

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, September 15, 2005, 6:00 p.m., Board Room, Second Floor, Government Center
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 25 present, 3 absent. Absent and excused were Michael Glenn, Karen Livingston, Larry Quam. Baker left meeting at 7:35 p.m. Liebaert was excused from the meeting at 9:13 p.m.

Motion by C. Johnson, second Egan, to approve appointment of 2005-2006 County Board Youth Representatives. Motion carried. County Clerk Susan Sandvick administered the Oath of Office to Youth Representatives Ashley R. Johnson, Maple; Caitlin Knoll, Lake Nebagamon; and Lindsey Schiff, Lakeside.

Chair Finn welcomed new 16th District Supervisor John Sweeney.

Motion by Baker, second Martin, to approve minutes of the August 18, 2005 meeting. Motion carried.

CLAIMS AGAINST THE COUNTY

Claim from Attorney Dennis Cochrane on behalf of Shelli Bevington, alleging injuries and damages resulting from a fall in the Douglas County Jail. Corporation Counsel advised disallowance of the claim. Motion by Egan, second Ryan, to disallow the claim. Motion carried.

CORRESPONDENCE

Thirteen 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.

PRESENTATIONS

County Administrator Steve Koszarek presented the Employee of the Quarter award to Carol Schorik, employee with the Forestry Department since 1991. Schorik thanked Craig Golembiewski for nominating her, and noted the work of all employees in the Forestry Department. Liebaert, Chair of the Forest, Parks and Recreation Committee, thanked Schorik, on behalf of the Committee.

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 September 6, 2005, on the following petitions for amendment of the county zoning district ordinance map:

- 1) Part of the W1/2 of the NE1/4, N of RR, Section 31, T48N-R12W, (AM-002-00739-00), Town of Amnicon, from the R-1: Residential and the F-1: Forestry zoning districts to the A-1: Agriculture zoning district, by Robert High, 7444 E. County Road E, South Range, Wisconsin. Intended use: Animals; and
- 2) Part of the NW1/4 of the NW1/4 of the SE1/4, N of RR, Section 13, T48N-R14W, (TS-030-01372-00, County Road A), Town of Superior, from the W-1: Resource Conservation zoning district to the R-1: Residential zoning district, by Harry & Kathleen Madsen, 5503 Albany Avenue, Superior, Wisconsin. Intended use: Year-round dwelling; and
- 3) Part of Government Lot 1, Section 23, T45N-R10W, (HI-016-00392-00, Sand Lake Blvd.), Town of Highland, from the F-1: Forestry zoning district to the R-2: Residential zoning district, by Larry & Barb Roecker, E7063 Hwy D, Rock Springs, Wisconsin. Intended use: Hobby farm and accessory buildings.

WHEREAS, proof of publication of the notice of the public hearing, proof of giving notice to the town clerks of the hearing, and letters of approval from the towns, are as shown in Exhibit A-9-05.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Zoning Committee and approve the petitions, with the stipulation that all town letters of approval have been received.

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

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. Sweeney		
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. 8-19-05		

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. Sweeney		
17. Egan		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
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25. Budnick		
26. Johnson, Carol		
27. Stewart		
28. Jensen		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> Lost _____ Refer _____ Amend _____ Other _____		
Rev. 8-19-05		

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

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

**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:

SECTION VI. REGULATION OF SPECIAL USES

6.7 Major Recreational Equipment

2.(a) A property owner may store their own major recreational equipment on their own property without being subject to any time limit, as long as there is a seasonal or year-round residence on the same parcel. The number of trailer campers or recreational vehicles is limited to ~~one (1)~~ **two (2)**.

