

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, August 20, 2020, 6:00 p.m., Board Room, Second Floor, Government Center
1316 North 14th Street, Superior, Wisconsin

Meeting called to order by Chairman Mark Liebaert.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan Sandvick. There were 19 present, 1 absent. Absent – Allen.

Motion by Pomush, second Ryan, to approve June 18, 2020, meeting minutes. Motion carried.

CORRESPONDENCE

Seven items of correspondence were either received and placed on file or referred to the appropriate committee.

PUBLIC COMMENT

None.

CLAIMS AGAINST THE COUNTY

Affidavit and demand from Michael Sclavi in the amount of \$2.5 million dollars for alleged damages caused by Douglas County Health and Human Services and employees. Motion by Hendrickson, second Baker, to deny. Motion carried.

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 July 8, 2020, on the following petitions for amendment of the county zoning district ordinance map:

Lots 1 & 2, CSM #527, Vol 4, Pgs 28-29, Pt NW1/4-SW1/4, Section 8, T48N-R15W; (3041S Whitetail Ridge Rd; TS-030-01913-00; 01913-01), Town of Superior – from the R-2: Residential zoning district to the RR-1: Residential-Recreation zoning district. Proposed use: lodging for the resort; and

SW1/4-NE1/4, Section 28, T45N-R12W; (Stewart Rd & County Rd A; SO-026-01085-00), Town of Solon Springs – from R-2: Residential zoning district to the A-1: Agricultural zoning district. Proposed use: pasture.

WHEREAS, public hearing notice, affidavit of publication, notice given to town clerk of the hearing, and letter of town approval, are as shown in Exhibit A-8-20.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Zoning Committee and approves the petition.

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

Dated this 20th day of August, 2020.

(Committee Action: Unanimous)

(Fiscal Note: None)

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

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

**ORDINANCE 6.03
EMERGENCY DECLARATION BY COUNTY BOARD
PRESENTED BY SUPERVISOR LIEBAERT**

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

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

SECTION I. PURPOSE

This ordinance is to promote and protect the health, safety, welfare of persons and property within Douglas County during time of riot or civil commotion, a disaster, or an imminent threat of a disaster that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government.

SECTION II. AUTHORITY

Pursuant to the authority of Wisconsin Statute Sections 323.11 and 323.14 (as they currently exist or are hereafter revised) is incorporated herein by reference as if fully set forth.

SECTION III. POWER AND PROCEDURE

A. Declaration of Emergency

1. The Douglas County Board of Supervisors (“County Board”) may declare, by ordinance or resolution, an emergency (including a public health emergency per Section 323.02(16), Wis. Stats.) existing within Douglas County whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government.

2. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

3. If, because of the emergency conditions, the County Board is unable to meet promptly, the County Administrator and the County Board Chairperson will exercise by proclamation all of the powers conferred upon the County Board under § A. above that appear necessary and expedient.

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Certa-Werner		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Vacant		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
19. Long		
20. Borgeson		
21. Bergman		
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </u> Abstain <u> </u>		
Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
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- (a) The proclamation shall be subject to ratification, alteration, modification, or repeal by the County Board as soon as that body can meet.
- (b) The subsequent action taken by the County Board shall not affect the prior validity of the proclamation.

B. Procedures

- 1. The emergency power of the County Board conferred under this ordinance, includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency.
- 2. This includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways, notwithstanding any provision of Chapters 341 to 349, Wis. Stats.
- 3. The County Board may acknowledge an order from the local health officer, issued under Ordinance 6.04 and affirm application of this ordinance to that order.

SECTION IV. SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION V. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication.

Dated this 23rd day of June, 2020.*

(Committee Action: Not applicable; operating under Resolution #16-20 and #31-20, Proclamation of County Emergency in Douglas County)

(Fiscal Note: None)

*(Administrative Note: Ordinance ratified by County Board on August 20, 2020)

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

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

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

**ORDINANCE 6.04
COMMUNICABLE DISEASES – AUTHORITY AND
DUTIES OF LOCAL HEALTH OFFICER
PRESENTED BY SUPERVISOR LIEBAERT**

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

SECTION I. PURPOSE

The dominant aim of this ordinance is to promote the public health, safety, convenience, and general welfare.

SECTION II. AUTHORITY

Pursuant to the authority of Wisconsin Statute Section 252.03 and the DHS 145.06 Wis. Admin. Code (as each currently exists or is hereafter revised) and are incorporated herein by reference as if fully set forth.

