Shoreland Buffer Restoration Site Plan must be started within one year from the issue date of applicable permit. All plantings and any other required activities in the Shoreland Buffer Restoration Site Plan must be completed within two years of the permit issue date.

9.5 Replacement Of Existing Structures.

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

(1) Voluntarily Demolished.

Unless ¶ 2. applies, a structure may not be rebuilt or replaced closer than the applicable OHWM setback if it has been voluntarily demolished such that any of the following apply:

- (a) Replacement of 50% or more of the building.
- (b) The existing use of the structure has been discontinued for twelve consecutive months as a result of the demolition.

(2) Damaged or Destroyed by Violent Wind, Fire, Flood or Vandalism

As required by Wis. Stat. § 59.692(1s), if an existing structure has been destroyed or damaged after October 14, 1997 by violent wind fire, flood or vandalism, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

- (a) A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.
- (b) Except as provided in Wis. Stat. § 87.30 (1d), a building located closer than seventy-five feet (75') from the ordinary high water mark that is subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.
- (c) The landowner shall bear the burden of proof as to the size location or use a destroyed or damaged structure had immediately before the destruction or damage occurred.
- (d) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed.
- (e) The private onsite wastewater treatment (septic) system serving the principle structure shall meet current standards for new construction.

9.6 Legal Pre-Existing Uses.

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

(1) **Burden of Proof.** A property owner claiming a legal pre-existing use and exemption from applicable regulations shall prove by a preponderance of the evidence that:

- (a) The use was legally established;
- (b) The use predated zoning provisions with which it does not comply;
- (c) The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired

(2) **No Expansion.** A legal pre-existing use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became legal pre existing, was only partially devoted to such use.

(3) **Discontinuance.** If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the building structure, or property shall conform to this ordinance.

If the legal pre-existing use of a temporary structure is discontinued, such legal pre-existing use may not be recommenced.

(4) **Nuisance.** Legal pre-existing uses, which are nuisances, shall not be permitted to continue.

13.2 The following terms used in this ordinance mean:

(1) **“Accessory Construction”** means construction, replacement placement, or modification of but not limited to decks, porches (open or screened), and walkways.

(1)(2) **“Accessory structure or use”** means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

(2)(3) **"Boathouse"** means any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.

(3)(4) **"Conditional-Use"** means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee.

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

(4)(5) "County zoning agency" means that committee or commission created or designated by the County Board under S. 59.97(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.

(5)(6) "Department" means the Department of Natural Resources.

(6)(7) "Development" means any man-made change to improve real estate including but not limited to the construction of buildings, structures or accessory structures; the construction or additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving excavation or drilling operations; and the deposition or extraction of earthen materials.

(7)(8) "Drainage System" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(9) **“Enclosed Dwelling Area” means the enclosed floor space within a principal structure including but not limited to attached garages three season porches, lofts and breezeways. (Existing basements and decks are excluded when calculating existing enclosed dwelling area.)**

(10) **“Expansion” means any structural modification, which increases the existing structure envelope or footprint.**

(11) **“Exterior improvement” – means upgrades in aesthetics, function or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors, windows replacement of basement/foundation walls and footings.**

(8) (12) "Floodplain" means the land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and flood fringe as those terms are defined in Ch. Nr 116, Wis Adm. Code.

(13) **“Interior improvement” means upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components.**

(9) (14) "Navigable waters" means Lake Superior, all natural inland lakes and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters,

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 _____ Lost _____ Refer _____ Amend _____ Other _____		

which are navigable under the laws of this state. Under S. 144.16(2)(d) Wis. Stats., notwithstanding any other provisions of law or administrative rule promulgated thereunder, shoreland ordinances required under S 59.971, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

(+)(15) "Ordinary highwater mark" means the point on the bank or shore up to which the present action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or other easily recognized characteristics.

(16) **“Ordinary Maintenance and Repair” means ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structure improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration.**

(17) **“Principal Building” means a structure that is designed for independent human habitation and includes sanitary and/or food preparation facilities whether such structure is attached to another structure(s) or stands alone.**

(+)(18) "Regional Flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(+)(19) "Shorelands" means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain whichever distance is greater.

(+)(20) "Shoreland-wetland district" means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this ordinance.

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 _____		

(21) "Structural Alteration" means any activity not considered ordinary maintenance and repair that results in a change to the integral framework, or the exterior silhouette or footprint of a structure.

