

**PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS**  
**Thursday, May 19, 2005, 6:00 p.m., Board Room, Second Floor, Government Center**  
**1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Chairman Douglas Finn.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan T. Sandvick. There were 23 present, 5 absent. Absent and excused were Michael Glenn, John Shepard, Sr., John O'Brien, Karen Livingston, and John Robinson. Student representatives present were Kimber Johnson and James Paine.

Motion by Baker, second Martin, to approve minutes of the April 21, 2005 meeting. Motion carried.

**CLAIMS AGAINST THE COUNTY**

Notice of Summons and Complaint, James R. Whitwell vs. Brad Hoyt, Douglas County Sheriff's Department, Douglas County Jail, and County of Douglas, alleging damages resulting from arrest of James R. Whitwell. Felker explained status of the claim and advised no action at this time.

Regarding the pending ATC claim served on the County Clerk, February 10, 2005, the county has 120 days from that date, to allow or disallow the claim. No action would be considered a disallowance.

**CORRESPONDENCE**

Eighteen items of correspondence were either received and filed or referred to the appropriate committees. County Board members can request a copy of any of the items by returning the Copy Request Form (attached to their agendas) to County Clerk.

Motion by Stewart, second C. Johnson, to suspend rules and allow presentation by Attorney Rick Gondik and Jim Borgeson, for an update on Superior Speedway. Motion carried.

Gondik, Attorney for Superior Speedway, Inc., stated the organization wanted to let the County Board know that things are going well, and the races open tomorrow night. Special thanks were extended to Supervisors Egan, Budnick, Ryan, Stewart, and Thompson, for their time and effort to resolve contentious issues. As a sign of unity, Superior Speedway, Inc., is donating a billboard advertising HOL Fair events for this year. Borgeson echoed Gondik's remarks and appreciation to the County Board.

**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 May 11, 2005, on the following petition for amendment of the county zoning district ordinance map:

Part of the SW1/4 of the SW1/4, Section 35, T48N-R11W, (MA-020-00699-00, Doherty Road). Town of Maple, from the C-1: Commercial zoning district to the R-1: Residential zoning district, by Leroy & Hilda Falk, N1988 Cozy Lane, Antigo, Wisconsin. Intended use: Residence.

WHEREAS, proof of publication of the notice of the public hearing and proof of giving notice to the town clerk of the hearing are as shown on Exhibit A-5-05.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and approve the petition upon receipt of approval letter from Town of Maple.

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

Dated this 19<sup>th</sup> day of May, 2005.

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

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

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		
Rev. 3-18-05		

## **PLATS**

Approval of Final Plat of Hunter's Addition to the Town of Superior for Greg Hunter, et al., by Hugh C. McDonald, located in the NW1/4 of the NE1/4, Section 9, T47N-R14W, Town of Superior. Motion by Ryan, second Thompson, to approve. McKenzie encouraged single septic system. Motion carried.

## **RESOLUTIONS**

**RESOLUTION #46-05**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Land Sales

WHEREAS, Douglas County has advertised for sale various parcels of land on April 4, 11, & 18, 2005, in accordance with Section 75.69, Wisconsin Statutes, and the highest bid received is as follows:

\$ 10,611.00    PARCEL 21-05 - Government Lot 8, Section 11-48-14, Town of Superior, TS-030-01316-00, from John I. Krivinchuk & Rozanne Krivinchuk. Intended use: Adjacent property owner/recreation.

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

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)

(Fiscal Note: Increase "Profit and Loss on Land Sales Account" by \$10,611.00)

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

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost        _____ Refer       _____ Amend      _____ Other       _____		
Rev. 3-18-05		

**RESOLUTION #47-05**  
**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 recommendations of the Land and Development Committee and transfer ownership of the following described property to the City of Superior:

Lots 25 and 26, Block 100, West Superior, 1<sup>st</sup> Division, known as 1018-20 John Avenue, and Lots 23 and 24, Block 100 West Superior, 1<sup>st</sup> Division, known as 1022-24 John Avenue, City of Superior.

