

**PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS**  
**Thursday, May 21, 2009, 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 24 present, 4 absent. Absent and excused were Steven Baker, John O'Brien, Jack Sweeney, James O'Brien (arrived 6:05 p.m.). Youth representatives present were Lucas Geissler, Tom Naughton, and Dominic Frost.

Motion by Martin, second Corbin, to approve minutes from the March 12, 2009 special meeting, and April 16, 2009 meeting. Motion carried.

**CLAIMS**

Notice of Claim and Claim from Attorney Mitchell A. Routh on behalf of Clarence & Artimese Kastern alleging damages in the amount of \$3,474.48 relating to repair of sewer line on North 8<sup>th</sup> Street in City of Superior. Insurance company recommending denial. Motion by Allen, second McKenzie, to deny the claim. Motion carried.

**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 the County Clerk.

**PRESENTATIONS**

Chair Finn and Dr. Clyde Markon, presented Certificates of Recognition to Twin Ports Veterans Outpatient Clinic Associates - Richard Nolan, Kevin Brager, Amida Gallito, M.D., and Jerzy Andrzejewski, M.D.

**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 13, 2009, on the following petitions for amendment of the county zoning district ordinance map:

Part of N1/4-NW1/4-NW1/4, Section 20, T44N-R14W, Town of Dairyland, from the C-1: Commercial zoning district to the A-1: Agricultural zoning district, by Arthur Miller III, et.al., New Richmond, Wisconsin. Intended use: Camper;

Lots 114-117 Incl., Superior Allouez Bay 2<sup>nd</sup> Division, Lots 1-7 Incl. (Ex W'LY 37.24'), Lots 19-21 Incl., Blk 31, Steel Plant Industrial Division, Section 9, T48N-R13W, Town of Parkland, from the I-1: Industrial zoning district to the R-1: Residential zoning district, by Barry Hunter Jr., et.al., Superior, Wisconsin. Intended use: Residential;

Part of NW1/4-SW1/4, Lot 3, CM Vol 2, Pg 14, Section 13, T47N-R10W, Town of Brule, from the R-1: Residential zoning district to the C-1: Commercial zoning district, by Security State Bank, Brule, Wisconsin (seller) / Midland Services Inc, Ashland, Wisconsin (buyers). Intended use: Storage of propane trucks, service vehicles and tanks; and

Whereas a correction to the amendment to Ordinance #8.0 Zoning Ordinance approved March 19, 2009 by the Douglas County Board of Supervisors is as follows:

*1.59 acres in the SE1/4- SW1/4, Section 21, T47N-R14W, Town of Superior, from the ~~A-1: Agriculture~~ F-1: Forestry zoning district to the R-1: Residential zoning district, by Northern Horizon, LLP, Superior, Wisconsin. Intended use: Residential, and*

WHEREAS, proof of publication of the notice of the public hearing, and proof of giving notice to the town clerks of the hearing, and letters of approval from respective town boards, are as shown in Exhibit A-5-09.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and approve the petitions.

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

Dated this 21<sup>st</sup> day of May, 2009.

(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. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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**ORDINANCE #5.04  
ALL-TERRAIN VEHICLE ROUTES AND OPERATION  
PRESENTED BY THE HIGHWAY COMMITTEE**

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

**SECTION I. INTENT**

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am) and 23.33(8)(b) as amended.

**SECTION II. ATV ROUTES**

County trunk highways designated as ATV routes shall be established and approved by the Highway Committee **and Douglas County Board**. The Highway Committee shall develop policies and procedures for designation of ATV routes including appropriate criteria for making a designation. Any modification to a designated ATV route shall be approved by the Highway Committee. A copy of ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Douglas County Highway Department shall have the authority to close or terminate any ATV route on the County Trunk Highway System, subject to approval by the Highway Committee.

**SECTION III. ATV ROUTES ONLY ON ROADWAY**

All ATV's shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal.