(14)(22)"Unnecessary hardship" means that circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(15)(23)"Variance" means an authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(16)(24)"Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Dated this 20th day of November, 2003

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Ryan, to adopt. Keith Wiley, Interim Zoning Administrator, presented an overview of the proposed ordinance which deals with nonconforming structures. He defined nonconforming structures within the shoreland, which are structures legally established prior to the current zoning ordinance, that do not comply with those ordinance regulations. The new ordinance will make it easier for interpretation and be much easier for zoning to process permits. The current ordinance allows for 50% of fair market value, with the condition of not being any closer to ordinary high water mark (OHWM) than any part of the existing structure. The most significant difficulty with the current ordinance is determining or agreeing upon the fair market value figure. Tracking improvements from the past has been difficult. No mitigation requirements under the current ordinance. Basic goals of this proposed ordinance amendment are: 1) To better manage the expansion of nonconforming structures within the shoreland; 2) To protect Douglas County's valuable water resources; and 3) Balance the property owner's right to develop and maintain their own property with the general public's right to use and enjoy the water resources. A few common policies are used in the amendment to address nonconforming structures: 1) To treat nonconforming accessory structures more restrictively than the principal structure on the property; 2) To treat structures closer to the ordinary high water mark more restrictively than structures farther away from the water; 3) To substitute square footage cap for the 50% value cap; and 4) To implement mitigation for expansion of nonconforming structures, re-establishing buffer zone and evaluating the septic system. Primary differences between current ordinance and proposed amendment are the 50% of enclosed principal dwelling square footage, and the addition of mitigation

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 _____		

requirements. Wiley elaborated on the allowed square footage caps for structures within the various lake classification setback requirements, noting no expansion allowed to nonconforming accessory structures. Mitigation will be required only with additions, no repair and maintenance measures. Discussion followed. This amendment will follow the current sanitary ordinance, which already meets criteria of Comm 83, so the mitigation requirement can still be required to be certain no contamination to groundwater or the lake exists. Concrete block foundation that needs repair can be done. Post foundation cannot be replaced with block foundation. Block foundation can be fully redone, but useable basement cannot be made out of an existing crawl space. C. Johnson, Chair of Zoning Committee, indicated public hearings were held on this amendment, and it received support from all the area lakes associations and builders who participated. Liebaert asked about the restrictions on decks or stairways. Wiley responded existing deck can be maintained and walkways are still allowed. For structures 0 to 40 feet from OHWM, a new deck could not encroach the shoreline even with the current ordinance, and will not be allowed with the proposed ordinance. Asked why a post foundation cannot be replaced with a block foundation, Wiley responded that the general intent is to have those nonconforming structures come into compliance at some time. The rationale is that if a property owner is going to the expense of a new concrete foundation, the owner should explore moving the nonconforming structure back to the applicable setback requirement. Browne stated he would like to see realtors have knowledge of these regulations, and that there be some type of truth in information requirement stated in any purchase agreements or sales contracts on properties. McKenzie explained information she received at a DNR listening session on proposed NR 115 changes, and suggested a link be put on the Douglas County website to the DNR website for citizens to access this information. Asked if current boathouses and existing docks are affected, Wiley indicated that boathouses are allowed in all townships except Wascott. Boathouses located over the OHWM are regulated by the DNR. Current nonconforming primary structure requesting expansion permit does not require sanitary inspection, either under the county ordinance or the state statutes. Discussion followed on how the buffer is determined, and is fairly consistent across the state, and fair market value based on construction costs, as opposed to the proposed 50% square footage rule. Re-writing of NR115 is in progress, and how the square footage and mitigation rules are affected is not known at this time. Further discussion followed on how the calendar is applied to structural expansions with the 50% square footage rule. If someone puts an addition on under the 50% fair market value, once this proposed ordinance is passed, the calendar starts over again - in other words another permit can be applied for under the 50% square footage rule, according to the respective lake classification (0 to 40, 40 to 75, or 75 to 125 feet from OHWM). Square footage rule applies to enclosed dwelling area, floor space within principal structure. It will include habitable second stories, habitable basement etc., but excludes porches, etc. Board of Adjustment is always an avenue for those with questionable permitting. Discussion followed on a small lot with a nonconforming structure that needs to be replaced, and what the property owner can do if an effort is made to make the structure as close to conforming as possible. Part of the NR115 proposal recognizes the problems with small lots, and allows permitting in situations like this. Wiley emphasized that there is no goal to get rid of older smaller cabins on

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 _____		

small lots. It was noted that that the last word of second sentence, Section 9.2(2g) of the proposed amendment the last word should be area, not are. Motion by Allen, second Quam, to make this correction as noted. Motion to correct carried. C. Johnson recalled that some citizens had voiced concerns about checking and enforcement of buffers, and Wiley assured the Board that the only time buffer will be checked is when application is made for expansion to existing structure. Motion to adopt ordinance, as amended, carried

RESOLUTIONS

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 #125-03
RESOLUTION BY THE LAND AND DEVELOPMENT COMMITTEE

Subject: Land Sales

WHEREAS, Douglas County has advertised for sale various parcels of land on October 6, 13 and 20, 2003, in accordance with Section 75.69, Wisconsin Statutes, and the highest bids received are as follows:

\$ 752.00 PARCEL 85-03: Lot 219, West 6th Street, Townsite of Superior, City of Superior, known was 2405 East 6th Street, from Michael and Kristin Trianoski. Intended use: Garage site - owns adjacent property.