BE IT FURTHER RESOLVED that this transfer is contingent upon payment to Douglas County, by the City of Superior, in the amount of \$12,890.96.

BE IT STILL FURTHER RESOLVED that Ross Johnson, former owner of the property, be refunded the amount of \$34,840.42.

(Committee Action: Unanimous)  
(Fiscal Note: \$12,890.96)

ACTION: Motion by Egan, second Martin, to adopt. Corporation Counsel explained outcome this afternoon of attempt by Mr. Johnson's attorney to get court order restraining board from taking action tonight. Felker argued the point in the court, that procedurally, Mr. Johnson does not have any contractual agreement with the Land and Development Committee or county as a whole, because the ordinance clearly states that repurchased property is subject to County Board approval. Additionally, Felker stated he argued that it was not appropriate for a court to tell a duly-elected, deliberate, constitutional body what to do before they take action. Judge agreed with these arguments, and the board is free to debate and decide on this resolution as they see fit. Chair Finn opened the floor to audience. Lynn Johnson, mother of Ross Johnson, read a prepared statement opposing this resolution. One of the Johnson building's tenants and her son, also spoke in opposition to transfer of the property to the city, stating Mr. Johnson had made improvements to the property. Seven residents, including home owners, who live in the vicinity of the apartment building and property in question, detailed specific reasons why this resolution should be approved and the property transferred to

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		
Rev. 3-18-05		

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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the City of Superior for razing. Residents urged the County Board to make their decision based on facts and evidence, not emotions. Discussion returned to the County Board Supervisors. Martin stated he has received several letters urging support of this resolution to raze the building, and this is first the time a letter he has received specifically stated that the writer of the letter did not sign it due to fear of reprisal. Many of the supervisors spoke in favor of the resolution, citing both the property tax procedure and responsibilities of a landlord. It was clearly stated that if the taxes had been paid in the appropriate timeframe, the County Board would not be discussing this tonight. Egan submitted that a property owner has rights, but with those rights are concomitant responsibilities, particularly for rental property owners. Egan urged passage of the resolution and recommended the City of Superior commence razing the building. The County Board applauded the residents for their courage in speaking out for their neighborhood's safety, in spite of potential retaliation. Stating this was a difficult decision for him at the committee level, and expressing disappointment that the City of Superior did not come forward requesting the property in October, Allen stated support for the resolution. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
Rev. 3-18-05		

**RESOLUTION #48-05**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE AND THE**  
**FOREST, PARKS AND RECREATION COMMITTEE**

Subject: Wildlife Management Area (Bird Sanctuary) Application  
 Authorization to Enter under County Forest Law

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Land and Development Committee and the Forest, Parks and Recreation Committee and authorizes application to enter the following described property, known as the Douglas County Wildlife Management Area (“Bird Sanctuary”), under the County Forest Law:

NW 1/4 of NE 1/4, S1/2 of NE 1/4, SE 1/4, S 1/2 of NW 1/4, SW 1/4, Section 11, Township 44 North, Range 12 West, Town of Solon Springs, and SW 1/4 of NE 1/4, SE 1/4 of SE 1/4, W 1/2 of SE 1/4, W1/2 of NW 1/4, SW 1/4, Part of SE 1/4 of NW 1/4 (14 acres), Section 14, NE 1/4, E 1/2 of SE 1/4, NW 1/4 of SE 1/4, S 1/2 of NW 1/4, SW 1/4, Section 15, NE 1/4, SE1/4, Section 16, NE 1/4, SE 1/4, Section 21, NE 1/4, N 1/2 of SE 1/4, SW 1/4 of SE 1/4, SW 1/4, Section 22, E 1/2 of NE 1/4, SW 1/4 of NE 1/4, W 1/2 of NW 1/4, W 1/2 of SW 1/4, Section 23, Part of NW 1/4 of SE 1/4 (13.5 acres), NW1/4 of SW1/4, NE1/4 of SW1/4, SW1/4 of SW1/4, and W1/2 of SE1/4 of SW1/4, Section 24, Township 44 North, Range 12 West, Town of Gordon, Douglas County, Wisconsin.