SECTION III. POWERS AND DUTIES

A. The Douglas County Health Officer, upon the appearance of any communicable disease in Douglas County, shall:

1. Immediately investigate all the circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
2. Promptly take all measures necessary to prevent, suppress and control communicable diseases, and will report to the County Board the progress of the communicable diseases and the measures used against them, as needed to keep the County Board fully informed, or at such intervals as the Wisconsin Secretary of Health may direct.

B. The Douglas County Health Officer, upon the appearance of any communicable disease in Douglas County may:

1. Inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Certa-Werner		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Vacant		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
19. Long		
20. Borgeson		
21. Bergman		
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
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2. Do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the Wisconsin Department of Health Services of measures taken.

SECTION IV. VIOLATION, PENALTY AND ENFORCEMENT PROCEDURES

- A. No person may interfere with the investigation under this ordinance of any place or its occupants by the Douglas County Health Officer or her/his assistants. Any person who violates or obstructs this ordinance, an Emergency Declaration by the County Board or an order of the Douglas County Health Officer is subject to:
 1. The issuance of a citation pursuant to Wis. Stat. Sec. 66.0113 and Douglas County Ordinance 1.1. A citation may be issued by the Douglas County Health Officer, her/his designee or law enforcement officers.
 2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each violation.
 3. The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and (temporary or permanent) injunctive relief.
- B. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- C. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this ordinance.

SECTION V. SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Certa-Werner		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Vacant		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
19. Long		
20. Borgeson		
21. Bergman		
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
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SECTION VI. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication.

Dated this 23rd day of June, 2020.

(Committee Action: Not applicable; operating under Resolution #16-20 and #31-20, Proclamation of County Emergency in Douglas County)

(Fiscal Note: None)

*(Administrative Note: Ordinance ratified by County Board on August 20, 2020)

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

RESOLUTIONS

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Certa-Werner		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Vacant		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
19. Long		
20. Borgeson		
21. Bergman		
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </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 #38-20
RESOLUTION SUPERVISORS LIEBAERT AND ALLEN

Subject: Transfer of Property to City of Superior

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of Supervisors Liebaert and Allen and transfers the following described property to the City of Superior:

Rearrangement of Twelfth (12) Street Blocks of Thirteenth (13) and Eighteenth (18) Divisions and Roys Addition, Lots Thirteen (13) through Seventeen (17), Block Four Hundred Fourteen (414) and alley vacated, see 5-1856 and 1759, and West Superior, Eighteenth (18) Division, Lots One (1) through Eight (8), and Lots Twenty-One (21) to Twenty-Eight (28), Block Four Hundred Fourteen (414) and North Eleventh (11) Street and alley vacated, and West Superior, Eighteenth (18) Division, Lots Fourteen (14) through Twenty-One (21), Block Four Hundred Nine (409) and North Eleventh (11) Street vacated, City of Superior, (Parcel numbers: 05-805-02168-00, 05-805-01856-00, 05-805-01759-00).

Dated this 23rd day of June, 2020*

(Committee Action: Not applicable; operating under Resolution #16-20 and #31-20, Proclamation of County Emergency in Douglas County)

(Fiscal Note: None)

*(Administrative Note: Resolution ratified by County Board on August 20, 2020)

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

Roll Call		
District Number	Yes	No
1. Pomush	X	
2. Bong	X	
3. Certa-Werner	X	
4. Clark	X	
5. Baker	X	
6. Leino	X	
7. Glazman	X	
8. Raunio	X	
9. Jaques	X	
10. Vacant	X	
11. McGillis	X	
12. Lear	X	
13. Allen		
14. Ryan	X	
15. Hendrickson	X	
16. Luostari	X	
17. Liebaert	X	
18. Moen	X	
19. Long	X	
20. Borgeson	X	
21. Bergman	X	
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </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 #39-20
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Budgetary Transfers

RESOLVED that the Douglas County Board of Supervisors accept the recommendations of Supervisors Liebaert and Jaques and approves the budgetary transfers as set forth in Exhibit C-8-20.

Dated this 20th day of August, 2020.

(Committee Action: Unanimous)

(Fiscal Note: Included in Exhibit C-8-20)

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

ACTION: Motion by Pomush, second Lear, to adopt. Roll call vote taken and passed with 19 Yes, 0 No, 1 Absent. Absent – Allen.