\$ 976.76 PARCEL 86-03: Lot 338, West 3rd Street, Townsite of Superior, City of Superior, known as 2016 East 3rd Street, from Clarence and Donna Carlson. Intended use: Owns adjacent property.

\$ 5,010.00 PARCEL 87-03: Lots 137 & 139, West 2nd Street, Townsite of Superior City of Superior, known as 2621-23 East 2nd Street, from David and Marjorie Regner. Intended use: Residential building site.

\$ 4,150.00 PARCEL 89-03: Lots 257, 259, 261 & 263, Block 29, East St. Croix Street, Townsite of Superior, City of Superior, known as 3902-08 E. St Croix Street, from Gerald and Sharon Colton. Intended use: Residential building site.

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 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Increase Profit and Loss on "Land Sales Account" by \$10,888.76)

ACTION: Motion by Hooper, second Cosgrove, to adopt. Motion carried.

RESOLUTION #126-03
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE

Subject: Repurchase of Property

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Land and Development Committee and approve the following request to repurchase tax delinquent property, pursuant to Douglas County Ordinance #1.5:

From Superior Forest Products, Inc., to repurchase Parcel #PA-024-00166-00, described as Part of the NW1/4, lying NE of Grand Avenue and NW of Interstate Railroad, Section 9, Township 48N Range 13W, described 280 DP 326, except commencing at the NW1/4 of Section 9, Township 48N, Range 13W, Thence South 00 degrees 32' 25" West along the West Section line 974.32 feet to an iron pipe, the North right-of-way line of Grand Avenue, thence South 41degrees 10' 13" along the right-of-way of Grand Avenue 1471.92 feet to an iron pipe, thence North 49 degrees 12' 13" East 4.31 feet to an iron pipe, thence North 00 degrees 32' 25", 2187.36 feet to an iron pipe, thence South 89 degrees 30" 57", West 982.86 feet to the point of beginning, Town of Parkland, Description 280RD326 and Exc. 717921, having paid delinquent taxes and fees in the amount of \$5,462.72.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Glenn, second Allen, 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 #127-03
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE

Subject: Transfer of Property to City of Superior

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Land and Development Committee and transfer ownership of the following described properties to the City of Superior, at a purchase price of \$100 per lot:

Lots 226 through 242, even numbers, except r/w, West 9th Street, Townsite of Superior, known as 2316 thru 2332 East 9th, City of Superior, (Parcel #01-801-02690-00);

Lots 361 and 363, West 10th Street, Townsite of Superior, known as 1921 thru 1923 East 10th Street, City of Superior, (Parcel #02-802-00654-00);

Lots 9 and 10, Block 8, Fish Division South Superior, known as 6113 thru 6115 Oakes Avenue, City of Superior, (Parcel #08-808-03978-00);

Lot 13, Block 8, Fish Division South Superior, known as 6121 Oakes Avenue, City of Superior, (Parcel #08-808-03981-00);

Lots 14 thru 20 Inclusive, Block 8, Fish Division South Superior, known as 6123-6127 Oakes Avenue, City of Superior, (Parcel #08-808-03982-00);

Lots 318 and 320, Block 36, Itasca Street, Townsite of Superior, known as 4029 thru 4031 E. Itasca Street, City of Superior, (Parcel #10-810-02149-00); and

Block 41, E. St. Croix Street, Townsite of Superior, known as 4202 thru 4216, City of Superior, (Parcel #10-810-02770-00).

BE IT FURTHER RESOLVED that this property is being transferred to the City of Superior for the intended purpose of housing development, and if such development does not occur within five years from date of transfer, ownership of the property will revert to Douglas County.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Increase Profit and Loss on "Land Sales Account" by \$3,100.00)

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 _____		

ACTION: Motion by Allen, second Martin, to adopt. Zukowski noted he does not promote giving county land or assets away, but that it be sold at the appropriate lot price. It was clarified by Sandvick, that the policy on transfers to municipalities is based on any existing delinquent taxes, and in this case, there was no record of taxes, so \$100 per lot was applied. Sue Mattson, City of Superior Planning Office, explained that the city plans to use these sites for new homes, working with the Housing Development Corporation, private funds, local lender mortgage financing, and CDBG monies to help develop and clean-up sites. Five to seven homes are planned over the next couple years. She explained the matching funds requirement of the current grant application. Quam requested that supervisors be notified when transfers like these are being recommended in their respective districts. Brief discussion followed as to whether a double standard exists, between what the public is expected to pay for county land, and what municipalities pay. Motion carried.

