

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, January 16, 2020, 6:00 p.m., Board Room, Second Floor, Government Center
1316 North 14th Street, Superior, Wisconsin

(County Board to maintain a two-hour meeting limit or take action to continue meeting beyond that time.)

Meeting called to order by Chairman Mark Liebaert.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan Sandvick. There were 19 present, 2 absent. Absent – Jim Borgeson, Pat Ryan.

Motion by Pomush, second Quam, to approve December 19, 2019, minutes. Motion carried.

CORRESPONDENCE

None.

PRESENTATIONS

Employee of the 4th Quarter Award presented to Greg Heinbuch, Buildings and Grounds. He was commended for his great work ethic and positivity.

PUBLIC COMMENT

None.

ORDINANCES

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Finn		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Quam		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
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20. Borgeson		
21. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ X _____ Other _____		
Rev. 11-21-19		

**ORDINANCE #5.06
SNOWMOBILE ROUTES AND OPERATION
PRESENTED BY THE TRANSPORTATION AND
INFRASTRUCTURE 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 Wisconsin Statutes Chapter 83 and Wisconsin Statute Section 350.18 whereas in addition to the provisions set forth herein the Douglas County Board adopts Wisconsin Statutes Chapter 350 pertaining to snowmobiles in its entirety. This ordinance is subject to any and all other applicable statutes or laws.

SECTION II. SNOWMOBILE ROUTES

County trunk highways designated as snowmobile routes shall be established and approved by the Douglas County Transportation and Infrastructure Committee and the Douglas County Board of Supervisors. The Transportation and Infrastructure Committee shall develop policies and procedures for designation of snowmobile routes including appropriate criteria for making a designation. Any modification to a designated snowmobile route shall be approved by the Transportation and Infrastructure Committee and the Douglas County Board of Supervisors. A copy of snowmobile 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 snowmobile route on the County Trunk Highway System, subject to approval by the Transportation and Infrastructure Committee and the Douglas County Board of Supervisors.

The following routes are established:

- A. Business 53 (CTH A to 375 feet north)
- B. CTH Y (East Mail Road to Barron Drive, 0.25 miles)

Roll Call		
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9. Jaques		
10. Quam		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
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21. Bergman		
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SECTION III. SNOWMOBILE ROUTES ONLY ON ROADWAY

All snowmobiles shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, slopes or ditches, or other highway right-of-way is prohibited and illegal.

SECTION IV. OPERATION OF SNOWMOBILES ON COUNTY HIGHWAYS

- A. All snowmobile operators shall observe posted roadway speed limits for snowmobile operation.
- B. All snowmobile operators shall ride in single file on the right hand side of the paved portion of the highway.
- C. All snowmobile operators shall display their headlight and taillight while operating on a county highway.
- D. All snowmobile operators shall slow the vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on a snowmobile, or in a vehicle.
- E. All snowmobile operators who are born after January 1, 1988⁵ and operating on a county highway are required to have a Snowmobile Safety Certificate. No one under 12 years of age is allowed to operate a snowmobile on a county highway.

SECTION V. SIGNAGE OF SNOWMOBILE ROUTES

Pursuant to Wisconsin Statute Section 350.13, the routes shall be marked with uniform snowmobile route signs of a type approved by the department of natural resources and the department of transportation.

The Douglas County Highway Department has sole responsibility for snowmobile signage on county highways and pursuant to Wisconsin Statute Section 350.135 as established by the Wisconsin department of Natural Resources, no person may do any of the following in regard to signs marking snowmobile routes:

- 1. Intentionally remove, damage, deface, move or obstruct any uniform snowmobile route or trail sign or standard or intentionally interfere with the effective operation of any uniform snowmobile vehicle route or trail sign.

Roll Call		
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1. Pomush		
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- Possess any uniform snowmobile 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 snowmobile vehicle route or trail sign standard in a lawful manner. Possession of a uniform snowmobile vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION VI. ENFORCEMENT

This ordinance shall be enforced by any officer employed by the Douglas County Sheriff’s Department or any other law enforcement official as set forth in Wisconsin Statute Section 350.17.

SECTION VII. VIOLATIONS/PENALTY

The penalty for operating a snowmobile off the roadway of a designated snowmobile route (i.e., the gravel shoulder, grassy in slope, ditch, or other highway right-of-way) or violating any other provision of this ordinance shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs, law enforcement training penalties, jail assessments or other applicable costs.