Dated this 19<sup>th</sup> day of May, 2005.

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

**ACTION:** Motion by Allen, second Liebaert, to adopt. Motion carried.

**RESOLUTION #49-05**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Duluth/Superior Radio Control Model  
 Airplane Club Lease

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Land and Development Committee and approve lease between Douglas County and the Duluth/Superior Radio Control Model Airplane Club, as set forth in Exhibit C-5-05.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)  
 (Fiscal Note: \$100.00 annual rental fee)

**ACTION:** Motion by Quam, 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. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost       _____ Refer      _____ Amend     _____ Other      _____		
Rev. 3-18-05		

**RESOLUTION #50-05**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE AND THE ADMINISTRATION**  
**COMMITTEE**

Subject: Head of the Lakes Fairgrounds Camper Power Pedestal  
Project

RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Land and Development Committee and the Administration Committee and approve appropriation of \$10,000.00 from the Land Improvement Account for camper power pedestal project at Head of the Lakes Fairgrounds.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)

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

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

**ACTION:** Motion by Stewart, second Budnick, to adopt. Roll call vote taken and passed with 23 Yes, 0 No, 5 Absent. Absent were Shepard, John O'Brien, Livingston, Glenn, and Robinson.

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Glenn		
5. Baker	X	
6. Eckman	X	
7. Livingston		
8. Martin	X	
9. Prettie	X	
10. Robinson		
11. Conley	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Shepard		
17. Egan	X	
18. Allen	X	
19. Ryan	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert	X	
25. Budnick	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Jensen	X	
Roll: Ayes <u>  23  </u> Noes <u>  0  </u> Absent <u>  5  </u> Abstain <u>      </u>  Passed <u>  X  </u> Lost <u>      </u> Refer <u>      </u> Amend <u>      </u> Other <u>      </u>		
Rev. 3-18-05		

**RESOLUTION #51-05**  
**RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS**

Subject: Senate Bill 78 and Assembly Bill 183

WHEREAS, under current law, each controlled substance is classified in one of five separate schedules, with methamphetamine being a Schedule II, and

WHEREAS, under current law, the possession or disposal of waste resulting from the manufacture of methamphetamine, unless it is being done by a legitimate storage, treatment, or clean-up operation, is prohibited, and

WHEREAS, under current law, the possession or attempt to possess methamphetamine is prohibited, and

WHEREAS, under current law, the theft of anhydrous ammonia or equipment used to apply it for an agricultural purpose or to store, hold, transport, or transfer it (anhydrous ammonia equipment) is prohibited, and

WHEREAS, Douglas County, and Northwestern Wisconsin, law enforcement agencies have seen a dramatic increase in the illegal activities that can be attributed to methamphetamine, to include the use, possession, and manufacture of methamphetamine and other related crimes, such as theft, burglary, and forgery, and

WHEREAS, Senate Bill 78 and Assembly Bill 183 and Senate Substitute Amendment 2 and Assembly Substitute Amendment 2, will assist law enforcement by controlling the methamphetamine precursors.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors strongly supports Senate Bill 78 and corresponding Senate Substitute Amendment, Assembly Bill 183 and corresponding Assembly Substitute Amendment, which changes current Wisconsin Statutes to make the use, manufacture and possession of methamphetamine more controlled, more difficult to accomplish, and with harsher penalties to anyone within violation.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
Rev. 3-18-05		

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
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BE IT FURTHER RESOLVED that upon passage of this resolution, the Douglas County Clerk forward certified copies of the resolution to all Wisconsin legislators, Governor James Doyle, and the Wisconsin Counties Association.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