RESOLUTION # 128-03
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE

Subject: Easement for Parkland Industrial Park

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Land and Development Committee and approve issuance of easement for Parkland Industrial Park frontage road, as set forth in Exhibit B-11-03.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Glenn, second Hooper, 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 _____		

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 #129-03
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: Senate Bill 44 Opposed

WHEREAS, Section 1632mb of 2003 Senate Bill 44 would amend the current State law that prohibits the sale, assignment or transfer of tax certificates by counties, allowing counties to sell tax certificates on delinquent real estate properties to third parties, and

WHEREAS, under Section 1632mb of 2003 Senate Bill 44, the taxpayer has no opportunity for due process regarding the fate of their home or property, and

WHEREAS, none of the procedures and policies have been specified in this bill leaving the taxpayers and counties uncertain as to the full extent of the impact of this proposal, and

WHEREAS, this proposal places corporate interest over the public interest breaking down the integrity of the County Treasurer's Office by removing its ability to work for the best interest of taxpayers and the public at large.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors, go on record in opposition to Section 1632mb of 2003 Senate Bill 44 which would authorize counties to sell tax certificates on delinquent real estate properties to third parties.

BE IT FURTHER RESOLVED, that the County Clerk be requested to send copies of this resolution to the Wisconsin State legislature, Governor James Doyle, all Wisconsin counties, and the Wisconsin Counties Association.

Dated this 20th day of November, 2003.

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

ACTION: Motion by Allen, second Liebaert, to adopt. Motion by Allen, second Browne, to amend resolution and have it sponsored by entire County Board. Motion carried. Motion to adopt resolution as amended, carried.

RESOLUTION #130-03
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: Soo Lock Replacement Project

WHEREAS, since 1985 the Soo Locks have provided an indispensable shipping link between the Duluth-Superior Port and the rest of the Great Lakes St. Lawrence Seaway System, and

WHEREAS, the Soo Locks consist of four separate locks that raise and lower ships by 21 feet, providing the only connection between Lake Superior and Lake Huron, and of the four locks, only one, the ‘Poe Lock’, can accommodate 1,000 ft. shipping vessels, and

WHEREAS, the Water Resources Development Act (WRDA) of 1986 authorized construction of a new large lock that would replace two of the existing smaller antiquated locks and would provide a critical backup to the existing ‘Poe Lock’, and

WHEREAS, the Douglas County Board of Supervisors fully support the Great Lakes Commission to develop and maintain a consensus regional position on funding the non-federal share of the Soo Lock project cost, and that estimated construction cost of the replacement lock is \$225 million, of which the non-federal share is \$54.8 million, and

WHEREAS, eight Great Lakes states are sharing in the responsibility of financing the non-federal share, and each state’s share is determined from state-based and port-based origin/destination cargo tonnage traveling through the Soo Locks, and

WHEREAS, waterborne commerce through the Soo Locks is a primary contributor to the vitality of the Superior-Duluth Port, and plays a major role in the growth and stability of the region’s economy, and

WHEREAS, the Superior-Duluth Port has a \$200 million annual regional economic impact, with more than 2000 local jobs dependent on the Port, and

WHEREAS, the State of Wisconsin has not committed to it’s share of the Soo Lock Replacement Project, estimated to be \$2.15 million or \$118,000 per year for 50 years.

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 _____		

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 urge formal State of Wisconsin financial participation in the Soo Lock Replacement Project.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Egan, second Allen, to adopt. Motion by Zukowski, second McKenzie, to amend resolution and have it sponsored by the entire County Board. Motion carried. 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 _____ Other _____		

**RESOLUTION #131-03
RESOLUTION BY THE FOREST, PARKS AND
RECREATION COMMITTEE**

Subject: Forestry Department 2004 Annual Work Plan

WHEREAS, the Douglas County Forest Comprehensive Ten-Year Plan requires an annual work plan to be approved by the Douglas County Board of Supervisors, and

WHEREAS, the Douglas County Forest, Parks, and Recreation Committee has unanimously approved the annual Forestry work plan at their regular meeting held on Monday, October 27, 2003 and

WHEREAS, the Douglas County Board of Supervisors have adopted the Forestry Department budget at their budget meeting held October 28, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Forest, Parks, and Recreation Committee and approve the Douglas County Forestry Department Annual Work Plan for 2004 as set forth in Exhibit C-11-03.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Wisconsin Department of Natural Resources, Forestry Specialist, Spooner, Wisconsin.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Cosgrove, second Zukowski, to adopt. Motion carried.

RESOLUTION #132-03
RESOLUTION BY THE LAW ENFORCEMENT
COMMITTEE

Subject: Concealed Weapons Legislation - 2003 Senate Bill 214 and
 Amendments

WHEREAS, Senate Bill 214, recently passed by the Wisconsin legislature, allows citizens to carry concealed weapons under certain conditions if properly licensed by a County Sheriff, and

WHEREAS, Senate Bill 214 requires the County Sheriffs to be the licensing authority for applicants for a concealed weapons license which would require that background checks be completed prior to the issuance of a license, as well as the revocation of licenses for violation of the license qualifications, and

WHEREAS, Senate Bill 214 puts the burden of implementing this law on the counties with administrative costs to the Sheriff for licensing and monitoring compliance with license requirements, and on the Clerk of Courts to provide notice to the Sheriff of all court proceedings that would require suspension or revocation of a license to carry a concealed weapon, imposing cost and liability to both the Sheriff and the counties, and

WHEREAS, Senate Bill 214 allows the County Board to authorize the County Sheriff to “opt out” of the licensing procedure if approved by a two-thirds vote of the members, and

WHEREAS, the Douglas County Sheriff, in concert with the Wisconsin Sheriffs Association, opposes Senate Bill 214 as written.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors accepts the recommendation of the Law Enforcement Committee to inform Governor Doyle, Wisconsin state legislators, and the Wisconsin Counties Association, of concerns, as cited above, relative to passage of 2003 Senate Bill 214.

