

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, March 18, 2004, 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 26 present, 2 absent. Absent/excused were Stephen Ward, Anthony Coletta. Hooper left the meeting at 7:45 p.m. Youth representatives present were Johansen and Sorensen.

Motion by Shepard, second Martin, to approve minutes of the January 15, 2004 meeting. Motion carried.

CLAIMS AGAINST THE COUNTY

Summons and Complaint from Associates Industrial Loan Company alleging negligence on the part of Douglas County Sheriff's Department in regard to Sheriff's Sale of real estate. Referred to Corporation Counsel.

Notice of Circumstances Giving Rise to Claim and Claim for Specific Relief by Attorney Richard S. Gondik, Jr., on behalf of Victor Jose Cano Gonzalez, et al., alleging intentional interference with familial relationships by the Douglas County Human Services Department, Marcia Gurno, and Douglas County, in the amount of \$4,050,000.00. Insurance company has recommended disallowance. Motion by Hooper, second Cosgrove, to disallow the claim. Motion carried.

CORRESPONDENCE

1. Dept. of Health and Family Services, notice of federal and state aids deposit. Referred to Health and Human Services Board.
2. Kewaunee County, resolution regarding revision of milk volume production program. Referred to Environment, Agriculture and Extension Committee.
3. Richard Davey, letter applauding Douglas County's stand on the Arrowhead to Weston transmission line project. Received and placed on file.
4. WI Department of Commerce, final approval of \$30,000 CDBG planning funds application. Received and placed on file.
5. ARAMARK, letter regarding food service contract for Douglas County jail. Referred to Law Enforcement Committee.

6. WI Department of Commerce, notice of change to Uniform Dwelling Code Law. Referred to Zoning Committee.
7. DNR, notice of proposed state purchase of 40 acres of land, with map, for Brule River State Forest in Town of Brule. Referred to Forest, Parks and Recreation Committee, Land and Development Committee.
8. Eau Claire County, resolution regarding amendment of Assembly Bill 616, criteria for indigency as related to State Public Defender representation. Referred to Judiciary, Legislative and Veterans Committee.
9. Sauk County, resolution regarding federal legislation to strengthen Buy American Act. Received and placed on file.
10. Sauk County and Jackson County, resolutions supporting AB 598 and AB 599, municipal employment relations reform. Referred to Administration Committee, Labor Management Committee.
11. Racine County, resolution supporting AB 433 with amendments, regarding compliance with certain state mandates. Referred to Administration Committee, Judiciary, Legislative and Veterans Committee.
12. Dept. of Health and Family Services, notice of federal and state aids deposit. Referred to Health and Human Services Board.
13. Great Lakes Gas Transmission Company, notice of routine pipeline work on county lands. Referred to Land and Development Committee.
14. Polk County, resolution requesting reinstatement of premium aid for Wisconsin fairs. Received and placed on file.
15. Oconto County, resolution regarding change to U.S. Dept. of Commerce EDA grant policies and procedures. Referred to Judiciary, Legislative and Veterans Committee.
16. DNR, notice of intent to revoke one and reissue four pollutant discharge elimination system general permits. Referred to Zoning Committee.
17. DNR, notice of intent to reissue pollutant discharge elimination system permit to Enbridge Energy, Superior. Received and placed on file.
18. Door County, resolution opposing AJR 55, Taxpayer Bill of Rights. Referred to Judiciary, Legislative and Veterans Committee.

19. DNR, severance share assessment on wood products cut from Douglas County Forest Lands. Referred to Forest, Parks and Recreation Committee.
20. Town of Summit, resolution requesting Douglas County provide the technology and resources for statewide voter registration system. Referred to Administration Committee, County Clerk.
21. Northern Waters Library Service, letter regarding misrepresentation of that agency's intent not to request direct funding for 2004 from the county. Referred to Library Board Planning Committee, Administration Committee.
22. WI DOT, six year state highway improvement program for Douglas County. Referred to Highway Committee.
23. American Transmission Company, letter and newsletter to landowners affected by Arrowhead-Weston transmission line project. Referred to Land and Development Committee, Forest, Parks and Recreation Committee.
24. NWRPC, list of projects in the 2003 Comprehensive Economic Development Strategy to be incorporated into 2004 Annual Report, and notice of April 15, 2004 deadline for Douglas County to modify that list, and return such to NWRPC. Referred to Land and Development Committee.
25. Government Finance Officers Association, notification that Douglas County's comprehensive annual financial report for fiscal year ending Dec. 31, 2002, qualifies for Certificate of Achievement for Excellence in Financial Reporting. Received and placed on file.
26. Superior Water Light & Power Company, response to questions from County Board Chair Finn, regarding Arrowhead to Weston transmission line impacts. Referred to Land and Development Committee.
27. Governor Doyle, congratulations on Douglas County tourism growth for 2002, largest increase in the state. Received and placed on file.
28. WI Dept. of Veterans Affairs, 2004 County Veterans Service Officer Grants. Referred to Judiciary, Legislative and Veterans Committee.
29. WI County Mutual Insurance Corp., letter of appreciation for Douglas County's participation/ownership in County Mutual, and historical data on the organization over the past 17 years. Received and placed on file.
30. Aging Resource Center, notice of closing of the Superior/Douglas County Interfaith offices, effective Dec. 31, 2003, and request to utilize the allocation of \$4,000 through the Aging Resource Center, (designated for Interfaith services) to continue to offer Information and Referral Services previously provided through Interfaith offices. Referred to Administration Committee.