**ACTION:** Motion by McKenzie, second Browne, to adopt. It was noted the bill was passed by Senate and Assembly, and waiting to be signed by Governor. Motion by McKenzie, second Stewart, to amend resolution and have it sponsored by the entire County Board. Motion carried. Hendrickson encouraged supervisors to view the CD on the methamphetamine problem, available through Dan Blank's office. Brief discussion. Motion to adopt resolution, as amended, carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
Rev. 3-18-05		

**RESOLUTION #52-05**  
**RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS**

Subject: Assembly Bill 412 Opposed

WHEREAS, 2005 Assembly Bill 412 has been introduced into the State Legislature and proposes to subject lands of counties, cities, villages, and towns to condemnation under Chapter 32 of the Wisconsin Statutes for the purpose of locating electric transmission lines, and

WHEREAS, Wisconsin law has, for almost a century, exempted the lands of local governments from being subject to condemnation under Chapter 32, which resulted in mutual respect and trust between local governments and the State of Wisconsin, and

WHEREAS, condemnation for one purpose may lead to condemnation for other purposes, and

WHEREAS, 2005 AB 412 purports to restore power to state government, however, state-owned property is not affected in the condemnation proposal, and

WHEREAS, 2005 AB 412 will remove decision-making authority from local residents and their duly elected representatives as to the desired use of their public land held in trust by their local governments, and

WHEREAS, 2005 AB 412 purports to allow a 180 day negotiation period before condemnation may ensue, but renders any local government ineligible for the one-time environmental impact payment if it fails to negotiate successfully or reduces such payment by any negotiated amount over "fair market value", and

WHEREAS, the aforementioned provisions of AB 412 are punitive in nature and effectively remove any negotiating authority of local governmental bodies, and

WHEREAS, it is in the best interests of the people of the State of Wisconsin to keep decision-making authority over public lands held in trust by local governments in the hands of the residents of those municipalities and their duly elected representatives.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors strongly opposes 2005 Assembly Bill 412, **LRB 2357/1, and any other proposed legislation allowing condemnation of public land.**

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
Rev. 3-18-05		

BE IT FURTHER RESOLVED that upon passage of this resolution, certified copies be sent to Governor James Doyle, all State of Wisconsin legislators, Wisconsin Counties Association, Wisconsin Towns Association, League of Municipalities, and all Wisconsin counties.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)

((Fiscal Note: None)

ACTION: Motion by Conley, second Allen, to adopt. Motion by K. Johnson, second Liebaert, to amend resolution and have it sponsored by the entire County Board. Motion carried. Allen indicated there is another Montgomery bill pending, LRB 2357/1, which changes AB 412 somewhat. Brief discussion followed. Motion by Allen, second Browne, to amend resolution to include opposition to “LRB 2357/1, and any other proposed legislation allowing condemnation of public land”. Chair Finn detailed what activities and organizations are involved in opposing this legislation. WCA and Towns Association will be in Madison to oppose this legislation. Finn and several others will be in Madison for the hearing. Both of these bills determine how compensation will be brought to fruition in terms of public land to be taken. Hypothetically, if the counties have the same rights of everyone else, and the utilities are given the right to condemn public land, Egan asked if then the counties are subject to the same rights allowed under eminent domain laws of the State of Wisconsin, as it relates to compensation. In other words, the two bills stating how the compensation will be set for a county’s public land, and the eminent domain law affords the aggrieved party a hearing before a condemnation board to determine compensation. Responding to Egan’s hypothetical, Felker briefly explained that there is a canon of legislative interpretation, that the specific usually governs the general, and laws passed by the legislature are in contemplation of laws already passed. Felker opined, that in reading the drafts of the two bills, the process for setting compensation would be followed per the legislation as written, and Chapter 32 of the Wisconsin Statutes would not apply. Essentially, if one of these two bills is passed, the private citizen in condemnation would have more rights than the public land owner entity. Extensive discussed followed. 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. Baker		
6. Eckman		
7. Livingston		
8. Martin		
9. Prettle		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Shepard		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
Rev. 3-18-05		