SECTION VIII. SEVERABILITY

Should any sub-section, clause, or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX. MAINTENANCE

Designation of segments of the Douglas County Highway System as snowmobile routes does not impose upon the Douglas County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of snowmobiles on county highways assume all the usual and normal risks of snowmobile operation.

SECTION X. FILING OF ORDINANCE

Pursuant to Wisconsin Statute Section 350.047, a copy of this ordinance shall be sent by the County Clerk to the Department of Natural Resources and to the Douglas County Sheriff’s Department.

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SECTION XI. EFFECTIVE DATE

This ordinance becomes effective immediately upon passage by the County Board of Supervisors and publication.

Dated this 16th day of January, 2020.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Baker, second Luostari, to adopt. Motion by Baker, second Pomush, to amend ordinance and change the year in Section IV, E., to 1985. Motion carried. Motion to adopt ordinance as amended, carried.

RESOLUTIONS

**RESOLUTION #1-20
RESOLUTION BY SUPERVISOR ALLEN**

Subject: Land Sale

WHEREAS, the following parcel of land was advertised on March 1, 8, 15, 2019, and December 6, 13, 20, 2019, in accordance with Section 76.59, Wisconsin Statutes, and the highest bid received is as follows:

\$ 26,250.00 Parcel 1-19: The SE1/4 of the NE1/4, Section 14-47-12, Town of Amnicon (also a non-exclusive easement #865003), from Michael Needham. Intended use: Recreational.

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

Dated this 16th day of January, 2020.

(Fiscal Note: Increase "Profit and Loss on Land Sales Account" by \$26,250.00)

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

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21. Bergman		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ Other _____		
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Roll Call		
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**RESOLUTION #2-20
RESOLUTION BY THE FOREST, PARKS AND
RECREATION COMMITTEE**

Subject: Forestry Department Annual Work Plan - 2020

WHEREAS, Douglas County has lands enrolled in the County Forest Law program, pursuant to Section 28.11 of the Wisconsin Statutes, commonly referred to as the Douglas County Forest, and

WHEREAS, the Douglas County Board of Supervisors on March 20, 2008, adopted Resolution #18-08 approving the Douglas County Comprehensive Land-Use Plan for a period encompassing 2006-2020, and

WHEREAS, the Douglas County Forestry Department Annual Work Plan is prepared annually and submitted as an official amendment to Chapter 2000 of the Comprehensive Land-Use Plan, and

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Forest, Parks and Recreation Committee and hereby accepts and approves the 2020 Douglas County Forestry Department Annual Work Plan as set forth in Exhibit B-1-20.

BE IT FURTHER RESOLVED that Chapter 2000 of the Comprehensive Land Use-Plan 2006-2020 be amended as set forth herein.

BE IT STILL FURTHER RESOLVED that the Forest, Parks and Recreation Committee is directed to forward said amendment to the Wisconsin Department of Natural Resources.

Dated this 16th day of January, 2020.

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

ACTION: Motion by Bergman, second Moen, to adopt. Motion carried.

Roll Call		
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RESOLUTION #3-20
RESOLUTION BY THE FOREST, PARKS AND
RECREATION COMMITTEE

Subject: WDNR Grant Programs Participation Authorized
(Snowmobile and ATV Trails)

WHEREAS, Douglas County is interested in maintaining, acquiring, insuring, or developing lands for public outdoor motorized trail use, and

WHEREAS, said public motorized trails are eligible for funds under Section 23.09(26) (snowmobile) or Section 23.33 (all-terrain vehicle) of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Forest, Parks and Recreation Committee and hereby authorizes Douglas County’s application for funds under Section 23.09(26) or Section 23.33 of the Wisconsin Statutes, for such eligible maintenance, acquisition, insurance, rehabilitation, and/or development costs.

BE IT FURTHER RESOLVED that the Parks and Recreation Supervisor, Douglas County Forestry Department, or designee, be hereby authorized to act on behalf of Douglas County as signatory on all grant applications and related documents submitted to the State of Wisconsin Department of Natural Resources for any financial aid that may be available, and to take necessary action to undertake, direct and complete any approved projects.

Dated this 16th day of January, 2020.