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Ryan, to adopt. Roger Wilson, Mary Motis, James Heim, Beverly Allen, and Sandy Anderson, addressed the board and urged opposition to the amendment, citing concerns for protection of the environment, particularly lakeshore areas. Those in opposition stated this amendment would diminish progress the Zoning Department has made to improve Douglas County's Shoreland Ordinance. Scott Bartley cited reasons to support the amendment, including similar ordinance provisions from Bayfield, Sawyer, and Washburn Counties for comparison purposes. Julie Kaminski spoke in favor of the amendment, emphasizing it is about storing a camper, not using it. Roy Colburn objected to any further government interference over an individual's property rights, adding that this amendment could adversely affect such things, for example, as weekend or holiday family gatherings. Ryan explained that this amendment applies to all property owners not just lakeshore property owners. Discussion followed on various situations. Steve Rannenberg, Zoning Administrator, clarified that the amendment is in reference to storage of two campers on a parcel that has one permanent residence on it. Discussion followed on whether the regulations should be separated into off-water property and shoreland property. Corporation Counsel advised this could not be accomplished this evening., due to public hearing requirements. Motion by Liebaert, second Baker, to refer the amendment back to committee. It was noted that townships can also enact their own ordinances to deal with this issue. 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. Sweeney		
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 _____ Lost _____ Refer <u> X </u> (Back to committee) Amend _____ Other _____		
Rev. 8-19-05		

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. Sweeney		
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. 8-19-05		

**AMENDMENT TO ORDINANCE #1.19
ORDINANCE ESTABLISHING CUT-OFF RECEPTION
TIME FOR FILING AND RECORDING OF DOCUMENTS
PRESENTED BY THE ADMINISTRATION COMMITTEE**

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

**SECTION II. CUT-OFF RECEPTION TIME FOR FILING AND
RECORDING OF DOCUMENTS**

The cut-off reception time for the filing and recording of documents in the Office of the Register of Deeds shall be ~~one-half~~ hour before closing on each day that said office is open to the public. For all other purposes, the office shall remain open to the public.

Dated this 15th day of September, 2005.

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

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

PLATS

Approval of Preliminary and Final Plat of Western Division to the Town of Solon Springs, by Hugh McDonald for Jessie Edwards and Brad Essen, located in the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4, Section 29, T45N-R12W, Town of Solon Springs. Motion by C. Johnson, second Stewart, to approve. Motion carried.

RESOLUTIONS

**RESOLUTION #97-05
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE**

Subject: Tax Deeds Issued

WHEREAS, on October 18, 2005, Douglas County will take tax deeds for 2001 unpaid taxes, and

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

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors hereby accept the recommendation of the Land and Development Committee and approve the issuance of tax deeds on October 18, 2005, for those properties listed on Exhibit C-9-05, with 2001 taxes remaining unpaid as of that date.

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Martin, second Allen, to adopt. Duplicates appearing in the exhibit were attributed to a photocopying error and will be corrected. 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. Sweeney		
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. 8-19-05		

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. Sweeney		
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. 8-19-05		

**RESOLUTION #98-05
RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Court Appointed Attorneys Compensation

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and increase compensation for court appointed attorneys from \$50 to \$70 per hour, pursuant to Supreme Court Ruling 81.02.

BE IT FURTHER RESOLVED that the increased compensation become effective January 1, 2006.

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: Approximate annual increase of \$9,600.00 for Clerk of Courts; approximate annual increase of \$12,300.00 for Probate)

ACTION: Motion by McKenzie, second Corbin, to adopt. Egan explained that the applicable Supreme Court Ruling has been in effect for some time. 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. Prettle		
10. Robinson		
11. Conley		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
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. 8-19-05		

RESOLUTION #99-05
RESOLUTION BY SUPERVISORS ON THE HEALTH AND HUMAN SERVICES BOARD AND THE ADMINISTRATION COMMITTEE

Subject: W-2 Program

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Health and Human Services Board and the Administration Committee and authorize notification to the State of Wisconsin, Department of Workforce Development, that Douglas County does not intend to administer the W-2 Program effective January 1, 2006, should the contract be awarded.

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: \$50,023/year projected savings)

ACTION: Motion by Allen, second John O'Brien, to adopt. Egan commended the W-2 committee and Health and Human Services Board for scrutinizing this program and making the recommendation to opt out of the program. Conley added that the state has ownership of the program and it has come to the point that the county pays for and runs the program. The state is not a full partner in the program, and until that time, it is not cost effective for the county to participate in it. In response to a concern about continuing to serve the current W-2 program clients, Pat Schanen assured the Board the individuals will continue to be served through the state's contracted provider, which will most likely be a private entity. The punitive penalties the state can impose, if the county does not meet certain criteria or standards, pose significant financial risks to the county. The state is obligated to provide W-2 services, either through county contracts or private providers. Brief discussion followed. The Health and Human Services Department will, in all probability, continue to have contact with W-2 participants through services that normally complement benefits to the W-2 employment program. Motion carried.