**RESOLUTION #53-05**  
**RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS**

Subject: Train Speed Limit Reductions in Village and Town of Solon Springs Endorsed

WHEREAS, on April 4, 2005, a Union Pacific train, using the Canadian National tracks, derailed in the Village of Solon Springs in Douglas County, Wisconsin, and

WHEREAS, approximately nine cars derailed, including a tank car causing fires, evacuation of homes, and responses from over a dozen local and state agencies, and

WHEREAS, this derailment could have caused a devastating impact to the Village of Solon Springs and surrounding area if not for the response from the emergency organizations in the area, and

WHEREAS, this is not the first derailment in the Village of Solon Springs, and

WHEREAS, approximately 25 trains pass through Solon Springs each day, some carrying chemical and propane cars, at the permitted speed limit of 50 miles per hour, which has a higher probability to cause more derailments and related accidents, and

WHEREAS, the Village of Solon Springs has requested a reduction in the train speed limit to 25 miles per hour.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors requests that a complete investigation be undertaken on the train speed allowed through the Town and Village of Solon Springs, and that a 25 mile per hour speed limit be considered for an approximate five mile area through the community.

BE IT FURTHER RESOLVED, that upon passage of this resolution, certified copies be sent to Governor James Doyle, Commissioner of Railroads - Rodney Kreunen, Canadian National Railroad - James Cramer, Union Pacific Railroad - Ronald Hamilton, U.S. Senators Feingold and Kohl, U.S. Congressman David Obey, State Senator Jauch and State Representative Boyle, **Federal Surface Transportation Board Office in the State of Wisconsin, Wisconsin Legislative Board for Railroad Engineers**, and the Village and Town of Solon Springs Boards.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
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7. Livingston		
8. Martin		
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14. O'Brien, James		
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18. Allen		
19. Ryan		
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26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
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Dated this 19<sup>th</sup> day of May, 2005.

(Fiscal Note: None)

**ACTION:** Motion by Allen, second Martin, to adopt. Motion by Stewart, second Jensen, to have resolution sponsored by entire County Board. Motion carried. Motion by Allen, second Egan, to amend resolution and add sending resolution to the Federal Surface Transportation Board Office in the State of Wisconsin, and the Wisconsin Legislative Board for Railroad Engineers. Motion carried. Motion to adopt resolution, as amended, carried.

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Rev. 3-18-05		

**RESOLUTION #54-05**  
**RESOLUTION BY THE LAW ENFORCEMENT**  
**COMMITTEE AND THE ADMINISTRATION COMMITTEE**

Subject: Homeland Security Grant Accepted for 2005

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 2005 Homeland Security Grant.

Dated this 19<sup>th</sup> day of May, 2005.

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

ACTION: Motion by Baker, second Hendrickson, to adopt. Motion carried.

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
Rev. 3-18-05		

**RESOLUTION #55-05**  
**RESOLUTION BY THE LAW ENFORCEMENT**  
**COMMITTEE AND THE ADMINISTRATION COMMITTEE**

Subject: Cellular E-911 System

WHEREAS, the Douglas County Board gave preliminary approval to pursue implementation of a Cellular E-911 System, with the Board to consider any future expenses related to the system, and

WHEREAS, Douglas County is anticipating award of a grant which will reimburse the county for expenses related to the E-911 system, through November of 2008.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Law Enforcement and Administration Committees and approve expending the following amounts, in advance of the grant award:

- (1) \$44,762.00, for purchase of hardware and software, and installation, for equipment to accept cellular E-911 calls;
- (2) \$7,665.72, to pay for installation of additional telephone line trunks; and
- (3) \$1,130.34, monthly telephone company charge (amount to be reimbursed through November of 2008, unless reimbursement is extended).