Correspondence not on agenda:

31. Wisconsin Department of Health and Family Services, update on audit issues. Referred to Health and Human Services Board.
32. U.S. Army Corps of Engineers, notice of condition of federal navigation channel - Duluth/Superior harbor. Received and placed on file.
33. Solon Springs/Gordon Airport Commission, letter regarding Arrowhead to Weston transmission line location interfering with Solon Springs/Gordon airport activity. Referred to Special Committee on Arrowhead to Weston Power Line, and Forest, Parks and Recreation Committee.
34. Stensland, P., letter supporting Douglas County Board of Supervisors continued opposition to Arrowhead-Weston transmission line project. Received and placed on file.

PRESENTATIONS

Koszarek presented the Employee of the Quarter Award to Bob Hanson, employee of the Buildings and Grounds Department. Michael Strauman, Buildings and Grounds Department Director, praised Hanson for his integrity, ability, and willingness to help fellow employees. Hanson thanked the Board, stating he enjoys working for the county and the people with whom he works.

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 February 12, 2004, on the following petitions for amendment of the county zoning district ordinance map:

- 1) Part of the SW1/4 of the SE1/4, (Lots 1 & 2, CM Vol. 1, Page 117), Section 25, T43N-R12W, (WA-032-01313-00, County Road T), Town of Wascott, from the R-1: Residential zoning district to the C-1: Commercial zoning district, by Charles & Caroline McCann, 16679 S. Eagle Point Rd., Minong, Wisconsin. Intended use: Office and retail building; and
- 2) Part of Lot A, S/D N1/2 of the NW1/4, Townsite of Gordon, Section 6, T43N-R11W, (GO-012-02208-00, Old Highway 53), Town of Gordon, from the C-1: Commercial zoning district to the R-1: Residential zoning district, by JB Erskine (seller), Wasilla, AK, / Brian Finstad, (buyer), P.O. Box 75, Gordon, Wisconsin. Intended use: Subdivision; and

WHEREAS, the Douglas County Zoning Committee held a public hearing on March 11, 2004, on the following petition for amendment of the county zoning district ordinance map:

Part of the SE1/4 of the NW1/4, Section 35, T45N-R12W, (SO-026-01239-00, US Hwy 53), Town of Solon Springs, from C-2: Commercial zoning district to A-1: Agriculture zoning district, by Leon Nelson (DBA: Circle N Auctioneering and Appraisals), 8682 E. Baldwin Avenue, Solon Springs, Wisconsin. Intended use: Hunting/wood collection.

WHEREAS, proof of publication of the notice of the public hearings, proof of giving notice to the town clerks of the hearings, and correspondence from the towns is as shown on Exhibit A-3-04.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Zoning Committee and approve the petitions.

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		
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16. Shepard		
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21. Johnson, Kay		
22. Pleski		
23. Johnson, Wes		
24. Liebaert		
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26. Johnson, Carol		
27. Cosgrove		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		

Roll Call		
District Number	Yes	No
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> Lost _____ Refer _____ Amend _____ Other _____		

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

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Eckman, to adopt. Motion carried.

**ORDINANCE #3.11
PUBLIC HEALTH ORDINANCE
PRESENTED BY THE HEALTH AND HUMAN
SERVICES BOARD**

Roll Call		
District Number	Yes	No
1. Finn		
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____X_____ Amend _____ Other _____		

3.11 PUBLIC HEALTH ORDINANCE

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

SECTION I. AUTHORITY

Pursuant to the authority of Chapters 32, 66, 250 through 254 and 280, Wisconsin Statutes, the Douglas County Board of Supervisors does hereby establish rules and regulations regulating Human Health Hazards.

SECTION II. PURPOSE AND INTENT

General Provisions - The purpose and intent of this ordinance is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of Douglas County and to:

- (1) Prevent communicable diseases.
- (2) Prevent human health hazards.
- (3) Assure that State air quality standards are complied with.
- (4) Assure that insects and rodents do not create human health hazards.
- (5) Assure that solid waste is handled, stored and disposed of according to Douglas County and State standards and regulations.
- (6) Assure that citizens are protected from unhealthy, or unsafe substances.
- (7) Provide for the administration and enforcement of this ordinance, and provide penalties for its violation.

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		

SECTION III. DEFINITIONS

The following definitions apply throughout the entire Ordinance:

- (1) County - means Douglas County, Wisconsin.
- (2) Groundwater - all water found beneath the surface of Douglas County, whether located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
- (3) Human Health Hazard - means a substance, activity or condition that is known to have potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
- (4) Douglas County Health Officer - means the Douglas County Health Officer or Environmental Health Specialist II or his or her designee.
- (5) Immediate Health Hazard - a condition which exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24 hour period, to prevent possible severe damage to human health and/or the environment.
- (6) Ordinance - means the "Douglas County Public Health Ordinance".
- (7) Person - means any individual, firm, corporation, society, institution, public body or any other entry.
- (8) Pollution - the contaminating or rendering unclean or impure the land or waters of Douglas County, or making the same injurious to public health harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
- (9) Solid Waste - means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not

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include solids or dissolved material in waste water effluent or other common water pollutants.

- (10) State - means State of Wisconsin
- (11) Structure, Dwelling or Building - means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes manufactured or mobile homes.
- (12) Toxic and Hazardous Materials - any chemical and/or biological material that is or has the potential to create a public health hazard.
- (13) Waste Water - means water contaminated by waste materials, urine, feces, toilet paper, other human bodily fluids or waste water from washing or cleaning, or any other material intended to be deposited in a receptor of human waste, industrial waste, sludge, sewage or any combination thereof.

SECTION IV. GENERAL PROVISIONS

Interpretation- The provisions of this ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of Douglas County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

SECTION V. JURISDICTION

The jurisdiction of this ordinance shall include all land and water (both surface and ground) within Douglas County but shall not apply within the corporate limits of the City of Superior or any municipality which has a full-time Health Department as defined in Chapter 251 of the Wisconsin Statutes.