Dated this 20th day of November, 2003.

(Committee Action: 4 Yes, 2 No, 1 Absent)

(Fiscal Note: None)

ACTION: Motion by McKenzie, second K. Johnson, to adopt. Ward stated that this bill has currently been vetoed by the Governor, and it is not known if the legislature will override it. Motion by Ward, second Liebaert, to table this resolution until such time as veto status is known. 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 _____ Lost _____ Refer _____ Amend _____ Other <input checked="" type="checkbox"/> Tabled		

RESOLUTION #133-03
RESOLUTION BY THE LAW ENFORCEMENT
COMMITTEE

Subject: Huber Fee Increase

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Law Enforcement Committee and approve an increase in the Huber prisoner fee from \$12.00 to \$15.00 per day.

Dated this 20th day of November, 2003

(Committee Action: Unanimous)

(Fiscal Note: Estimated increase of \$22,000 in Jail Revenue Account - Huber Law Prisoners)

ACTION: Motion by Coletta, second Pleski, to adopt. Discussion followed on how the fees will be collected. Dalbec indicated that if person is jailed and not employed, when the inmate leaves incarceration he/she leaves with a bill. Collection agencies are being considered for those who do not make attempt to pay. State statute dictates that a person cannot be kept incarcerated for inability to pay such fees. Normally payment plans, as with court fees, can be applied. 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 #134-03
RESOLUTION BY THE LAW ENFORCEMENT
COMMITTEE

Subject: Electronic Monitoring Fee Established

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Law Enforcement Committee and approve establishment of a \$25.00 fee for electronic monitoring hook-up.

BE IT FURTHER RESOLVED, that the \$25 fee begin immediately following passage of this resolution, and that the Law Enforcement Committee review the \$25 figure for purposes of covering actual cost of electronic monitoring per individual.

Dated this 20th of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Estimated increase of \$2,400 in Jail Revenue Account - Electronic Monitoring)

ACTION: Motion by Zukowski, second Martin, to adopt. Sheriff Dalbec was present and explained what costs the fee will cover, and that \$25 is the norm around the state. It was suggested that a \$2 per day fee be added, to cover the monitoring function itself. Motion by Allen, second Quam, to refer this resolution back to the Law Enforcement Committee, to consider a fee that will recoup actual cost. Glenn, Chair of Law Enforcement, stated this resolution is just a start on recouping costs, and additional fees can always be considered. Discussion followed on the referral motion. The \$25 covers hookup and disconnect. Motion to refer failed. Motion by Allen, second Quam, to amend the resolution and add "Be It Further Resolved, that the \$25 fee begin immediately following passage of this resolution, and that the Law Enforcement Committee review the \$25 figure for purposes of covering actual cost of electronic monitoring per individual. Motion carried. Brief discussion followed. 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 _____		

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 #135-03
RESOLUTION BY THE COUNTY BOARD COMPENSATION
REVIEW COMMITTEE**

Subject: County Board Compensation

RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Compensation Review Committee, and approve amendment to the Douglas County Board of Supervisors Manual of Policies and Procedures, as set forth in Exhibit E-11-03.

BE IT FURTHER RESOLVED that the amendment will become effective with the next term of office for County Board Supervisors beginning in April, 2004.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Within budget)

ACTION: Motion by Coletta, second Waterman, 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. 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 #136-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE,
SUPERVISORS ON THE CITY-COUNTY COMMITTEE,
AND SUPERVISORS ON THE COMMUNICATION
CENTER BOARD

Subject: Communication Center Agreement

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee, Supervisors on the City-County Committee, and Supervisors on the Communication Center Board, and approve the Communication Center Agreement between Douglas County and the City of Superior, as set forth in Exhibit F-11-03.

BE IT FURTHER RESOLVED that the previous Communication Center Agreement between the parties is hereby rescinded and replaced with this agreement.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Ward, second James O'Brien, to adopt. Pleski asked that the County Administrator review the document for accuracy of all adds and deletes, prior to execution of the document in its final form. 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 #137-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Vacation Carry-Over Policy

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve vacation carry-over policy as follows:

- (1) All requests for carry-over to the Administrator must come through the Department Head.
- (2) All staff are to use as much vacation as possible in 2003. Management reserves the right to delete any non-“banked” hours over the 40 hour maximum on 12-31-03.*
- (3) The maximum vacation carry-over after 2004 will be 80 hours. No exceptions.
- (4) The maximum vacation carry-over after 2005 will be 40 hours. No exceptions.