RESOLUTION #100-05
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Budgetary Transfer

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

UW-Extension \$5,000.00 (J.E. #122576 from Contracted Services to Supplies for purchase of copier and projector; keeps purchase off 2006 levy.)

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: Decrease Contracted Services \$5,000.00; increase Supplies \$5,000.00)

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

ACTION: Motion by Egan, second Jensen, to adopt. Roll call vote taken and passed with 25 Yes, 0 No, 3 Absent. Absent were Livingston, Quam, Glenn.

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John	X	
4. Glenn		
5. Baker	X	
6. Eckman	X	
7. Livingston		
8. Martin	X	
9. Prettie	X	
10. Robinson	X	
11. Conley	X	
12. Jaques	X	
13. Quam		
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney	X	
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> 25 </u> Noes <u> 0 </u> Absent <u> 3 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
Rev. 8-19-05		

RESOLUTION #101-05
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: Comprehensive Plan Grant Agreement

WHEREAS, Douglas County, in cooperation with the Towns of Cloverland, Dairyland, Hawthorne, and Highland, **Parkland, Summit, and any others joining the cooperative**, agrees to participate in the preparation of a Multi-Jurisdictional Comprehensive Plan for the general purpose of guiding and accomplishing coordinated, adjusted, and harmonious development throughout Douglas County, and

WHEREAS, the Town Boards of the Towns of Cloverland, Dairyland, Hawthorne, and Highland, **Parkland, Summit, and any others joining the cooperative**, acknowledge the requirements of Wisconsin's Comprehensive Planning Legislation, including the adoption of the plan (Subchapter 66.1001, Wisconsin Statutes), the benefits of comprehensive planning, and funding that would be awarded by the Wisconsin Department of Administration to financially assist the county and participating communities with preparation of the comprehensive plan, and

WHEREAS, development of the Multi-Jurisdictional Comprehensive Plan requires a financial contribution of \$50,000.00 from Douglas County, and \$4,000.00 from each township, and

WHEREAS, Douglas County planning staff and the consultant have recently held a series of three public informational meetings throughout Douglas County, which outlined the planning process and community responsibilities, gathered public input, and provided answers to questions relative to the planning process, and

WHEREAS, as a participant in the Douglas County multi-jurisdictional planning process, the Towns of Cloverland, Dairyland, Hawthorne, and Highland, **Parkland, Summit, and any others joining the cooperative**, will receive an individual planning document for review and adoption, which addresses the requirements as specified under Wisconsin's Comprehensive Planning Legislation.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors hereby agrees to participate in the development of the Multi-Jurisdictional Comprehensive Plan in cooperation with Douglas County communities listed herein, pursuant to Wisconsin Statute Subchapter 66.1001.

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		
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14. O'Brien, James		
15. McKenzie		
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20. Hendrickson		
21. Johnson, Kay		
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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. 8-19-05		

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		
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15. McKenzie		
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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. 8-19-05		

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)
 (Fiscal Note: Approximately \$100,000 over 3-year period)
 (Administrative Note: Agreement is on September 13, 2005, Administration Committee agenda)

ACTION: Motion by C. Johnson, second Liebaert, to adopt. Motion by C. Johnson, second Stewart, to amend the resolution in first, second and fifth paragraphs, and add "Parkland, Summit, and any others joining the cooperative". Motion carried. Motion by McKenzie, second Eckman, to amend resolution and have it sponsored by the entire County Board. Motion carried. Rannenber summarized benefits of the plan to Douglas County and the townships. Towns that partner with the county each receive a grant to pay NWRPC for a brochure. Over a period of three years, it will cost the county about \$100,000. A multi-jurisdictional plan has a better chance of being awarded the grant. The towns are not specifically obligated by statute to have a comprehensive plan, just the counties, cities and villages. Lengthy discussion followed. All communities will be asked for input on the county's comprehensive plan. McKenzie urged communities to get their residents involved in the process, as the county has already invested \$300,000 in this effort, and communities can hold up or stop the process. Asked if development of the plan was bid out, Rannenber responded no, because NWRPC has done work in this regard for the county, such as the hazard mitigation plan, and has a good deal of the data that could be used in the comprehensive plan. Grant application deadline is October 1st, with award in February, 2006. County has to do the plan regardless of the number of towns participating, though the cost is higher with less towns. More municipalities, less cost to the county. Chair Finn stressed the need for the towns to partner on this, because the towns who do not participate will need to live within the county's comprehensive plan. Motion to adopt resolution, as amended, carried.