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SECTION VI. COMPLIANCE

Written Orders - Compliance with this ordinance shall include compliance with written orders issued under this ordinance or State Health Laws by the Douglas County Health Officer to abate and/or correct a human health hazard or bring any other situation or condition in noncompliance with this ordinance into compliance.

SECTION VII. SEVERABILITY AND REPEAL

- (1) Severability - Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.
- (2) Repeal - All other ordinances or parts of ordinances of Douglas County inconsistent or conflicting with this ordinance to the extent of the inconsistency only, are hereby repealed.

SECTION VIII. ADMINISTRATION

- (1) General Provisions - The Public Health Ordinance shall be interpreted, administered, and enforced by the Douglas County Health Officer.
- (2) Powers - The Health Officer shall have all the powers necessary to enforce the provisions of this ordinance without limitation by reasoning of enumeration including the following:
 - (a) To enter any structure, dwelling or premises at a reasonable time for the purpose of performing duties under this ordinance, or if necessary, to enter such structure upon court order pursuant to Section 66.019, Wisconsin Statutes.
 - (b) To order abatement and/or correction of any human health hazard in compliance with this ordinance or State Statutes.

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(c) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.

(d) To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.

SECTION IX. PUBLIC HEALTH HAZARD

(1) Human Health Hazard prohibited - No person shall erect, construe, cause, continue, maintain, or permit any human health hazard within Douglas County. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this Ordinance, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard and to the penalty provided in this ordinance.

(2) Responsibility of Property Owner - It shall be the responsibility of the property owner to maintain such owner's property in a hazard free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.

(3) Human Health Hazard Enumerated - Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition of this ordinance:

(a) Unburied Carcasses - Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time period specified by the Health Officer or as required by Section 95.50 of the Wisconsin Statutes.

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		

- (b) Manure - Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
- (c) Solid Waste - Any solid waste which is stored or disposed of in a manner which may pose a Human Health Hazard as defined in this ordinance.
- (d) Toxic and Hazardous Material - Any chemical and/or biological material that is stored, used, or disposed of in such quality or manner that it is, or has, the potential to create a public health hazard.
- (e) Waste Water - The presence of waste water or sewage effluent from buildings on the ground surface, backing up into a building, dwelling or structure, running into a surface water, and/or into ground water, caused by a damaged, malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable County and State codes.
- (f) Groundwater Pollution - Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Chapter NR 140 of the Wisconsin Administrative Code.
- (g) Holes or Openings - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, or any other improperly abandoned barricaded or covered up excavation.
- (h) Nonfunctional Public Building Fixtures - Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered

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necessary to insure a sanitary condition in a public building.

- (i) Unhealthy or Unsanitary Condition - Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy and unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy.
- (j) Other - Any other situation determined to meet the definition of a Human Health Hazard as per this ordinance.

(4) Investigation of Possible Human Health Hazard - The Health Officer shall investigate all potential human health hazards and shall determine whether or not a human health hazard exist.

(5) Abatement, Correction and Enforcement - Abatement, correction and enforcement of a human health ordinance will be according to the provisions of this ordinance.

SECTION X.

DESIGNATION OF HOUSING AS HUMAN HEALTH HAZARD

(1) The Health Officer may condemn as unfit for human habitation and cause to be placarded any structure, dwelling or dwelling unit found to have any of the following defects:

(a) A structure or dwelling which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.

(b) A structure or dwelling which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupants or the public.

Roll Call		
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		

(c) A structure or dwelling, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

(d) A structure or dwelling, because of its condition, has been implicated as the source of a confirmed case of lead poisoning or asbestosis.

(2) No person shall continue to occupy, rent or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer.

(3) Any structure, dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

(4) No structure or dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated

(5) No person shall deface or remove the placard from any structure, dwelling or dwelling unit which has been condemned as unfit for human habitation.

(6) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit for human habitation may request and shall be granted a hearing in the matter before the Douglas County Board of Health.

(7) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, s/he shall give or cause to be given, notice of such violation to the person or persons responsible

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		

therefore. Such notice shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by certified mail or in the manner provided by Chapter 801, Wisconsin Statutes for service of summons.

SECTION XI. ENFORCEMENT

- (1) Written Order - When a violation of this ordinance is encountered the Health Officer shall issue the violator a written order, served personally or by registered mail with return receipt requested. This order shall specify the following:
 - (a) The nature of the violation and the steps needed to abate and/or correct it.
 - (b) The time period in which the violation must be corrected and/or abated (usually 30, 60 or 90 days depending on the nature of the violation).
 - (c) The penalty the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period.

- (2) Exceptions to Written Order - In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeating occurrences of the same violation by the same person, the action(s) specified in the subsection below can be initiated immediately.

- (3) Noncompliance with Order - If a person does not comply with a written order from the Health Officer the person may be subject to one or more of the following actions and/or penalties.
 - (a) Issuance of a citation.
 - (b) Commencement of legal action seeking a court imposed forfeiture.

Roll Call		
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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) Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.

(d) Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.

(e) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.

(4) Abatement and Penalties.

(a) Abatement or Removal of Health Hazards - If the human health hazard is not abated or removed by the date specified, the Health Officer or designee shall immediately enter upon property and abate or remove the human health hazard. The cost of the abatement or removal may be recovered from the person permitting the violation, or may be paid by the County Treasurer, and the account, after being paid by the County Treasurer, shall be filed with the County Clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Human Health Hazard" as a special tax on the lands upon which the human health hazard was abated and the tax shall be collected as are other taxes.

(b) Penalties - Anyone maintaining such a human health hazard may also be subject to forfeiture of up to \$500 in addition to court costs. A separate offense may be deemed committed during each day during or upon which a violation occurs or continues.