BE IT FURTHER RESOLVED that, once confirmation of grant award is received, authorization is given to continue with completion of the Cellular E-911 System.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)

(Fiscal Note: \$52,427.72 (to be reimbursed); plus monthly fee of \$1,130.34 (to be reimbursed through November of 2008))

**ACTION:** Motion by Quam, second Baker, to adopt. Keith Kesler, Emergency Management Coordinator, was present and summarized the history of the E-911 program. The grant is not awarded in its final form until sometime in December, with estimates of individual awards announced earlier in the year. Of the \$490,000, the county can expect an absolute minimum of \$200,000. All of the money for equipment and installation will be reimbursed fully, and the \$12,000 telephone

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charge per year will be reimbursed through November, 2008. Essentially, the county upfronts the monies, and the grant award, when approved, reimburses the county. If no money award is received, the county would have spent a total of \$53,559. This is the worst case scenario, but Kesler has applied for the maximum award. Regarding upgrade potential, Kesler responded he could not forecast the changes, with technology changing so rapidly. Those changes will dictate needed upgrades. Motion carried.

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> Labor Agreement Other _____		
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**RESOLUTION #56-05**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Labor Agreement between Douglas County and the  
 Douglas County Deputy Sheriff's Association, Local 41

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve the labor agreement as set forth in Exhibit D-5-05, between Douglas County and the Douglas County Deputy Sheriff's Association, Local 41 of the Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association, for the years 2005-2007.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)  
 (Fiscal Note: Within budget)

**ACTION:** Motion by Baker, second Thompson, to adopt. Motion by Liebaert, second Baker, to amend Agreement as follows: (1) Page 7, Article 15, Employment Status, Section 1: Remove all strike-outs; (2) Page 16, Article 25, Section 2, Personal Leave Days, Third Paragraph: Remove strike-out; (3) Page 18, Article 28: Remove all strike-outs; and (4) Page 25, Appendix A, Wage Scale (1): Replace the word "by" with "to". Motion carried. Motion to adopt resolution, with Agreement amended, carried.

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		
Rev. 3-18-05		

**RESOLUTION #57-05**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Side Letter Agreement with Douglas County Highway  
 Department Employees

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve Side Letter Agreement by and between Douglas County and General Drivers, Dairy Employees, Warehousemen, Helpers & Inside Employees Local Union No. 346, as set forth in Exhibit E-5-05.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)  
 (Fiscal Note: Within budget)

**ACTION:** Motion by Hendrickson, second Allen, to adopt. Motion carried.

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Rev. 3-18-05		

**RESOLUTION #58-05**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Communication Workers of America Labor Contract

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committees and approve the labor contract between Douglas County and the Communication Workers of America, for the years 2005-2007, as set forth in Exhibit F-5-05.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)  
(Fiscal Note: Within budget)

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

**RESOLUTION #59-05  
RESOLUTION BY THE ZONING COMMITTEE**

Subject: Zoning Permit Application Fee Refund

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and authorize refund of zoning district change permit application fee to Elmer McKercher.

Dated this 19<sup>th</sup> day of May, 2005.

(Committee Action: Unanimous)  
(Fiscal Note: Refund of \$150)

**ACTION:** Motion by Martin, second Baker, to adopt. Motion carried.

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**COUNTY ADMINISTRATOR REPORT:** Koszarek stated that notices are going out on the 2006 budget process. To date the 2005 budget looks good. Shared revenue outcomes may impact 2006. Department Managers' Retreat date is forthcoming, and will include a State of the County report. Government Center project received \$7,000 from the glass railing issue, and one more check expected for \$20,000 plus. The second elevator is in planning stages, and should be installed by fall.

**COUNTY BOARD CHAIR REPORT AND APPOINTMENTS:** Finn stated he and McKenzie went to meeting on Hog Island, and cleanup will begin this summer. All permits done, and the project is finally ready to commence. Land Conservation Committee will discuss it at their meeting tomorrow. McKenzie explained how the plan for the property will evolve.

Sandvick attended New York Building meeting, and tax credits were received. CDBG funding, parking issues with the city, and transfer of the property were discussed. Project should be finalized in the fall.