**RESOLUTION #102-05
RESOLUTION BY THE FOREST, PARKS AND
RECREATION COMMITTEE**

Subject: Tri-Partnership Agreement Amended

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Forest, Parks and Recreation Committee and approve amendment to the Tri-Partnership Agreement Amongst the Wisconsin Department of Natural Resources, Douglas County, and the Friends of the Bird Sanctuary, Inc., as set forth in Exhibit D-9-05, which reflects amendments to the agreement per Resolution #37-05, dated April 21, 2005.

Dated this 15th day of September, 2005.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by James O'Brien, second Liebaert, to adopt. Liebaert explained his concerns with item 5.C., whereby FOTBS members are held personally liable for work not authorized by the Forestry Department. Brief discussion. Motion by Liebaert, second Jensen, to end the paragraph after the word authorization, in the third to last line of 5.C., eliminating "and will include personal liability of each member of its Board of Directors who retain membership at the time the work is authorized or performed." Asked about the legal implications of removing the personal liability, Corporation Counsel advised that this does hold up legally if the individuals are doing their jobs as board members. Any liability is assumed by the organization as an organization, with its assets, etc., should there be an action to collect on a liability claim. Allen explained that this is one reason he brought this up at the committee meetings, so that people were held responsible for their actions or non-action as volunteers to an organization. Liebaert emphasized that the FOTBS has huge oversight by the Forestry Department, and he would hate to see a loss of volunteers because of the liability concerns. Discussion followed. Budnick agreed that he hates to see loss of good volunteers and programs, but the county needs to look out for financial pitfalls should something happen due to irresponsible action of a volunteer. Liebaert stated the request for amending this sentence came from some members of the group. Motion to approve amendment to the agreement, carried. Motion to adopt resolution, with amended agreement, 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. Sweeney		
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> (Agreement only) Other _____		
Rev. 8-19-05		

**RESOLUTION #103-05
RESOLUTION BY SUPERVISORS FINN AND ALLEN**

Subject: New York Building Purchase Agreement

WHEREAS, Douglas County has entered into an agreement with Metro Plains Properties, Inc., for the purchase of property located at 1402-1412 Tower Avenue, known as the "New York Building", and

WHEREAS, Resolution #13-05, authorized the transfer of the subject property in accordance with the terms of the agreement, and

WHEREAS, the transfer of the real estate from Douglas County to Metro Plains was expected to occur in September 2005, and Metro Plains has already invested planning dollars into the re-development of the building, and

WHEREAS, Douglas County has just been informed that an underground storage tank is located on the property, which Douglas County was not aware of at the time of execution of the agreement, and for which removal of is estimated to cost between \$15,000 and \$30,000, and

WHEREAS, Metro Plains has the option to terminate the agreement based on the existence of this tank, but would prefer to renegotiate the purchase price, which was \$40,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors give the Land and Development Committee power to act on behalf of the County Board and renegotiate the purchase price and/or agreement.

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to execute a deed of transfer for the subject property, upon approval of any renegotiated purchase agreement by the Land and Development Committee.

BE IT STILL FURTHER RESOLVED that a resolution detailing any changes in the purchase agreement be subsequently presented to the County Board.

Dated this 15th day of September, 2005.

(Fiscal Note: Probable loss of revenue)

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. Sweeney		
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. 8-19-05		

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. Sweeney		
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. 8-19-05		

ACTION: Motion by Martin, second K. Johnson, to adopt. Sandvick explained what happened with recent discovery of an underground storage tank, and in order to complete transfer of the property, the county has to assume responsibility for removal and clean-up. A Brownfield Grant may be possible. This resolution authorizes the Land and Development Committee to finalize the transaction in light of this new development. Motion carried.