(5) Initiation of Legal Action - Legal action shall be initiated against a violator, as requested by the Health Officer in cases where an injunction to correct and/or abate a violation is being sought, or where a court-imposed forfeiture is being sought.

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 <u> X </u> Amend _____ Other _____		

SECTION XII. EFFECTIVE DATE

Following passage and publication by the Douglas County Board of Supervisors this ordinance shall be in full force and effect.

SECTION XIII. ADOPTION

Passed and approved by the Douglas County Board of Supervisors this 18th day of March, 2004.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Conley, second Glenn, to adopt. Corporation Counsel was not present to answer questions on the ordinance, and Chair Finn recommended the ordinance be referred. Motion by Hooper, second Quam, to refer the ordinance back to Health and Human Services Board, and that it be delayed for three months before coming back to Board, during which time the ordinance can be reviewed by town and village boards, the Zoning Committee, and the POWTS Advisory Committee. Conley, Chair of the Health and Human Services Board, agreed with the referral, and encouraged County Board members to read the minutes of the Health and Human Services Board which are forthcoming, as the minutes will reflect Assistant Corporation Counsel Lovejoy's explanation of the ordinance. Most of what is in this ordinance is already in the state ordinances, but this ordinance will simplify it for enforcement purposes. Targets of the ordinance are human waste, animal waste, unsafe and hazardous conditions. Chair Finn suggested a public information session or hearing on this may be something to consider. McKenzie recalled the state gave the county a deficiency several years ago, which was never addressed to her knowledge. She asked for an opinion from Corporation Counsel's office on whether there is a difference in the fines between state and county. Motion carried.

RESOLUTIONS

RESOLUTION #11-04
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 requests to repurchase tax delinquent property, pursuant to Douglas County Ordinance #1.5:

- (1) From John J. Olson and Idelle S. Olson, to repurchase Parcel 05-805-00106-00, described as Lot 3, Block 249, West Superior, 13th Division, City of Superior, known as 1105 Clough Avenue, having paid delinquent taxes and fees in the amount of \$7,985.91;
- (2) From Kevin Popovich, to repurchase Parcel SU-028-00935-00, described as the SW 1/4 of Government Lot 4, Section 7-46-15, Town of Summit, known as 7760 S. Foxboro Chaffey Road, (desc. 425RP546), having paid delinquent taxes and fees in the amount of \$3,786.23;
- (3) From James L. Grenier, to repurchase Parcel SU-028-01367-00, described as the E1/2 of SE1/4 of SE1/4, Section 35-47-15, Town of Summit, having paid delinquent taxes and fees in the amount of \$1,676.04; and
- (4) From Maxine Leffel, to repurchase Parcel HA-014-00064-01, described as the S1/2 N1/2 S1/2 SW1/4 of SW1/4, Section 7-46-11, Town of Hawthorne, having paid delinquent taxes and fees in the amount of \$940.45.

Dated this 18th day of March, 2004.

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

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

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

RESOLUTION #12-04
RESOLUTION BY THE EXECUTIVE COMMITTEE

Subject: City-County Complex Demolition Suspended

WHEREAS, a proposal to purchase and develop the City-County Complex was presented to the Executive Committee at a closed session meeting held on February 19, 2004, and

WHEREAS, the committee agreed that the proposal was viable and warranted further consideration and negotiation.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Executive Committee and suspend all activities relating to demolition of the City-County Complex pending negotiation of possible sale of the building.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Martin, second Allen, to adopt. Hooper indicated she wants the building demolished and the parking lot built as planned. She added that she strongly opposes any attempt to uproot people from their homes for the purposes of a parking lot. Brief discussion followed. McKenzie emphasized the need for creation of living wage jobs, if the Complex is to be sold. Roll call vote taken and passed with 25 Yes, 1 No, and 2 Absent. Voting no was Hooper. Absent were Coletta and Ward.

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		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove	X	
28. Jensen	X	
Roll: Ayes <u> 25 </u> Noes <u> 1 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		

Roll Call		
District Number	Yes	No
1. Finn		
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 #13-04
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Employee Assistance Program Agreement Renewal

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and renew the Employee Assistance Program agreement with St. Luke's Hospital, as set forth in Exhibit B-3-04.

BE IT FURTHER RESOLVED, that the agreement be based on a fee for services basis of \$75 per consultation, with review of the program in one year.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: Undetermined; based on use of services)

ACTION: Motion by Glenn, second Egan, to adopt. Motion carried.

RESOLUTION #14-04
RESOLUTION BY THE LAW ENFORCEMENT
COMMITTEE AND THE ADMINISTRATION COMMITTEE

Subject: Homeland Security 2004 Grant Accepted

RESOLVED, that the Douglas County Board of Supervisors accept the recommendations of the Law Enforcement Committee and the Administration Committee and approve acceptance of the 2004 Homeland Security grant.

Dated this 18th day of March, 2004

(Committee Action: Unanimous)

(Fiscal Note: None.)

ACTION: Motion by Quam, second Robinson, 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 <input checked="" type="checkbox"/> _____ 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 _____		

RESOLUTION #15-04
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Elected Officials Compensation

WHEREAS, all Douglas County Department Managers are compensation at 2,080 hours, and

WHEREAS, Section 59.22 of the Wisconsin Statutes requires that annual compensation of elected officials be established prior to the earliest time for filing nomination papers for the elected office.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and compensate the county elected positions (Clerk of Court, County Clerk, Register of Deeds, Treasurer) at 2,080 hours annually, effective with the next term of office.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: Increase salary and benefits \$3,415.00 per position for a total of \$13,660.00 annually)

ACTION: Motion by Glenn, second Ryan, to adopt. This will take effect in January, 2005, if adopted. Conley asked why this is being done. Koszarek responded that the last time through, the wages of elected officials were not increased. Elected officials have subsequently fallen behind department head salary levels, and this resolution brings equity to the situation. All department heads, and the Sheriff, are compensated at 2,080 hours. Conley indicated he does not like to equate elected officials with the department heads who are hired via advertised searches which require specific qualifications and credentials. He noted he is troubled with giving a lift just because department heads got one, because that is not a realistic comparable. Ryan disagreed, noting that a comparison is made, as elected officials are evaluated by the voters, and normally not re-elected if not doing the job. Motion carried.