(Committee Action: Unanimous)

(Fiscal Note: None)

ACTION: Motion by Quam, second Bergman, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #4-20
RESOLUTION BY THE FOREST, PARKS AND
RECREATION COMMITTEE**

Subject: Land Purchase for County Forest

WHEREAS, the Douglas County Forest, Parks and Recreation Committee, recommends purchasing approximately 80.0 acres from Therese H. Vaughn to meet objectives of the Douglas County Forest Comprehensive Land-Use Plan 2006-2020; and

WHEREAS, the property is described as follows:

The Southwest Quarter of the Northwest Quarter (SW¹/₄ of NW¹/₄) and the Southeast Quarter of the Northwest Quarter (SE¹/₄ of NW¹/₄), Section Eight (8), Township Forty-Five (45) North, Range Twelve (12) West, Town of Solon Springs, Douglas County, Wisconsin, containing approximately 80.0 acres more or less (PIN's #SO-026-00788-00 and #SO-026-00789-00); and

WHEREAS, said property is further described in Exhibit C-1-20, and

WHEREAS, acquisition of this property will perpetually provide opportunities to supply the local economy with forest products, provide outdoor recreation opportunities to the public, protect approximately 600 feet of frontage along the East Fork of the Moose River, conserve ecological and biological attributes, and enhance blocking of and access to lands open to public use; and

WHEREAS, the County Board has the authority to acquire said property for the purpose of establishing County Forest Land pursuant to Section 59.52(6) and 28.10, Stats.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Forest, Parks and Recreation Committee and hereby approves the purchase of approximately 80.0 acres from Therese H. Vaughn at a purchase price not to exceed Forty-Eight Thousand and 00/100 Dollars (\$48,000.00), in addition to all associated title work and closing expenses.

BE IT FURTHER RESOLVED that the purchased property herein described be applied for regular lands entry under the Wisconsin County Forest Law.

BE IT FURTHER RESOLVED that the Forest, Parks and Recreation Committee is directed to forward said application for

Roll Call		
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1. Pomush		
2. Bong		
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4. Clark		
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ Other _____		
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entry to the Wisconsin Department of Natural Resources for approval.

BE IT FURTHER RESOLVED that the Director of Forestry and Natural Resources for Douglas County, be hereby authorized to act on behalf of Douglas County as sole signatory on all real estate documents and other related instruments necessary to successfully complete the acquisition, including but not limited to deeds, transfers, assignments, agreements, contracts, obligations, closing statements, and/or County Forest Law entry applications.

Dated this 16th day of January, 2020.

(Committee Action: Unanimous)

(Fiscal Note: Increase Forestry Fixed Assets – Land \$48,000; Decrease Land Acquisition - \$40,000 (See budgetary transfer); Remaining \$8,000 to come from Forestry Department operating budget)

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

**RESOLUTION #5-20
RESOLUTION BY SUPERVISOR LIEBAERT**

Subject: Municipal Dam Grant Program 2020 Participation
Authorized

WHEREAS, Douglas County owns Cranberry Creek Dam and requests financial assistance under Section 31.385 and Section 227.11 of the Wisconsin Statutes, and Chapter NR 335, of the Wisconsin Administrative Code, for the purpose of dam removal, and

WHEREAS, the state share for such a project is 100 percent (100%) of the total eligible project cost up to a maximum \$400,000 grant award.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Forest, Parks and Recreation Committee and hereby authorizes Douglas County's application for funds under Chapter NR 335, of the Wisconsin Administrative Code, for such eligible removal expenses.

BE IT FURTHER RESOLVED that the Director of Forestry & Natural Resources, Douglas County Forestry Department, or designee, be hereby authorized to act on behalf of Douglas County to: (1) Submit said application to the State of Wisconsin Department of Natural Resources; (2) Submit reimbursement claims along with necessary supporting documentation; and (3) Act as signatory on application and all related documents, and to take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED that if necessary, Douglas County agrees to pay a share of the eligible project costs, equal to the total project cost minus the state share.

Dated this 16th day of January, 2020.

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

ACTION: Motion by Quam, second Leino, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
1. Pomush		
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed ___ X ___ Lost ___ Refer ___ Amend ___ Other ___		
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Roll Call		
District Number	Yes	No
1. Pomush		
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**RESOLUTION #6-20
RESOLUTION BY SUPERVISORS ON THE LAND
CONSERVATION COMMITTEE**

Subject: Aquatic Invasive Species (AIS) Control Grant Authorized

WHEREAS, Douglas County inland lakes and streams are important resources used by the public for recreation and enjoyment of natural beauty, and

WHEREAS, public use and enjoyment of Douglas County inland lakes and streams is best served by protection of these natural resources from introductions of aquatic invasive species, and

WHEREAS, Douglas County recognizes the need to provide information and education about aquatic invasive species, and