**SECTION IV. OPERATION OF ALL TERRAIN VEHICLES ON COUNTY HIGHWAYS**

- A. All ATV operators shall observe posted roadway speed limits for ATV operation.
- B. All ATV operators shall ride in single file on the right hand side of the paved portion of the highway.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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- C. All ATV operators shall have their headlight illuminated, and taillight if available, while operating on a county highway.
- D. All ATV operators who are born after January 1, 1988, and operating on a county highway are required to have an ATV Safety Certificate. No one under 12 years of age is allowed to operate an ATV on a county highway.
- E. All ATV operators **and passengers** under 18 years old shall wear protective headgear while operating on county highways.

**SECTION V. SIGNAGE OF ALL-TERRAIN VEHICLE ROUTES**

Pursuant to Wisconsin Statutes 23.33(8)(d), the following restrictions are placed on the use of all-terrain vehicle routes designated by this ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. The Douglas County Highway Department has sole responsibility for ATV signage on county highways. No person may do any of the following in regard to signs marking all-terrain vehicle routes:
  - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
  - 2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. ATV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as a part of this ordinance by reference.



Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
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8. Martin		
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10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
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17. Nye		
18. Allen		
19. Ryan		
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22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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- b. 11 – 15 \$150.00
- c. 16 – 19 \$200.00
- d. 20 – 24 \$250.00
- e. 25 and over \$300.00
- 3. Failure to Operate Single File \$150.00
- 4. Failure to Illuminate Headlights or Taillights \$150.00
- 5. Operating an ATV Without Safety Certificate \$150.00
- 6. Operating an ATV Without Protective Headgear \$150.00
- 7. Damage to Route or ATV Sign or Removal of Sign \$500.00
- 8. Illegal Possession of ATV Sign \$250.00

Dated this 21<sup>st</sup> day of May, 2009.

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

**ACTION:** Motion by Corbin, second Bergman, to adopt. Discussion. Motion by Stewart, second Allen, to amend Section VI and add the following at end of sentence: “or any other law enforcement official as set forth in Wisconsin Statute 23.33(12)11. Motion to amend carried. Discussion on division of revenues from any citation fees received. Statutes allow a range for the deposit fee schedule. Discussion on signage and associated costs. Highway Department will erect approved signs made by Northwest Trails Association. This ordinance does not open up any roads at this point, and only allows the county to select what roads will be open or closed to ATV usage. It was noted that once roads are identified for possible ATV use, the list needs to be presented to the Forestry Department for coordination with the trails supervisor regarding open and close of various trails. Trail maps will need to include designated roads. This ordinance references the statutes not the administrative code. Lovejoy, Assistant Corporation Counsel, clarified that the Administrative Code states the roads, once identified, have to be designated by ordinance not the Highway Committee. Motion by Corbin, second Robinson, to amend Section II and add the following at end of first sentence: “and Douglas County Board”. It is important to allow the Highway Commissioner to close a designated road for a period of time to accommodate road repairs or other related reasons such as flooding. Motion to amend carried. Correct Section V.A.1. change train to trail. Brief discussion on publicizing that this ordinance does not identify roads, as that will come under separate ordinance at a later date. Allen emphasized his opposition to this ordinance. Brief discussion regarding state law

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8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
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23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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which allows 12 year olds, who have passed the ATV course, to operate ATVs on designated county roads. It was recommended that not only operators, but passengers, under age 18 should be required to wear protective headgear. Motion by Browne, second Liebaert, to amend Section IV. E. and add "and passengers" after the word operators. Motion to amend carried. Extensive discussion followed on any county liability, but Lovejoy responded that the county is not required to maintain the roads any differently for ATV use. Motion by Isackson, second Stewart, to amend resolution and change fiscal note to "Unknown". Motion to amend carried. Motion by Allen, second Liebaert, to refer ordinance to Forest, Parks and Recreation Committee. Roll call vote taken on referral and failed with 8 Yes, 17 No, 3 Absent. Voting yes were Browne, Robinson, McKenzie, Nye, Allen, Liebaert, Conley, Stewart. Absent were John O'Brien, S. Baker, Sweeney. Motion to adopt resolution, as amended, carried.