RESOLUTION #16-04
RESOLUTION BY THE EXECUTIVE COMMITTEE

Subject: County Board Committee Structure Changes

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Executive Committee and approve the following amendment to County Board Manual of Policies and Procedures, Committee Structure, effective with the next term of office:

- (1) Change the membership selection process for the Highway Committee from elected to appointed, with terms to run concurrent with county supervisory terms, as authorized by Section 83.015 of the Wisconsin Statutes;
- (2) Increase the membership size of the Highway Committee from five (5) to seven (7);
- ~~(3) Decrease the membership size of the Administration Committee from eleven (11) to nine (9); and~~
- (4) Establish a Special Committee on Arrowhead to Weston Power Line.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Shepard, second Allen, to adopt. Waterman indicated he does not agree with decreasing the Administration Committee from 11 to 9 members, because of the nature of the work that committee does, specifically finance and personnel. These are two areas of work for the county for which 11 members would provide a wider representation of the entire County Board. The Chair explained that this recommendation was initially made at the time the Finance Committee and Personnel Committee were combined to form the Administration Committee. Discussion followed on the manageability of an 11 member versus a 9 member committee. Waterman remarked that there are people who have been on the Board for some time, who deserve a place on the Administration Committee. John O'Brien questioned adding two members to the Highway Committee, when money is a concern. Chair Finn stated he suggested 7 for Highway Committee because of some major highway improvements, and a larger committee would bring a wider consensus

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		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove		X
28. Jensen	X	
Roll: Ayes <u> 20 </u> Noes <u> 6 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> X </u> Other <u> </u>		

Roll Call		
District Number	Yes	No
1. Finn		X
2. Browne	X	
3. O'Brien, John		X
4. Glenn	X	
5. Zukowski	X	
6. Eckman	X	
7. Ward		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove		X
28. Jensen	X	
Roll: Ayes <u> 20 </u> Noes <u> 6 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> X </u> Other <u> </u>		

of the Board. K. Johnson added that she felt it is odd to go to 7 on the Highway Committee when there is a Highway Commissioner and County Administrator now. Lengthy discussion followed. Motion by Waterman, second Ryan, to amend the resolution and retain the 11 member Administration Committee. Roll call vote taken and passed with 20 Yes, 6 No, 2 Absent. Voting no were Ryan, Hooper, Pleski, Cosgrove, Finn, John O'Brien. Absent were Ward and Coletta. Motion to adopt resolution as amended, carried.

RESOLUTION #17-04
RESOLUTION BY THE EXECUTIVE COMMITTEE

Subject: Committee Appointment Authority

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Executive Committee and approve the Committee Appointment Authority Policy, as set forth in Exhibit C-3-04.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Hooper, 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 _____		

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 <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		

**RESOLUTION #18-04
RESOLUTION BY THE EXECUTIVE COMMITTEE**

Subject: Zoning Board of Adjustment Compensation Policy

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Executive Committee and approve the following Zoning Board of Adjustment Compensation Policy for meeting and inspection stipends, and reimbursable expenses:

Board of Adjustment members are eligible to receive:

- (1) \$25 per meeting attendance stipend;
- (2) \$25 maximum, per member, for total inspections per meeting, regardless of the number of inspections;
- (3) \$25 per attendance at training sessions; and
- (4) Mileage paid for each inspection conducted, Board of Adjustment meeting attended, and attendance at approved training sessions. Mileage rate will reflect the current IRS allowable rate.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by McKenzie, second C. Johnson, 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 #19-04
RESOLUTION BY THE JUDICIARY, LEGISLATIVE AND
VETERANS COMMITTEE

Subject: Assembly Joint Resolution 15 Opposed

WHEREAS, Assembly Joint Resolution 15 proposes a constitutional amendment permitting counties to elect or appoint sheriffs, district attorneys, county clerks, treasurers, registers of deeds, coroners, surveyors, and clerks of circuit court.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Judiciary, Legislative and Veterans Committee and oppose legislation (AB15) allowing appointment of certain elected county officials.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by McKenzie, second Egan, to adopt. Discussion followed on the committee's reversal from supporting the legislation initially. Sandvick explained that the legislation would allow counties the option to appoint elected officials, upon voter referendum approving the same. Egan expressed his opposition to taking the voting power of the citizens from them by appointment of such officials. He stated the voting process brings people out and demands they participate in the process. Pleski asked if the ultimate state decision is predicated on this resolution by this Board. Chair Finn explained it only supports a particular opinion in the eyes of the representatives downstate. The bill allows for more county government options. Egan explained how the committee looked at this resolution as a whole, as presented by resolutions from other counties. Motion carried.

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

RESOLUTION #20-04
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: Buy American Act Supported

WHEREAS, legislation has recently been introduced in the United States Senate the purpose of which is to strengthen the 1933 Buy American Act, and

WHEREAS, said Bill would strengthen the Buy American Act by making it harder to waive the Act's requirements that the federal government buy American-made goods; and it would also require that information be provided to Congress and to the American people as to how often the Act is waived by federal departments and agencies, and

WHEREAS, said legislation would act to prevent the erosion of the United State's manufacturing base and the continuing loss of jobs to overseas manufacturers, and

WHEREAS, the Wisconsin Department of Workforce Development has indicated that the State of Wisconsin has lost more than 77,000 manufacturing jobs within the last 30 months, and

WHEREAS, the pending legislation would insure that American manufacturers are not shut out of the bidding process by loopholes in the current law, and should stem the flow of manufacturing jobs to overseas manufacturers.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors supports pending federal legislation to strengthen the 1933 Buy American Act, and encourages all Wisconsin counties purchasing departments to institute immediate specifications of all purchased items to be of American manufacture.