Before going into closed session, Chair Finn invited individuals to address the Board on the ATC proposed agreement at this time. Roger Wilson cited item 3.b., on page 3, and recommended language should include Wisconsin DNR approval; and also questioned the wisdom of including in item 9. that easement assignment can be granted to a third party without the county's consent. Mora McCusker, Mary Ann Lajala, and Beth Aker, opposed the proposed agreement, citing various conditions of the agreement in which the county gives away control for protection of the environment and county residents should ATC do something wrong. As to the question of who decided what organizations would share in the \$40,000 Community Contribution Fund, Chair Finn responded that ATC came up with some, and the rest came from the county's negotiating team. Bob Beam asked the board to pay close attention, during their closed session deliberations, to Sections 2.i, 3.c., 5. and 13, on behalf of all residents of Douglas County.

CLOSED SESSION: Motion by Hendrickson, second John O'Brien, to convene in closed session, in Conference Room 204, Government Center, pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to discuss prospective agreement with ATC regarding Arrowhead to Weston Power Line. Liebaert asked why the closed session was necessary. John Prentice, Attorney contracted by Douglas County, responded that he had no problem with general public discussion of the agreement per se, but advised it is risky to talk about some of the legal issues of the agreement and his advice given to the negotiating team, should this end up back in the courts. Brief discussion followed. Conley asked if this means there may be opportunity to alter the agreement, to which Prentice responded that this can be discussed during closed session, at which time the County Board will know if the agreement will be executed or not. Roll call vote taken and passed with 23 Yes, 1 No, 4 Absent. Voting no was Liebaert. Absent were Baker, Glenn, Livingston, Quam. Board convened into closed session at 7:45 p.m.

RECONVENE OPEN SESSION: Open session reconvened at 8:55 p.m. 24 members still present. Absent were Quam, Livingston, Glenn, Baker.

RESOLUTION #104-05
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: Utility Construction and Easement Agreement for
Arrowhead-Weston Transmission Line Project

RESOLVED that the Douglas County Board of Supervisors approve the Utility Construction and Easement Agreement for the Arrowhead-Weston Transmission Line Project, as discussed and recommended in the August 18, 2005 County Board meeting closed session, and as set forth in Exhibit E-9-05 which will be available on Monday, September 12, 2005.

Dated this 15th day of September, 2005.

(Fiscal Note: ~~To be provided at Board meeting~~ **Statutory environmental impact fees; easement revenue of \$318,000; expense reimbursement of \$133,064; development fund revenue of \$119,000; grant revenue of \$40,000; undetermined timber revenue**)

ACTION: Motion by Egan, second John O'Brien, to adopt. Motion by Martin, second K. Johnson, to amend the resolution adding fiscal note as follows: "Statutory environmental impact fees; easement revenue of \$318,000; expense reimbursement of \$133,064; development fund revenue of \$119,000; grant revenue of \$40,000; undetermined timber revenue." Motion carried. Motion by Robinson, second Allen, to amend the Agreement, Exhibit E-9-05, as follows: (1) Page 3, 3.d., Fourth line, insert the words "and town" after the word "County"; and (2) Page 4, 3.d., Second line, insert the words "or town having jurisdiction over the road", after the word "County". Motion carried. Motion by McKenzie, second Budnick, to amend item 7. of the Agreement as follows: "The Grantee and County agree to dismiss all claims filed against each other in the lawsuit by the Grantee, Case No. 05-CV-254 venued in Douglas County as moot. The Grantee will provide the County with a stipulation and order for dismissal filed by the appropriate representatives of the Grantee within ten days of execution of this Agreement." Motion carried. Motion by Corbin, second Thompson, to amend item 11., following American Transmission Company, add "To WPS, Wisconsin Public Service Corporation, Program Director - Arrowhead-Weston Project, 700 N. Adams Street, Green Bay, WI 54307." Motion carried. Motion by Budnick, second C. Johnson, to amend agreement on page 7 as