* “Banked” means pre 1995 vacation hours.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Within budget)

ACTION: Motion by Martin, second Hooper, to adopt. Asked if this policy includes department heads, Koszarek responded that Administration reserves the right to determine that the books accurately reflect the amount of time. Allen objected to the inclusion of department heads, and repeated that Koszarek stated at the Administration Committee meeting, it did not include department heads because they should not authorize their own vacation time carryover. Koszarek stated he will deal with each case himself, because in any extreme cases, he will make the decision for a department head. He added he thought it was only fair to give department heads the same opportunity to use vacation carryover. The policy reads that the Administrator has the final say on the carryover. 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 #138-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Meal Expense Reimbursement

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve the following amendment to the Douglas County Manual of Personnel Policies and Procedures, Section 4.C.3. Meal Expenses Reimbursement:

3. Meals

a. Maximum reimbursable rate for meals shall be:

Breakfast	\$5.50	\$7.00
Lunch (Noon)	\$6.50	\$9.00
Dinner (Evening)	\$12.00	\$18.00

b. If overnight stay is required, ~~and the employee has expenses for breakfast, lunch and dinner~~ the employee may exceed the maximum set for any one meal; however, the total reimbursement rate shall not exceed ~~\$24.00~~ **\$34.00 per day**.

c. Allowable expenses for meals includes gratuity.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Quam, second Pleski, to adopt. Waterman wanted to make certain the meal rates in this resolution, are carried into the County Board Compensation Policy. 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 #139-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Escrow Account Restructured

WHEREAS, Douglas County, Wisconsin (the "County") issued its General Obligation Refunding Bonds dated June 4, 2002 (the "2002 Refunding Bonds") for the purpose of refunding certain outstanding obligations of the County, to wit: \$6,130,000 General Obligation Promissory Notes, dated December 15, 1998 (the "1998 Notes"), \$7,370,000 General Obligation Promissory Notes, dated February 1, 1999 (the "1999 Notes"), \$7,000,000 Bond Anticipation Notes, dated December 4, 2001 (the "2001 Notes") and \$17,000,000 Bond Anticipation Notes, dated February 1, 2002 (the "2002 Notes") (collectively, the 1998 Notes, the 1999 Notes, the 2001 Notes and 2002 Notes shall be referred to herein as the "Prior Issues") (hereinafter the refinancing of the County's Prior Issues shall be referred to as the "Refunding"), and

WHEREAS, in order to accomplish such Refunding, proceeds of the 2002 Refunding Bonds were deposited into an Escrow Account established pursuant to an Escrow Agreement dated June 4, 2002 (the "Escrow Agreement") between the County and U.S. Bank, N.A., St. Paul, Minnesota (the "Escrow Agent"), and

WHEREAS, Section 5 of the Escrow Agreement provides that upon compliance with the conditions set forth therein, the Escrow Agent may sell or otherwise dispose of the securities held in the Escrow Account and substitute other noncallable direct obligations of the United States Treasury, and

WHEREAS, the County's financial advisor, U.S. Bancorp Piper Jaffray Inc., has advised the County that such a substitution of securities (an "Escrow Restructuring") may be beneficial to the County, based on changes in interest rates for government securities, and

WHEREAS, the County Board hereby deems it desirable and in the best interest of the County to establish a mechanism and procedures for Escrow Restructurings to be accomplished from time to time while the Escrow Account is in existence.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Supervisors, Douglas County, Wisconsin, that:

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 _____		

Section 1. Authorization of Escrow Restructurings. The officers and agents of the County are authorized to take such actions as are necessary to accomplish Escrow Restructurings from time to time, whenever such officers determine that an Escrow Restructuring is in the best interest of the County and provides a financial benefit to the County.

Section 2. Further Actions and Agreements; Payment of Fees and Expenses. The officers of the County are authorized and directed to retain the services of U.S. Bancorp Piper Jaffray Inc., as the County's financial advisor, Quarles & Brady LLP, as bond counsel, and Dunbar, Breitweiser & Co., LIP, as escrow verification agent, and to take such further actions and to enter into such additional agreements as may be necessary to accomplish the Escrow Restructurings and demonstrate compliance with the terms and conditions of the Escrow Agreement. All such fees and expenses shall be paid out of the savings resulting from any Escrow Restructuring.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Potential gross earnings for Debt Service Fund range from zero to \$400,000)

ACTION: Motion by Pleski, second Ryan, to adopt. Pleski indicated he took crash course in municipal finance. In the refunding process, some bonds were set aside in an escrow account to pay off some bonds that come due. Basically, IRS will not allow earning more money than what the bonds will earn in the escrow account. In the county's case, those bonds in escrow are earning less money than what they could have earned. There is a \$400,000 debt (negative arbitrage) that can be recovered through this restructuring process. Pleski reported that Kevin Mullen, bonding consultant, assured him that the only risk to the county is if a miscalculation is made in the arithmetic. But in the letter from Mullen, it is stated that the company stands behind their computation and they use a verifying agent, which means two people compare the numbers. Pleski noted he is led to believe there is no risk to the county, and this restructuring presents the potential to recover the \$400,000 the county does not now have. 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 #140-03

RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Side Letter Agreement with Professional Registered Nurses, AFSCME 2375-A, AFL-CIO

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve Side Letter Agreement, Holiday Assignment for Work or On-call, as set forth in Exhibit H-11-03, to the labor contract between Douglas County and the Professional Registered Nurses, AFSCME local 2375-A, AFL-CIO, as set forth in Exhibit H-11-03.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)
 (Fiscal Note: Undetermined cost savings)

ACTION: Motion by McKenzie, 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 #141-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Side Letter Agreement with Douglas County Jailers Association, Local 441

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve Side Letter Agreement, Eight and One-Half Hour Shift Trial Period, as set forth in Exhibit I-11-03, to the labor contract between Douglas County and the Douglas County Jailers Association, Local 441.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Glenn, second Ryan, 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 #142-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Non-represented Employee Wage Increase - 2004

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve a three percent wage increase for non-represented employees effective January 1, 2004.

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: Within budget)

ACTION: Motion by Martin, second Glenn, 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 #143-03
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Vehicle Usage Policies and Procedures

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve amendment to the Manual of Personnel Policies and Procedures, under "Vehicle Usage Policies and Procedures", as set forth in Exhibit J-11-03.

Dated this 20th day of November, 2003

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Glenn, second Hooper, to adopt. Hooper questioned Section D. regarding the timeframe for filing an accident report. Brief discussion followed. Motion by Hooper, second Zukowski, to amend Section 3.d. of the policy and add "within 72 hours", and change the word "filled" to "filed" in the first line of 3.a. Motion carried. Motion to adopt resolution carried.

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	X	
16. Shepard	X	
17. Egan	X	
18. Allen	X	
19. Ryan	X	
20. Hooper	X	
21. Johnson, Kay	X	
22. Pleski	X	
23. Johnson, Wes		
24. Liebaert	X	
25. Coletta	X	
26. Johnson, Carol	X	
27. Cosgrove	X	
28. Jensen	X	
Roll: Ayes <u> 27 </u> Noes <u> 0 </u> Absent <u> 1 </u> Abstain <u> 0 </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		

RESOLUTION #144-03
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:

Finance \$5,900.00 (J.E. #108351 Scanner for accounts payable imaging)

Dated this 20th day of November, 2003.

(Committee Action: Unanimous)

(Fiscal Note: None)

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

ACTION: Motion by Egan, second Browne, to adopt. Roll call vote taken and passed with 27 Yes, 0 No, 1 Absent. Absent was W. Johnson.

COUNTY ADMINISTRATOR REPORT

Koszarek reviewed his written report, pointing out that his memo on parking generated a great deal of controversy. He will continue to discuss this with SPD, Sheriff Dalbec, and others, for further resolution. Meeting was held with parties involved in the glass railing issue, and they are close to a resolution, with the exception of the attorney fees due to losses the county experienced. Three Douglas County employees lost family members recently – Clerk of Court Joan Osty’s husband; and Bob Shuttes and Dennis Arras both lost sons last week. Koszarek asked that the Board and employees remember these families in prayer and thoughts. Pleski asked if a security escort is available for employees working night hours. Koszarek responded not really, but that does not preclude the employee from asking law enforcement for an escort to their vehicle, especially if the vehicle is not parked close to the buildings.

COUNTY BOARD CHAIR REPORT AND APPOINTMENTS

Chair Finn reported he and Sandvick have been busy working with securing the New York building, which should help alleviate concerns expressed by downtown businesses. Security is now on site. The county is working for placement of one tenant who remains in the building. The building will be expensive to maintain over the winter. Sandvick will be discussing the situation at next week’s meeting of the Land and Development Committee. It was announced that Governor Doyle will be at Bong Heritage Center tomorrow to sign the veterans benefits bill. Superior Days issues meeting is December 10 at Rothwell Student Center. One heartwarming outcome of Superior Days is that other counties come to Douglas County for lobbying assistance on northwest Wisconsin projects.

Chair Finn recommended the following appointments: Judiciary, Legislative and Veterans Committee; Land and Development Committee; Veterans Commission; Superior/Douglas County Convention & Visitors Bureau; Northwest Regional Planning Commission Board: 17th District Supervisor Gerald Egan. Head of the Lakes Fair Committee: Gerald Egan. City County Complex Demolition Committee: Michael Strauman, Carl Zukowski, John Robinson, David Dusek, Jeff Vito, Dale Johnson. Ethics Committee: Genevieve Schillo, Charlotte Nelson, Florence Corey-Stack, David Mason, Steve Siebers. Northern Waters Library Services Board: Jan Pilon. Youth Representatives on County Board: 1 Year Term - Main Representatives: Benjamin Sorensen, 11th Grade, Superior High School; Jamie Kauther, 11th Grade, Northwestern High School; Michael Johansen, 12th Grade, Northwoods High School. 2 Year Term - Alternates (1st year), and Main Representatives (2nd year): Ashley Waterman, 11th Grade, Superior High School; Kimber Johnson, 11th Grade, Northwestern High School; Jackie Avis, 11th Grade, Solon Springs High School. Motion by Shepard, second Browne, to approve appointments as presented. Motion carried.