BE IT FURTHER RESOLVED, that upon passage of this resolution, a copy be sent by the County Clerk to all United States Senators and Congresspersons representing Wisconsin, Senator Jauch, Representative Boyle, all Wisconsin counties, WCA, and Governor James Doyle.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: None)

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 _____		

ACTION: Motion by Glenn, second K. Johnson, to adopt. Motion by Allen, second Zukowski, to amend the resolution and have it sponsored by the entire County Board. Motion carried. Motion to adopt resolution as amended, carried.

RESOLUTION #21-04
RESOLUTION BY THE LAW ENFORCEMENT
COMMITTEE

Subject: Cellular Phones Single 911 Answering Point

WHEREAS, Governor Doyle has signed into law 2003 Wisconsin Act 48 which was drafted to implement a wireless 911 system in the State of Wisconsin, and

WHEREAS, Act 48 requires that the county designate by resolution a Public Safety Answering Point (PSAP) in order to implement the federal wireless order, and

WHEREAS, it is appropriate to designate the Douglas County Communication Center as the county's PSAP because all wireless 911 calls currently are routed through the Communication Center, and

WHEREAS, the Administrative rules to implement Act 48 are currently being drafted, but once the rules are promulgated, local government will have only 2 - 3 months to submit an application for reimbursement for necessary network equipment, including software and hardware, training, network costs for delivery of calls to the public safety answering point, collection and maintenance of data necessary to identify and locate a caller, and other potentially reimbursable costs, and

WHEREAS, since Act 48 requires each local government with a PSAP to apply for reimbursement for the costs of implementing and maintaining a wireless 911 system within 2 - 3 months of the promulgation of the administrative rules, it will therefore be necessary to move quickly to prepare an application for reimbursement with documentation of all reimbursable costs.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors hereby designates the Douglas County Communication Center as the Public Safety Answering Point for Douglas County pursuant to 2003 Wisconsin Act 48, codified in Section 146.70 of the Wisconsin Statutes, and declares it eligible for grants under Section 146.70 (3m) of the Wisconsin Statutes.

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. 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 _____		

BE IT FURTHER RESOLVED, that the Emergency Management Coordinator is authorized to pursue the wireless initiative and apply for any reimbursement to which Douglas County may be entitled pursuant to Section 146.70 (3m)(c), Wisconsin Statutes.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: ~~None~~ Unknown)

ACTION: Motion by Hooper, second Glenn, to adopt. Extensive discussion followed on any costs to the county, now or in the future. Keith Kesler, Communication Center Coordinator, explained that in order to be eligible for the grant to support the 911 answering point for cellular phones, this resolution is required. The service is important to the residents. A good percentage of 911 calls come from cellular phones, which at this time cannot be traced by a locator. Kesler indicated his understanding is that the Communication Center already has most of the equipment to service the program. Cellular phone owners will eventually have a fee added to their bills, to cover the costs associated with the system. This provision does have a sunset date. Continuing, Kesler stated he truly believed that if the county chose not to move forward with this, the liability to the county will increase, and the residents will be requesting the service. It was reiterated that this resolution allows Kesler to proceed with the grant application, and the County Board will have to make a decision on any future expenses, when and if such would arise. Motion by Liebaert, second Pleski, to amend the resolution and change the fiscal note to "Unknown". Motion carried. Discussion continued. Zukowski submitted that this resolution supports the best interests and safety of Douglas County residents. Pleski emphasized his support to continue the fees to cellular phone owners beyond the sunset date. Motion to adopt the resolution as amended, 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		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove	X	
28. Jensen	X	
Roll: Ayes <u> 26 </u> Noes <u> 0 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		

RESOLUTION #22-04
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Budgetary Transfers

RESOLVED, that the Douglas County Board of Supervisors accepts the recommendation of the Administration Committee and approves the following 2003 budgetary transfers:

- 1) Emergency Management \$20,000.00 (J.E. #110525 from 2003 Contractual Services to Capital Equipment for primary and redundant servers replacement); and
- 2) Capital Projects \$600,000.00 (J. E. #110624 to cover over/under line items in 2003 Capital Projects budget, includes transfer to cover A&P settlement).

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: No impact)

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

ACTION: Motion by Hooper, second McKenzie, to adopt. Roll call taken and passed with 26 Yes, 0 No, 2 Absent. Absent were Coletta and Ward.

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		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove	X	
28. Jensen	X	
Roll: Ayes <u> 26 </u> Noes <u> 0 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		

RESOLUTION #23-04
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Transfer of Funds

RESOLVED, that the Douglas County Board of Supervisors accepts the recommendation of the Administration Committee and approves the following transfer of funds:

General Fund	\$86,300.00 (For actual transfer of funds from General Fund to Child Support fund to bring negative fund balance up to zero)
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Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: Increase Child Support fund by \$86,300.00, decrease General Fund by \$86,300.00)

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

ACTION: Motion by Glenn, second Browne, to adopt. Roll call vote taken and passed with 26 Yes, 0 No, 2 Absent. Absent were Ward and Coletta.