## **RESOLUTIONS**

**RESOLUTION #36-09**  
**RESOLUTION BY THE LAND AND DEVELOPMENT**  
**COMMITTEE**

Subject: Land Sales

WHEREAS, the following parcels of land were advertised on April 10, 17 and 24, 2009, in accordance with Section 75.69, Wisconsin Statutes, and the highest bids received are as follows:

\$ 1,039.90 PARCEL 06-09: Lot 13, Superior Allouez Bay Division, Town of Parkland, (PA-024-01486-00), from Thomas A. Van Driessche. Intended use: Adjacent property owner – build a duplex;

\$ 3,000.00 PARCEL 07-09: That part of Lot 334, Nakoma Gardens, described as follows: Commencing at the SW corner stake of said Lot 334; thence running East a distance of 200 feet; thence running North at right angles a distance of 50 feet; thence running West at right angles a distance of 200 feet; thence South at right angles a distance of 50 feet to the place of beginning, Town of Parkland, (PA-024-02262-00), from Barry L. Mattson. Intended use: Adjacent property owner - extension of lawn; and

\$ 27,601.00 PARCEL 08-09: The NE1/4 of the NE1/4, Section 9-47-15, with specific exceptions, Town of Superior (approximately 34.5 acres), (TS-030-01048-00), from Joseph P. Sperling, Sr. Intended use: Adjacent property access - potential building site for cabin.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors, in regular meeting assembled, authorizes the County Clerk to execute quit claim deeds on the above named properties.

Dated this 21<sup>st</sup> day of May, 2009.

(Committee Action: Unanimous)

(Fiscal Note: Increase “Profit and Loss on Land Sales Account” by \$31,640.90)

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

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
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7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		
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Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #37-09  
RESOLUTION BY SUPERVISORS ON THE LAND  
CONSERVATION COMMITTEE AND THE  
ADMINISTRATION COMMITTEE**

Subject: Land Conservation Intern Hiring Authorized

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Land Conservation Committee and Administration Committee and approve hiring of a Land Conservation Summer Intern, as follows:

Department:	Land Conservation
Rate of Pay:	\$9.00/hr plus \$1.00 for Worker's Comp. and Social Security
Total Hours:	400 for summer 2009
Source of funds:	\$2,000 intern grant from Wisconsin Land & Water Conservation Association, and \$2,000 from Land Conservation budget (reimbursable from DATCP state agency).

Dated this 21<sup>st</sup> day of May, 2009.

(Committee Action: Unanimous)  
(Fiscal Note: Total of \$4,000, as noted above)

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

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Isackson	X	
5. Baker, Nick	X	
6. Baker, Steven		
7. Livingston	X	
8. Martin	X	
9. Prettie	X	
10. Robinson	X	
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney		
17. Nye	X	
18. Allen	X	
19. Ryan	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert	X	
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Bergman	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>		
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**RESOLUTION #38-09  
RESOLUTION BY SUPERVISORS ON THE LAND  
CONSERVATION COMMITTEE AND THE  
ADMINISTRATION COMMITTEE**

Subject: Land and Water Resource Management Plan Revision

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Land Conservation Committee and the Administration Committee and authorize \$4,000.00 from Eco-Development Reserve Account for revision of Land and Water Resource Management Plan.

Dated this 21<sup>st</sup> day of May, 2009.

(Committee Action: Unanimous)

(Fiscal Note: Decrease Eco-Development Reserve Account by \$4,000.00)

ACTION: Motion by McKenzie, second Corbin, to adopt. Roll call vote taken and passed with 25 Yes, 0 No, 3 Absent. Absent were John O'Brien, S. Baker, Sweeney.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #39-09**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Governor's Proposed Changes to Insurance Laws and  
 2009 Senate Bill 20 Opposed

WHEREAS, Governor Doyle's 2009 Executive Budget Bill (2009 Assembly Bill 75) contains several anti-tort reform proposals including, but not limited to:

- Changing comparative negligence laws to force a defendant to pay one hundred percent of the damages when they have as little as one percent of liability;
- Forcing individuals, companies and local governments to pay for higher levels of insurance by increasing mandatory minimum auto liability insurance limits;
- Changing the definition of an "underinsured motorist" in a way that increases insurance claims;
- Requiring insurance companies to cover "uninsured motorist" insurance claims when no contact was made between the insured's car and another car, thereby increasing the risk of fraudulent claims;
- Allowing "stacking" of coverage for "underinsured motorists" such that the coverage limits for an accident are not limited to the policy relating to the particular vehicle involved in the accident;
- Forcing excess or umbrella insurers to offer to cover certain claims when the coverage was not requested by the insured; and

WHEREAS, the aforementioned anti-tort reform proposals would significantly increase the cost of providing insurance in Wisconsin, and

WHEREAS, Douglas County currently procures its liability insurance through Wisconsin County Mutual Insurance Corporation (WCMIC), and

WHEREAS, WCMIC is a county-owned and operated mutual insurance company created for the purpose of providing long-term stability in insurance coverage and insurance costs for counties, and

WHEREAS, as a mutual insurance company, WCMIC's increased cost of providing insurance resulting from the anti-tort reform proposals would be borne by counties and their taxpayers directly in the form of increased insurance premiums, and

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
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28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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WHEREAS, 2009 Senate bill 20 is currently pending before the Senate Labor, Election and Urban Affairs Committee, and

WHEREAS, Senate Bill 20 would have a dramatic financial impact on counties by changing employment discrimination laws as follows:

- Allowing claimants to collect unlimited punitive damages against counties contrary to current state and federal law;
- Forcing counties to pay a punitive 10% surcharge to the court system in addition to unlimited damages;
- Forcing counties to litigate issues of compensatory and punitive damages years after the initial discrimination complaint was filed;
- Creating an irrational and inefficient complaint process where both parties have an incentive to litigate claims to the fullest extent possible; and

WHEREAS, Douglas County faces significant budgetary challenges related to the provision of critical state and county services at a time when state and federal financial support for such services is decreasing and the burden placed on Douglas County taxpayers is growing, and

WHEREAS, adding new costs for counties and forcing counties to increase their tax levies during the current economic downturn would be devastating to property taxpayers who can ill afford increased taxes or increase insurance costs.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors hereby opposes the Governor's proposed changes to insurance law as included in the 2009 Executive Budget and the proposed changes to employment discrimination laws in 2009 Senate Bill 20 and strongly encourages Wisconsin State legislators to reject the Governor's proposals and Senate Bill 20.

**BE IT FURTHER RESOLVED that upon passage, copies of this resolution be sent to Governor Doyle, State Senator Jauch, State Representatives Milroy and Sherman, and members of the Joint Finance Committee.**

Dated this 21<sup>st</sup> day of May, 2009.

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

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
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23. Corbin		
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26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
Rev. 01/15/09		

ACTION: Motion by K. Johnson, second Hendrickson, to adopt. Discussion. Motion by Allen, second Stewart, to amend resolution and add “Be It Further Resolved that upon passage, copies of this resolution be sent to Governor Doyle, State Senator Jauch, State Representatives Milroy and Sherman, and members of the Joint Finance Committee.” Motion to amend carried. Discussion. Motion to adopt resolution, as amended, carried.

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Isackson	X	
5. Baker, Nick		X
6. Baker, Steven		
7. Livingston	X	
8. Martin		X
9. Prettie		X
10. Robinson	X	
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James		X
15. McKenzie	X	
16. Sweeney		
17. Nye	X	
18. Allen		X
19. Ryan	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson		X
23. Corbin	X	
24. Liebaert	X	
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Bergman	X	
Roll: Ayes <u>19</u> Noes <u>6</u> Absent <u>3</u> Abstain _____  Passed <u>X</u> Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #40-09**  
**RESOLUTION BY THE ADMINISTRATION COMMITTEE**