Chair Finn asked Sheriff Dalbec to give a brief report on jail operations to date. Dalbec explained the jail move took place during the early morning hours of Oct 16 and 17th. It was uneventful. Transition to operation has gone very smoothly, due to excellent work of Chief Deputy Law and Lieutenant Linder. There are currently 104 inmates in the jail, consisting primarily of Douglas County prisoners, and several federal. No Douglas County out-of-county inmates being housed at this time. Negotiations underway with other counties for their inmates. Four jailers short of full manpower. December 8th interviews are scheduled for 36 applicants who passed written test. Deadline last Friday for Jail Administrator, and have received several applications. Brief discussion followed on how the jailer testing was proceeding. Out of

100 who tested this last time, 36 will be interviewed.

COMMITTEE REPORTS

Quam reported Aging Resource Center will be asking for a \$3 donation per meal. It is not a fee. Anyone under age 60 must pay full cost of the meal. Prepaid gift cards also to be available.

Zukowski, Chair of Veterans Commission, reported he received a call to attend Governor's signing of bill at Bong Heritage Center tomorrow.

Coletta reported Health and Human Services Board met last night, and Home Health has recorded \$178,000 more than anticipated in revenues. Department has been vigorously pursuing medicare and medicaid payments. On behalf of the Board, Coletta complimented the department's employees and encouraged them to keep up the good work.

Browne reported Forest, Parks, & Recreation Committee met and recent timber sale was over \$700,000. Recreational Trail Committee met and continues to work on ways to improve trails, the ATV play area idea, and a few other items. Dick Moore, Forestry Department Director, has been visiting other parks in the state to get more information.

C. Johnson reported Rural Housing met and was able to help install holding tank for a person in emergency situation. Housing grant that was not awarded to Douglas County is being researched as to why it was not approved, and how it can be improved, as it costs the county to write the grant. The Nutrition Committee met and is working with various groups to fill needs of the low income individuals, providing both education and food products.

David Mason, appointed to the Ethics Committee this evening, was present and recognized for his willingness to serve.

Kay Johnson reported the Library Planning Board met. Mayor Ross was present at that meeting and shared his concern about video rentals. The Board appreciates the expressed concerns by both the city and county, that the library budget is high, and this will be addressed by the Board.

Martin encouraged all to contribute to Untied Way campaign which is underway.

BILLS AND CLAIMS: Motion by Pleski, second Coletta, to approve bills and claims. Motion carried.

SUCH OTHER MATTERS AS AUTHORIZED UNDER THE WISCONSIN STATUTES:

McKenzie questioned the policies regarding distribution of amended agendas (e.g. Health and Human Services this past week), and determination of what correspondence is listed on County Board agendas. She also expressed concern about non-replacement of the Administrative Assistant position in the Health Department, which has been vacant for several months. Sandvick explained an amended agenda must be posted at least 24 hours prior to a meeting, and the amended agenda for the Health and Human Services Board was posted and distributed to media within the allowed timeframe. Correspondence listed on

County Board agendas are generally directed specifically to the County Board. Regarding the Health Department position, Coletta stated that the position is an administrative issue. Koszarek added that there are lot of positions that may not be filled, and that Health and Human Services took a significant budget cut. He further stated his belief that the coverage has been maintained. Management has been given a directive to review the workload and positions thoroughly, before requesting a vacant position be filled.

Browne reminded everyone to help Salvation Army during the holidays. They need bellringers.

Motion by Martin, second Conley, to suspend agenda and allow audience member to address the board. Motion carried.

Bill Kovaleski, resident of the county and member of the POWTS Advisory Committee, stated he is an advocate of property owner rights, and finds the shoreland zoning ordinance totally unnecessary. Kovaleski added that, in his opinion, the County Board has the responsibility to protect property owner rights. He submitted this ordinance does nothing to protect the health and safety of the public. Elaborating on his objection to various components of the ordinance amendment, Kovaleski requested the Board rescind it's decision earlier in this meeting, which approved the ordinance amendment. C. Johnson, Zoning Committee Chair, apologized that Bill Kovaleski was not recognized earlier during the ordinance adoption process, but that he had not asked to be heard at that time. She expressed her belief that the Zoning Committee had been fair and brought the issue before the public through several public meetings and hearings.

ADJOURNMENT: Motion by C. Johnson, second Coletta, to adjourn. Motion carried. Next regularly scheduled meeting - Thursday, December 18, 2003.

Submitted by,

Susan T. Sandvick
Douglas County Clerk