Roll Call		
District Number	Yes	No
1. Pomush	X	
2. Bong	X	
3. Certa-Werner	X	
4. Clark	X	
5. Baker	X	
6. Leino	X	
7. Glazman	X	
8. Raunio	X	
9. Jaques	X	
10. Vacant	X	
11. McGillis	X	
12. Lear	X	
13. Allen		
14. Ryan	X	
15. Hendrickson	X	
16. Luostari	X	
17. Liebaert	X	
18. Moen	X	
19. Long	X	
20. Borgeson	X	
21. Bergman	X	
Roll: Ayes <u>19</u> Noes _____ Absent <u>1</u> Abstain _____		
Passed <u>X</u> Lost _____ Refer _____ Amend _____ Other _____		
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RESOLUTION #40-20

RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Capital Projects 2020 Funding and Reserve Accounts

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Administration Committee and approves the following 2020 reserve accounts and funding of prioritized 2020 capital projects:

Reserves:

Timber Sale Reserve (capped at \$1 million)	\$0
Building Emergency Reserve	\$26,550
Courthouse/Government Center Maintenance	\$150,450
Capital Improvement Projects/Discretionary	<u>\$1,003,000</u>
	\$1,180,000

Capital Improvement Projects:

Spalling stone repair (from CH/GC reserve)	\$17,000	
Highway Dairyland Shop Doors	\$10,500	
Finance/IS	<u>\$41,590</u>	
		(-\$69,090)

Ending 2020 Reserves:

Timber Sale Reserve (capped at \$1 million)	\$0
Building Emergency Reserve	\$26,550
Courthouse/Government Center Maintenance	\$133,450
Capital Improvement Projects/Discretionary	<u>\$950,910</u>
	\$1,110,910

BE IT FURTHER RESOLVED that funding of other capital improvement projects is postponed at this time due to uncertainty surrounding sales tax and other revenue sources.

Dated this 20th day of August, 2020.

(Committee Action: Unanimous)

(Fiscal Note: Increase Capital Projects by \$58,590; Increase Highway Capital Assets by \$10,500; Increase Building Emergency Reserve by \$26,550; Increase Courthouse/Government Center Maintenance Fund by \$133,450; Increase 2020 Capital Improvement Projects/Discretionary Reserve by \$950,910; Decrease Undesignated Reserve by \$1,180,000)

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

ACTION: Motion by Baker, second Lear, to adopt. Roll call vote taken with 19 Yes, 0 No, 1 Absent. Absent – Allen.

**RESOLUTION #41-20
RESOLUTION BY SUPERVISOR LIEBAERT**

Subject: Health and Human Services Board Composition

RESOLVED that the Douglas County Board of Supervisors accept the recommendations of Supervisor Liebaert and approve an increase in number of members on Health and Human Services Board from seven to eight, with the additional member to be a County Board Supervisor.

Dated this 20th day of August, 2020.

(Fiscal Note: None)

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

Roll Call		
District Number	Yes	No
1. Pomush		
2. Bong		
3. Certa-Werner		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Vacant		
11. McGillis		
12. Lear		
13. Allen		
14. Ryan		
15. Hendrickson		
16. Luostari		
17. Liebaert		
18. Moen		
19. Long		
20. Borgeson		
21. Bergman		
Roll: Ayes <u> 19 </u> Noes <u> </u> Absent <u> 1 </u> Abstain <u> </u> Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> </u> Other <u> </u>		
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COUNTY ADMINISTRATOR REPORT: Written report reviewed.

COUNTY BOARD CHAIR REPORT: County parks at an all-time high for usage. Solon Springs School District interested in use of county parks and building for class.

APPOINTMENTS: Motion by Hendrickson, second Bergman, to approve the following appointments: County Board Supervisor, 10th District – Kelly Peterson; Administration Committee – Mark Liebaert; Rosemary Lear, Vice Chair; Health and Human Services Board – Alan Jaques, Chair; Pat Ryan, Vice Chair, Kelly Peterson; Douglas County Comprehensive Planning Committee – Charles Glazman, Samuel Pomush, Wendy Bong; Superior Public Library Board of Trustees – Jim Purvis; and Veterans Service Officer - Erick Hudson. Motion carried.

COMMITTEE REPORTS: Glazman – The Development Association; Jaques – Health & Human Services Board, Land and Development, Administration; Hendrickson – Land Conservation; Baker – Metropolitan Interstate Commission, Transportation and Infrastructure; Leino – Senior Connections, Historical Society; Pomush – Senior Connections; Bergman – Communicable Diseases in Cervids Study Committee.

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

ADJOURNMENT: Motion by Luostari, second Pomush, to adjourn. Motion carried. Adjourned at 6:40 p.m. Next regularly scheduled meeting – September 17, 2020.

Submitted by,

Susan T. Sandvick
Douglas County Clerk