Subject: Budgetary Transfers

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

- 1) Courts: \$15,120.00 (J.E.#149518 Purchase of 28 chairs for courtrooms);
- 2) Building & Grounds \$3,022.50 (J.E. #149363 for monthly architect fees related to 2<sup>nd</sup> floor build-out);
- 3) Forestry \$51,625.00 (J.E. #149359 for dam maintenance / improvements);
- 4) Highway \$88,616.50 (J.E. #149361 for Maple garage washroom addition);
- 5) Highway \$84,016.50 (J.E. #149362 for Pattison garage washroom addition);
- 6) Highway \$62,783.52 (J.E. #149361 for Hwy F project design costs); and
- 7) Health & Human Services \$20,000.00 (J.E. #149576 for hiring independent contractor for Children's Services)

Dated this 21<sup>st</sup> day of May, 2009.

(Committee Action: Unanimous)

(Fiscal Note: 1) Reduce contingency fund by \$15,120.00 and increase miscellaneous capital by the same. This request will be forwarded to 09 Capital Projects process for consideration to reimburse the Contingency Fund; 2) Increase contracted services by \$3,022.50 and decrease the capital projects by the same; 3) Reduce dam reserve by \$51,625.00 and increase capital projects by the same; 4) Reduce Maple garage reserve by \$88,616.50 and increase capital building asset by the same; 5) Reduce Pattison garage

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Isackson	X	
5. Baker, Nick		X
6. Baker, Steven		
7. Livingston	X	
8. Martin		X
9. Prettie		X
10. Robinson	X	
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James		X
15. McKenzie	X	
16. Sweeney		
17. Nye	X	
18. Allen		X
19. Ryan	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson		X
23. Corbin	X	
24. Liebaert	X	
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Bergman	X	
Roll: Ayes <u>  19  </u> Noes <u>   6  </u> Absent <u>   3  </u> Abstain <u>    </u>  Passed <u>  X  </u> Lost <u>    </u> Refer <u>    </u> Amend <u>    </u> Other <u>    </u>		
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reserve by \$84,019.50 and increase capital building asset by the same; 6) Reduce CTH F Design Reserve by \$62,783.52 and increase construction in progress by the same; 7) Increase purchased services to pay for attorney fees and decrease Supplemental Fund Balance by same.)

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

**ACTION:** Motion by Ryan, second Robinson, to adopt. Purchase of jury chairs for courtroom was done without prior authorization, but the county is obligated to pay for them. Roll call vote taken and passed with 19 Yes, 6 No, 3 Absent. Voting no were N. Baker, Martin, Prettie, James O'Brien, Allen, Thompson. Absent were Sweeney, John O'Brien, S. Baker.

**RESOLUTION #41-09**  
**RESOLUTION BY THE EXECUTIVE COMMITTEE**

Subject: Rules of Procedure Amended

RESOLVED that the Douglas County Board of Supervisors approve the following amendments to Rules of Procedure:

Add: #43 “The County Board and its’ committees shall complete all committee and County Board agenda action items within two hours or require motion to continue or adjourn.”

Amend Rule #8 to read: No member shall speak more than twice on the same subject without ~~leave~~ **approval** of the **Board Chair**.

Dated this 21<sup>st</sup> day of May, 2009.

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

**ACTION:** Motion by Quam, second Baker, to adopt. Motion by Quam, second Allen, to amend Rule of Procedure #8 and change “Board” to “Chair”. Motion to amend carried. Discussion. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <input checked="" type="checkbox"/> _____ Lost _____ Refer _____ Amend <input checked="" type="checkbox"/> _____ Other _____		
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**RESOLUTION #42-09**  
**RESOLUTION BY THE FOREST, PARKS AND**  
**RECREATION COMMITTEE**

Subject: Forestry Access Management Plan Amended

RESOLVED that the Douglas County Board of Supervisors accept the recommendations of the Forest, Parks and Recreation Committee and approve amendments to the Forestry Access Management Plan as set forth in Exhibit C-5-09.

Dated this 21<sup>st</sup> day of May, 2009.