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John	X	
4. Glenn		
5. Baker		
6. Eckman	X	
7. Livingston		
8. Martin	X	
9. Prettie		X
10. Robinson	X	
11. Conley		X
12. Jaques	X	
13. Quam		
14. O'Brien, James		X
15. McKenzie		X
16. Sweeney	X	
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>18</u> Noes <u>6</u> Absent <u>4</u> Abstain _____ Passed <u>X</u> Lost _____ Refer _____ Amend <u>X</u> (Fiscal Note & Agrmt) Other _____		
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Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Glenn		
5. Baker		
6. Eckman	X	
7. Livingston		
8. Martin	X	
9. Prettie		X
10. Robinson	X	
11. Conley		X
12. Jaques	X	
13. Quam		
14. O'Brien, James		X
15. McKenzie		X
16. Sweeney	X	
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> 18 </u> Noes <u> 6 </u> Absent <u> 4 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> X </u> (Fiscal Note & Agrmt) Other <u> </u>		
Rev. 8-19-05		

follows: Delete signature line for Wisconsin Public Service Corporation. Motion carried.

Following motions to amend the agreement, discussion ensued. Conley opined that this has been and is a traumatic event for a large number of county residents, and asked how the county will use the money received, should this agreement be approved tonight. Continuing, Conley stated that he still believes this is a travesty to our county, and he is extremely disappointed with the callousness of legislators downstate, and the Governor who signed it. Hendrickson stated she wants the public to know that the County Board was not able to make any substantive changes to the agreement. Stating her continued opposition to the agreement and power line, Prettie stated she feels that the state government slapped this county in the face, and took power away from local government and local residents. Liebaert stated that he had 15 changes he wanted in the contract, and board members heard all 15 in closed session. He thanked County Board members who valiantly fought against this project for seven years, and stood their ground. He urged people to remember, rights were taken away from this county by the Democratic Governor when he signed the legislation. Asserting his belief that this line could still be stopped, Liebaert added he will not support an agreement that the board could not even tweak, and is disgustingly one-sided. Browne stated that it is with a heavy heart that he votes for this agreement, adding that the county fought the good fight, but there is no place else to go. McKenzie thanked the citizens who continued to come to meetings and put their hearts, souls and money into this. She encouraged citizens to vote against the Democrats who did this to Douglas County. Roll call vote was taken and passed with 18 Yes, 6 No, 4 Absent. Voting no were Prettie, Conley, James O'Brien, McKenzie, Hendrickson, and Liebaert. Absent were Baker, Glenn, Quam, Livingston.

Motion by Allen, second Ryan, to allow resolution not on agenda. Motion carried.

RESOLUTION #105-05
RESOLUTION BY THE BUILDINGS AND GROUNDS
COMMITTEE

Subject: Elevator Installation Contract Award

RESOLVED, that the Douglas County Board of Supervisors accept the recommendation of the Buildings and Grounds Committee and approve the contract award for installation of a second elevator in the Government Center, to Reuben Johnson & Son, Inc., in the amount of \$277,000.00.

Dated this 15th day of September, 2005.

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

ACTION: Motion by Martin, second John 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. Sweeney		
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. 8-19-05		

COUNTY ADMINISTRATOR REPORT: Koszarek had no report at this time.

COUNTY BOARD CHAIR REPORT AND APPOINTMENTS: Motion by McKenzie, second Corbin, to approve appointment of Supervisor Bob Browne on the ITBEC Board, to serve out the term of Supervisor Gerald Egan. Motion carried.

COMMITTEE REPORTS

C. Johnson reported the Towns Association will meet September 20, Summit Town Hall. Sheldon Johnson, NWRPC, will be there to discuss the Land Use Plan.

Ryan reported Bounders United asked her to invite board members to visit them at the fairgrounds while they are in town for their convention.

McKenzie reported the Resource Conservation and Development Conference is coming up, which she will attend. But she urged someone to attend the Elkhart Lake Energy Conference.

Martin reported Superior Days first planning meeting will be September 20, noon, at the Shack.

Thompson reported POWTS will make a presentation at September 20th Towns Association meeting.

Egan reported Administration Committee held two budget meetings this week. County Board budget hearing and meeting is October 25 at 9:00 a.m.

APPROVAL OF BILLS AND CLAIMS: Motion by Thompson, second Eckman, to approve bills and claims. Motion carried.

ADJOURNMENT: Motion by Thompson, second Allen, to adjourn. Motion carried. Meeting adjourned 9:20 p.m. Next regularly scheduled meeting - Thursday, October 20, 2005.

Submitted by,

Susan T. Sandvick
Douglas County Clerk