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		
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	X	
24. Liebaert	X	
25. Coletta		
26. Johnson, Carol	X	
27. Cosgrove	X	
28. Jensen	X	
Roll: Ayes <u> 26 </u> Noes <u> 0 </u> Absent <u> 2 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		

RESOLUTION #24-04
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Reserve Funds Established

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve establishing the following reserve funds:

- 1) Capital Projects \$638,322.00 (Excess from Government Center project carried forward to 2004 to pay outstanding invoices);
- 2) Highway Department \$65,000.00 (Balance of 2003 reserve balance for underground storage tank removal carried forward to 2004);
- 3) Retirement Funds \$206,785.00 (2001 credit carried forward to 2004, dedicated to unfunded pension liability); and
- 4) Capital Projects Fund \$500,000.00 (Designate this amount transferred from General Fund for future capital projects, such as Government Center elevator or additional parking.)

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: No impact)

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

ACTION: Motion by O'Brien, second K. Johnson, to adopt. Roll call vote taken and passed with 26 Yes, 0 No, 2 Absent. Absent were Coletta and Ward.

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 #25-04

RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Sheriff's Department Clothing and Equipment Allowance

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve an annual allowance of \$300.00 for clothing and \$150.00 for equipment and boots, etc., for sworn positions in the Sheriff's Department (Sheriff, Chief Deputy, Jail Administrator, and two Lieutenants)

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: Maximum of \$2,250.00 annually)

ACTION: Motion by McKenzie, second James O'Brien, to adopt. Equipment allowance figure will be corrected to read \$150.00. Koszarek responded that the allowance has been a practice, but was never put into written policy. The union has this, and this resolution will provide equity for non-union positions. Even though the fiscal note indicates a couple thousand dollars cost, Koszarek stated it is his understanding that this has been going on for years. Receipts will be required. Allen suggested this allowance should be put off until budget time. Discussion followed. Board members questioned whether the old default practice of \$450 will remain in place if this resolution fails. Koszarek responded that if the resolution fails, the non-represented will not receive the clothing allowance. Motion by Allen, second Hooper, to refer this resolution until budget time. Motion to refer failed. Motion to adopt resolution 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 #26-04

RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Sheriff's Department - Jail Lieutenant Position Reclassification

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve reclassification of the Jail Lieutenant's position in the Sheriff's Department, from C41 to D51 classification, effective upon passage of this resolution.

Dated this 18th day of March, 2004.

(Committee Action: Unanimous)

(Fiscal Note: Increase salary and benefits \$6,373.00 annually)

ACTION: Motion by McKenzie, second Glenn, to adopt. Koszarek responded that the \$6,300 represents the change in classification levels. Discussion followed. Motion carried.

COUNTY ADMINISTRATOR REPORT: Koszarek distributed a brief report, including statements that the 2003 budget in total will be known after next week, following the auditors review. He noted the county overall will do well for last year. The money that rolls into the General Fund helps put the county into good shape financially. He applauded the work of the departments in managing budgets. Conley asked Koszarek the timeframe for the surplus rollover into the General Fund, because of his concerns in the area of Human Services, particularly the W-2 accounts which loaned money to the department to make the budget. W-2 accounts had been segregated by County Board resolution to be utilized for W-2 services. Conley recommended that if Human Services now has excess, those dollars should be paid back to the W-2 account before rolled over into the General Fund. Finance Director Doucette responded the W-2 funds remain in the reserve account. There is still a Human Services unreserved fund balance of \$500,000, in addition to the W-2 fund. Lengthy discussion followed on the status of W-2 account balances in relation to the Health and Human Services budget. Conley re-stated his concern regarding the number of requests from the community for various projects which qualify for W-2 fund use, and that those funds were segregated for that purpose. It was decided that before the transfer to the General Fund is made, Conley, Finn, Koszarek and Doucette will meet next week to clarify the types, location, and balances of W-2 accounts.

Allen asked where redesign of the courtroom is at this time. Koszarek responded there was an RFP to have architectural design team look at redesign, and the low bid was accepted. The last meeting with the judges resulted with the judges' decision that there was nothing in the original design that could be changed. This put a stop to the redesign of the new courtroom area. Judges Lucci and Glonek made a presentation at the last Buildings and Grounds Committee meeting, and expressed their concerns about moving forward with redesign. Pleski recalled that a motion was passed at that Buildings and Grounds Committee meeting to halt any redesign of the new courtroom, and to look at existing courtrooms in the courthouse, primarily the Family Court Commissioner's area, for redesign as potential lease area for Department of Justice or any other entity. It was noted that the Buildings and Grounds Committee came to understand, listening to the judges, that there were very specific reasons for the new courtrooms design, notably security, jury room, victim witness areas, and prisoner transport between jail and courtroom appearances. Pleski added that the committee was led to believe that it would cost \$400,000 to get the new courtroom completed to original design. Goal is to move forward as soon as possible with completion of the new courtroom, pending funding source. Koszarek indicated that since the Buildings and Grounds Committee meeting, another walk through was done, along with other options for redesign of the current courtroom spaces. There was a resolution for redesign contract, but no work on redesign started as of this point. It is on hold.

COUNTY BOARD CHAIR REPORT AND APPOINTMENTS:

The following appointments were recommended: **Ethics Committee** - County Board Supervisor John Robinson, and designate current member David Mason as the Alternate; **City of Superior Stormwater Treatment Committee** - County Board Supervisor Mark Liebaert. Motion by Zukowski, second Ryan, to approve appointments. Motion carried.

Motion by Allen, second Egan, to approve holding a Special County Board meeting on Thursday, March 25, 2004, 6:00 p.m. Agenda will include a closed session to discuss negotiation and sale of the City-County Complex. Brief discussion followed. Martin asked that appraised values of the homes in question, their taxes, the cost to purchase the homes, and a true cost of a parking lot, etc., be provided to the Board.

Chair Finn indicated he and Koszarek can provide this information, and asked Martin to stop by the office. Hooper wanted to be certain there would be time for the homeowners to have input during the open session. Motion carried.