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

ACTION: Motion by Robinson, second Corbin, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #43-09**  
**RESOLUTION BY SUPERVISORS FINN, McKENZIE AND BROWNE**

Subject: Wisconsin Coastal Management Program Proposed  
 Transfer to Department of Natural Resources Opposed

WHEREAS, Douglas County has been the recipient of grant funding and technical assistance through the Wisconsin Coastal Management Program (WCMP), and

WHEREAS, Douglas County is uniquely situated within the state with nearly 120 miles of coastal shoreline, including lands abutting the St. Louis River estuary, and

WHEREAS, the WCMP has supported hundreds of community-based initiatives that have improved Wisconsin's Great Lakes coasts and communities for more than 30 years, and

WHEREAS, the WCMP works effectively and efficiently with government agencies, non-profit organizations, tribes and academia, and

WHEREAS, the WCMP has served as a model for other states, and is recognized as a highly successful program in federal performance evaluations conducted pursuant to the federal Coastal Zone Management Act (CZMA) of 1972, as amended, and

WHEREAS, the WCMP has successfully provided broad technical assistance resources that have supported environmental, as well as economic development, land use, hazard mitigation, education, nonpoint source pollution, public access, historic and other objectives of the federal CZMA, and

WHEREAS, the WCMP played an integral role in the process that led to the selection and nomination of a NERR site on Lake Superior, and

WHEREAS, the transfer of the WCMP to the Wisconsin Department of Natural Resources will limit the WCMP's scope to water management issues, and

WHEREAS, the transfer will jeopardize small and medium seed grants to local communities and organizations in need of matching funds for community-based coastal management projects, and

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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WHEREAS, there is no existing support infrastructure within the Department of Natural Resources to effectively manage the WCMP.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors opposes the transfer of the WCMP from the Wisconsin Department of Administration to the Wisconsin Department of Natural Resources.

BE IT FURTHER RESOLVED that upon passage, copies of this resolution be sent to Governor Doyle, State Senator Jauch, State Representatives Milroy and Sherman.

Dated this 21<sup>st</sup> day of May, 2009.

(Fiscal Note: None)

ACTION: Motion by Browne, second McKenzie, to adopt. Joint Finance has made changes to this and moved it back to the way it was. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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**RESOLUTION #44-09**  
**RESOLUTION PRESENTED BY THE DOUGLAS COUNTY**  
**BOARD OF SUPERVISORS**

Subject: Wisconsin Clean Sweep Program Proposed Elimination  
 from Governor's Budget Opposed

WHEREAS, Governor Doyle has recommended the complete elimination of Wisconsin's Clean Sweep Program within his proposed 2009-2011 budget, and

WHEREAS, Wisconsin's Clean Sweep Program has operated efficiently and effectively in safely collecting hazardous wastes from households, farms, businesses, and schools throughout the State of Wisconsin, and

WHEREAS, the Northwest Regional Planning Commission (NWRPC) has operated a Clean Sweep Program throughout the Region since 1995, efficiently and safety operating over 400 collection events and diverting over 2 million pounds of hazardous waste products and chemicals from the 10-county region and has collected over 2,000 pounds of mercury, and

WHEREAS, the NWRPC Clean Sweep Program provides an easy, and oftentimes only option for households, businesses, farms, farm-related businesses, municipalities, and schools to dispose of hazardous waste materials, and

WHEREAS, the NWRPC Clean Sweep Program has also provided the opportunity for each member county the safe disposal and/or recycling of electronics and waste medications at least once per year, and

WHEREAS, in 2008 alone, NWRPC Clean Sweep Program collected over 200,000 pounds of hazardous waste from farms, households, schools and businesses, and 763 pounds of waste medications, and

WHEREAS, elimination of this program will negatively impact the environment by having hazardous waste improperly disposed of in area landfills, on land, or in natural waterways.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Extension Education and Recycling Committee and Supervisors McKenzie, Conley and Finn, and opposes the elimination of Wisconsin's Clean Sweep Program.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend <u>  X  </u> Other _____		
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BE IT FURTHER RESOLVED that Douglas County strongly urges the Joint Finance Committee and Wisconsin legislature to fully reinstate, in its entirety, the Clean Sweep Program in the Department of Agriculture, Trade, and Consumer Protection.