The following appointments were recommended: **Northern Waters Library Services Board of Trustees** - Pam Wallace, 7270 E. County Road A, Solon Springs, WI 54873, to serve out Marvin Mattson's term; **Local Emergency Planning Committee:** Deb Clasen, Douglas County Health Officer, to replace Patrick Heiser; **County Security and Facilities Committee:** Scott Campbell, Assistant Chief, Superior Police Department (recommended by Judge Lucci and approved by the committee); **Ethics Board:** David Mason, Alternate (reappointment to three year term, ending May, 2008); **Library Board Planning Committee:** Linda Olson (replace Julie Kapke); Tom Quick, City Councilor (replace Jackie Stenberg, City Councilor); Jo Mersnick, 5219 S. Stone Rd., South Range, (replace Dee Meadows); **Board of Adjustment:** Douglas Hanson, Richard Berthiaume, Roger Wilson (reappointments to three year terms July 1, 2005 to July 1, 2008); **Civil Service Commission:** Clayton Hanson (reappointment to five year term, ending May 2010). Motion by Egan, second Ryan, to approve appointments as recommended. Motion carried.

#### **COMMITTEE REPORTS**

Quam reported that Farmers Market may be located by the old Soo Line Railroad station this year. Watch for announcements.

C. Johnson reported on the Towns Association meeting at Parkland.

K. Johnson reported on the Highway Department's road tour throughout Douglas County for supervisors. Recycling Committee has announced various special items pick-up days. Watch for dates and locations in the newspaper.

Ryan reported the Bounders Convention is moving forward.

Allen reported Land and Development Committee approved two specific land bid changes: (1) A certified check or money order for any bids is required; and (2) Any withdrawal of a bid will carry a penalty of 10% of the bid amount (minimum \$100; maximum \$2,000.00). Also, a meeting regarding Wisconsin Point property was held, which he and Sandvick attended. Allen stated a preference to preserve the land as special use.

Liebaert reported Forest, Parks and Recreation Committee working on ten year plan.

Thompson reported POWTS subcommittee has met, and a meeting with DNR and Department of Commerce in July is anticipated.

Martin reported that Environment, Agriculture and Extension Committee has learned that Joan Wimpe has been recognized by the state for her work on 4-H programs. She has been promoted to Community Youth Development Educator. Sarah Wilcox is new Extension Office staff member.

Stewart reported the Law Enforcement Committee will be reviewing needs and costs of a second Recreation Officer and second Narcotics Officer during 2006 budget meeting.

McKenzie reported the State Land and Water Conservation Board has asked for support on the current SMART Growth legislation, as the Joint Committee on Finance ruled last week to eliminate it from Wisconsin, and to eliminate the \$2,000,000 grants that were allocated for areas needing it.

The Board applauded Kimber Johnson, student representative from Northwestern High School, who will be graduating the end of this school year.

UW-S student representative Paine stated he received a copy of a letter from Wisconsin State Representative Jensen to Governor Pawlenty of Minnesota, suggesting a study to consider consolidation of UMD and UW-S. It is not a bill at this time, but if the idea is to be opposed, the UW-S student body will need Douglas County's help. Timing of this proposal is bad, because the United Council Student Lobby in Madison can't do much without support of UW-S students, who are about to leave campus for the summer, and the support of the community and the county. Chair Finn will draft a resolution for the June meeting.

**APPROVAL OF BILLS AND CLAIMS:** Motion by O'Brien, second Stewart, to approve. Motion carried.

**SUCH OTHER MATTERS AS AUTHORIZED UNDER THE WISCONSIN STATUTES:** Chair Finn reported that Supervisor Livingston is still ill, and in Twin Cities facility.

**ADJOURNMENT:** Motion by Ryan, second Jensen, to adjourn. Motion carried. Meeting adjourned at 7:55 p.m. Next regularly scheduled meeting - Thursday, June 16, 2005.

Submitted by,

Susan T. Sandvick  
Douglas County Clerk