There will be training for new and existing supervisors from noon to 5:00 p.m. on April 20, 2004, prior to the 6:00 p.m. County Board reorganization meeting. Information will be distributed.

Chair Finn reported that Superior Days went well and thanked everyone involved, noting Supervisor Kay Johnson's granddaughter, Kimber Johnson, introduced Governor Doyle. Browne and Martin briefly summarized their respective tasks and results of their legislative meetings. It was noted that the students' participation was excellent, and Cosgrove encouraged students to stay involved. Allen reported that he and Finn met with the Department of Retirement and Trust to discuss Douglas County's unfunded retirement liability. It's a complicated issue, and no one down there seems to want to move forward to do anything to pass legislation to resolve the problem. The county continues to pay the annual payments, because the only resolution for Douglas County would be legislative action. Finn added that chances of legislation is not good at this time, but research is being done to review the disproportion between Douglas County and other counties. The State of Wisconsin bonded to pay off their liability debt. Egan emphasized that all contracts for housing of federal, state, and other county prisoners be clear on medical liability, so Douglas County is not caught with major medical expenses for inmates.

K. Johnson reported there is a welcome back planned for May 8th at Wessman, for the troops coming home from Iraq war. County Board welcomed back Zoning Administrator Rannenberg, who recently returned from duty in Bosnia.

COMMITTEE REPORTS

Conley reported Health and Human Services Board will meet April 1st instead of March 25th.

Browne reported Forestry Department had timber sale, and next meeting is March 29th. State is in the process of talking about certified forests, but nothing decided upon at this time.

Liebaert reported City of Superior Water Quality Advisory Committee main problems with forming the stormwater utility are costs involved in forming and funding research on this project. It is a federally mandated program, with state enforcement, and the city is required to form the committee and fund the utility. Eventually Douglas County will have to form some type of utility, at minimum an inventory of all impervious surfaces of Douglas County. City of Superior's process will take \$2.8 million per year for two to three years, and in the end looking at a \$40.0 million cost. Problem is funding this. One option may be a fee, which would be charged to all metered properties. Eventually fee will be based on the property's impervious surface. Fee looks to be \$1 to \$3 per month, up to \$15 per month when fully implemented. Talking with the state, Liebaert was told the county's involvement in this permitting process may be another year from now, and it may only require a change in zoning on how permits are done for new construction. Liebaert will continue to keep the County Board apprised of the situation as it evolves.

McKenzie reported NWLS Board met last week and TABOR (taxpayer bill of rights) was discussed. Colorado already has implemented TABOR legislation, which requires a referendum to lower or raise

taxes. More information can be obtained on the internet at www.thewheelerreport.com or www.wispolitics.com

Motion by McKenzie, second Allen, to refer TABOR legislation to the Administration Committee. Washburn County adopted it already. Motion carried.

McKenzie reported PRI RU TA meeting held and discussed Grazing Specialist program. An item for future discussion is the Cottage Industry Organization, a home-based business program which may be something to consider in Douglas County. April 3 in Phillips and April 17 in Barron, there will be a rural landowners conference, and McKenzie recommended Douglas County use that model to conduct a conference.

Eckman reported that ten days ago, Land Conservation Committee interviewed for Douglas County Land Conservationist position and hopefully a recommendation forthcoming in the next couple of weeks after the background checks.

Allen reported April 30 Land and Development Committee meeting agenda will include the audit report from the fair. He noted there was some difficulty getting information from the group. Ryan responded that the audit for Head of the Lakes Fair was based on information auditor received from the Fair Board, and the information missing is from the former manager's tenure. Auditor has requested information from the Speedway and has not received it. Egan added that this Board authorized and paid for the audit, and he has seen the preliminary findings to be presented to the committee. Auditor will be in attendance at that meeting, and Egan encouraged Board members to attend.

C. Johnson reported the Superior Public Museum is planning some beautification efforts this summer, including special garden effects.

C. Johnson reported the Zoning Committee will hear the POWTS presentation at 11:30 a.m. at April 8th Zoning Committee meeting. The presentation has been made to the Towns Association. It will eventually go to the County Board.

Prettie stated she wanted to clarify that the Speedway had the same manager as the fairgrounds, and is in the same position in regard to getting information. She noted people have spent countless hours compiling information to get everything straightened out, and they expect a successful racing season.

Wes Johnson reported that POWTS subcommittee spent endless hours on the presentation. He applauded their work and encouraged supervisors to attend Zoning Committee's meeting.

APPROVAL OF BILLS AND CLAIMS

Printouts not available at meeting; will be presented next month.

SUCH OTHER MATTERS AS AUTHORIZED UNDER THE WISCONSIN STATUTES

Redesign of the Courtroom: Allen questioned the selection of the firm for the courtroom redesign, and suggested another search for optional firms using the same money allocation. With that in mind, Allen

recommended cancelling the contract because that work is on hold, and the work place has changed. Zukowski responded the design firm selected was the lowest bidder by a lot of money, and they did have all the information from the building design project which would help save dollars. Brief discussion followed.

Motion by Ryan, second W. Johnson, to refer the architectural contract for redesign of courtroom, to the Administration Committee. Motion carried.

ADJOURNMENT/CLOSED SESSION: Motion by Quam, second Allen, to adjourn open session and convene into closed session pursuant to Section 19.85 (1)(e) of the Wisconsin Statutes to discuss settlement of Adolfson and Peterson contract and glass guardrail claim. Roll call vote taken and passed with 25 Yes 0 No 3 Absent. Absent were Hooper, Ward, Coletta. Meeting adjourned to closed session at 8:05 p.m.

Next regularly scheduled meeting - Thursday, April 15, 2004.

Submitted by,

Susan T. Sandvick
Douglas County Clerk