WHEREAS, Douglas County Land and Water Conservation Department is qualified to carry out the responsibilities of an aquatic invasive species control project, and

WHEREAS, Douglas County Land and Water Conservation Department is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources for the purpose of AIS education, prevention and planning and the Clean Boat Clean Waters program, and

WHEREAS, Douglas County Land and Water Conservation Department attests to the validity and veracity of the statements and representations contained in the grant application, and

WHEREAS, a grant agreement is requested to carry out the project, and

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors authorizes the Douglas Land and Water Conservation Department to meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and empower the Douglas County Land Conservationist or alternatively the Land Services Director (Zach.DeVoe@douglascountywi.org 715-395-1386) to submit the following documents to the Wisconsin Department of Natural Resources for financial assistance that may be available:

- Sign and submit a grant application
- Enter into a grant agreement with the DNR
- Submit quarterly and/or final reports to the DNR to satisfy the grant agreement, as appropriate

Roll Call		
District Number	Yes	No
1. Pomush		
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9. Jaques		
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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ Other _____		
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- Submit reimbursement request(s) to the DNR no later than the date specified in the grant agreement
- Sign and submit any other documents relating the DNR Surface Water Grants

BE IT FURTHER RESOLVED Douglas County Land and Water Conservation Department will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

BE IT FURTHER RESOLVED Douglas County Land and Water Conservation Department will meet the obligations of the AIS control project including timely publication of the results, and financial requirements including a 25% commitment to AIS control project costs.

Dated this 16th day of January, 2020.

(Committee Action: Unanimous)
 (Fiscal Note: 25% match to be provided by in-kind services)

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

RESOLUTION #7-20
RESOLUTION BY SUPERVISOR JAQUES

Subject: Budgetary Transfer

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of Supervisor Jaques and approves the budgetary transfer as set forth in Exhibit D-1-20.

Dated this 16th day of January, 2020.

(Fiscal Note: Included in Exhibit D-1-20)

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

ACTION: Motion by Jaques, second Quam, to approve. Roll call vote taken and passed with 19 Yes, 0 No, 2 Absent. Absent – Borgeson, Ryan.

Roll Call		
District Number	Yes	No
1. Pomush	X	
2. Bong	X	
3. Finn	X	
4. Clark	X	
5. Baker	X	
6. Leino	X	
7. Glazman	X	
8. Raunio	X	
9. Jaques	X	
10. Quam	X	
11. McGillis	X	
12. Lear	X	
13. Allen	X	
14. Ryan		
15. Hendrickson	X	
16. Luostari	X	
17. Liebaert	X	
18. Moen	X	
19. Long	X	
20. Borgeson		
21. Bergman	X	
Roll: Ayes <u> 19 </u> Noes <u> 0 </u> Absent <u> 2 </u> Abstain _____ Passed <u> X </u> Lost _____ Refer _____ Amend _____ Other _____		
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COUNTY ADMINISTRATOR REPORT: 2020 capital project process will be in March; gap in budget from Health and Human Services placement costs needs to be addressed first. Final offer declined in deputy negotiations; mediation scheduled for March. Several positions vacant throughout county with hiring processes underway, including those due to long-term employee retirements.

COUNTY BOARD CHAIR REPORT: In lieu-of-fee wetland mitigation program still in process with diligent effort given by Land Conservationist, Ashley Vande Voort. Superior Days meeting held with Bayfield and Ashland County supervisors regarding issues to be addressed. Fire group meeting at new City of Superior fire hall to discuss volunteer team concerns about ambulance service in the county.

APPOINTMENTS: Motion by Hendrickson, second Jaques, to approve **2020 Douglas County Emergency Fire Warden Organization List:** Four Corners Gas Station, Superior – Tracy Murray; Solon Springs Mercantile, Solon Springs – Ken Thorson; Douglas County Forestry Office, Solon Springs – Jon Harris; Stop-a-Sec, Wascott – Katrina Copeland. Motion carried.

COMMITTEE REPORTS: Hendrickson – NERR Advisory Board, Census 2020 Complete Count Committee; Jaques – Administration Committee.

APPROVAL OF BILLS AND CLAIMS: Motion by Finn, second Jaques, to approve. Motion carried.

ADJOURNMENT: Motion by Pomush, second Quam, to adjourn. Motion carried. Adjourned at 6:24 p.m. Next regularly scheduled meeting – March 19, 2020.

Submitted by,

Susan T. Sandvick
Douglas County Clerk