BE IT STILL FURTHER RESOLVED that upon passage, copies of this resolution be sent to Governor Doyle, State Senator Jauch, State Representatives Milroy and Sherman, and members of the Joint Finance Committee.

Dated this 21<sup>st</sup> day of May, 2009.

(Fiscal Note: None)

ACTION: Motion by Ryan, second Hendrickson, to adopt. Motion by McKenzie, second Browne, to amend resolution and have it sponsored by the Board. Motion to amend carried. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker, Nick		
6. Baker, Steven		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Nye		
18. Allen		
19. Ryan		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____  Passed <u>  X  </u> Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #45-09  
RESOLUTION BY THE ZONING COMMITTEE**

Subject: Land Records Systems Agreement Between the City of Superior and Douglas County Amended

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and approve amendments to "Agreement Between the City of Superior and Douglas County" relating to sharing of land records and geographical information systems resources as set forth in Exhibit D-5-09.

Dated this 21<sup>st</sup> day of May, 2009.

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

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

**COUNTY ADMINISTRATOR REPORT:** Written report distributed and summarized by Koszarek.

**COUNTY BOARD CHAIR REPORT AND APPOINTMENTS:** Open House at Pattison Park, June 5, 10 a.m., RSVP. WCA Conference September 13-15. Preregistration required for June 12, Public Records and Open Meetings Law seminar, WITC. June 27, Siren, NWRPC 50<sup>th</sup> anniversary, RSVP. CDBG housing program moving forward.

The following appointments were recommended: **Comprehensive Planning Committee** - Brad Theien to replace Lee Gilbertson; **Local Emergency Planning Committee** - Carol Buck (Douglas County Risk Management); **Aging Disabilities Resource Center Advisory Committee** - Karen Livingston, John A. Kunz, Doreen Peterson, Jo Dunaiski, Jodi Bergren, Kathy Lisdahl, Carol Jones, Sharon Baker, Jan Stevens. Motion by Corbin, second Baker, to approve. Motion carried.

### **COMMITTEE REPORTS**

Ryan asked Deb Classen, Health Department, to report on H1N1 novel influenza presentation to Health and Human Services Board.

Coyle reported HOL Fair will be July 22-26. New will be Armstrong Carnival.

C. Johnson reported Zoning Committee working with surveyor on remonumentation project. Comprehensive Planning Committee received input from towns, and next meeting is June 9, 6 p.m. It was suggested the August Open House offer more presentations and opportunity for discussion.

Conley reported Energy Committee is still focusing on energy savings for the county. Paperwork proceeding for retro-commissioning of Courthouse and Government Center.

McKenzie reported Wisconsin Land and Water Conservation Board meeting next week on budget for projects, and wind energy. June 26 is Conservation Observance Day at the Liebaert farm. The Wisconsin 100 gems of wetlands reflects Douglas County has ten of the 100. Ten year land and water conservation planning begins in July.

Allen reported Land and Development Committee discussing future of fairgrounds. Racing started last night. Fairgrounds planning group advertised and applications coming in. Supervisor Sweeney agreed to serve as chair.

Browne reported on Extension Education and Recycling Committee meeting.

K. Johnson reported Highway Committee meets June 3.

**YOUTH REPRESENTATIVE REPORTS:** Geissler reported SHS has started requiring students do community projects for local charities in the Superior area. Hoping to expand the program into all Douglas County

**APPROVAL OF BILLS AND CLAIMS:** Motion by C. Johnson, second James O'Brien, to approve bills and claims. Motion carried.

**ADJOURNMENT:** Motion by Quam, second Ryan, to adjourn. Motion carried. Meeting adjourned 7:50 p.m. Next regularly scheduled meeting - Thursday, June 18, 2009.

Submitted by,

Susan T. Sandvick  
Douglas County Clerk