

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, September 20, 2018, 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 17 present, 4 absent. Absent – Keith Allen, Terry White, Larry Quam, Marvin Finendale.

Oath of Office administered by County Clerk Susan Sandvick to Youth Representative Sasha Achucarro, 2018-2020.

Motion by Pomush, second Hendrickson, to approve August 16, 2018, minutes. Motion carried.

CORRESPONDENCE

One item of correspondence was either received and placed on file or referred to the appropriate committee.

PRESENTATIONS

Jason Jackman, Highway Commissioner, presented a report on highway damage estimates and repairs progress due to the June, 2018, storm. Three dams collapsed; 35 major segments damaged (\$1,340,000); 16 minor segments damaged (\$250,000). To date, approximately 80% of repair work completed. County Board extended appreciation to Highway Department staff.

PUBLIC COMMENT

Al Horvath, Superior resident, addressed the County Board supporting moratorium on importation and raising of cervids resolution proposed by Douglas County Land Conservation 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 12, 2018, on the following petition for amendment of the county zoning district ordinance map:

Part of SW1/4-SW1/4, Lot 2, CSM #924, Vol 6, Pgs 275-6, Section 29, T48N-R11W; (4348S County Road P; AM-002-00088-00), Town of Amnicon, from the C-1: Commercial zoning district to the A-1: Agricultural zoning district, by Kraig Anderson, et al, Poplar, Wisconsin. Intended use: Agricultural.

WHEREAS, public hearing notice, affidavit of publication, notice given to town clerk of the hearing, and letter of approval from town board, is as shown in Exhibit A-9-18.

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 September, 2018.

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

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

Roll Call		
District Number	Yes	No
1. Pomush		
2. White		
3. Finn		
4. Clark		
5. Baker		
6. Leino		
7. Glazman		
8. Raunio		
9. Jaques		
10. Quam		
11. Finendale		
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**AMENDMENT TO ORDINANCE #8.4
SHORELAND ZONING ORDINANCE
PRESENTED BY THE ZONING COMMITTEE**

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

The following paragraphs are hereby amended:

SECTION IV. DIMENSION OF BUILDING LOTS

4.2 Lot Sizes

~~4.21 Minimum Area and Width. The lot area and lot width for shoreline lots shall comply with the Zoning Schedule Dimensional Requirements found herein.~~

~~4.22 Sewered and Unsewered Lots. Lot sizes shall comply with the Zoning Schedule Dimensional Requirements found herein.~~

Shoreland Zoning Schedule – Dimensional Requirements

	Sewered	Unsewered
Minimum lot width	65 feet	100 feet
Minimum lot area	10,000 sq. ft.	20,000 sq. ft.

Note: Zone District minimum lot dimensions also apply to the shoreland zone, whichever is more restrictive.

4.3 Substandard Lots

~~4.32 If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be one parcel for the purposes of this ordinance. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:~~

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

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(3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

SECTION V. SETBACKS FROM THE WATER

5.1 Lots that Abut on Navigable Waters in Shoreland Zone (NR 115.05(1)(b))

SECTION VIII. SHORELAND-WETLAND OVERLAY DISTRICTS

8.13 (3) (c), (ii)

Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets criteria in Section 8.13(3)(a)-(e);

SECTION IX. NONCONFORMING USES AND LEGAL PRE-EXISTING STRUCTURES

9.36 Maintenance, Repair, Replacement or Vertical Expansion of Structures that were Authorized by Variance (s.59.692(1k)(a)2. and (a)4.).

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure.

9.38 Maintenance, Repair, Replacement of Illegal Structures s. 59.692(1k)(a)2c, Stats)

A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s59.692 (1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

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SECTION X. ADMINISTRATIVE PROVISIONS

10.52 Appeals to the Board: Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a ~~reasonable time~~ **30 days**, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

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~~ZONING SCHEDULE — DIMENSIONAL REQUIREMENTS~~

	R-1	R-2	RR-1	A-1	C-1	I-1	F-1
Building Height Limit	35	35	35	35	35	60	35
Required Lot Area (Acres or sq. ft.)							
—With Public Sewer	10,000 ²	5 acres	20,000 ²	5 acres	10,000 ²	1 acre	10 acres
—Without Public Sewer	15,000 ³	5 acres	20,000 ³	5 acres	20,000 ³	1 acre	10 acres
Minimum Lot Width⁴							
—With Public Sewer	75	300	150	300	75	200	300
—Without Public Sewer	100	300	150	300	100	200	300
Lotline Setbacks Required							
—Front	30	50	30	50	10	50	30
—Side							
—principal building	10	20	10	20	10	20	10
—accessory building	5	10	5	10	5	10	5
—Rear							
—principal building	40	50	40	50	20	50	40
—accessory building	20	50	40	50	20	50	40
Floor Area, Residence (sq. ft.)							
—3 or more bedrooms	1,000	1,000	700	1,000	700	700	700
—2 bedrooms	900	900	600	900	600	600	600
—1 bedroom	800	800	500	800	500	500	500
Floor Area, Mobile Home (sq. ft.)							
—3 or more bedrooms	800	800	700	800	800	Not Allowed	Not Allowed
—2 bedrooms	700	700	600	700	700	Not Allowed	Not Allowed
—1 bedroom	600	600	500	600	600	Not Allowed	Not Allowed

¹ Unless specified elsewhere in this ordinance or on the official zoning map, the dimensional requirements of this schedule shall apply to the respective listed districts.

² Minimum for one family dwellings; add 5,000 sq. ft. for each additional unit over one.

³ Plus additional area required by Wis. Admin. Code Ch. SPS 385

⁴ No lot shall be created with a length to width ratio greater than three (3) to one (1).

~~SETBACK REQUIREMENTS ON HIGHWAYS AND ROADS, AS STATED IN SECTION 4.2, DOUGLAS COUNTY ORDINANCE: The distance that is greater (measured from the centerline and from the right of way line), shall apply.~~

~~(a) ALL STATE AND U.S. NUMBERED HIGHWAYS 130 ft. from centerline or 66 ft. from right of way line.~~

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~~(b) ALL COUNTY TRUNK HIGHWAYS — 75 ft. from centerline or 42 ft. from right of way line.~~

~~(c) ALL TOWN ROADS — 63 ft. from centerline or 30 ft. from right of way line.~~

~~SETBACK REQUIREMENTS FOR LAKES AND STREAMS — 75 ft. from the high water mark of lakes or streams~~

Dated this 20th day of September, 2018.

(Committee Action: Unanimous)

(Fiscal Note: None)

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

RESOLUTIONS

RESOLUTION #52-18
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE

Subject: Land Sales

WHEREAS, the following parcels of land were advertised on August 3, 10, and 17, 2018, in accordance with Section 76.59, Wisconsin Statutes, and the highest bids received are as follows:

\$ 1,045.00 Parcel 25-18: Lots 15-30, Block 16, Irondale Addition to Superior, Section 9-48-14, Town of Superior, (TS-030-02466-00), from Daniel Lindberg. Intended purpose: Adjoining property; and

\$ 505.00 Parcel 26-18: S-1/2 of Lot 17, Block 11, Weyerhaeuser & Rutledge Addition, Section 35-47-11, Village of Lake Nebagamon, (LN-146-01004-02), from Maurine Ladich. Intended purpose: Part of lawn and other property – garage on parcel.

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 20th day of September, 2018.

(Committee Action: Unanimous)

(Fiscal Note: Increase “Profit and Loss on Land Sales Account” by \$1,550.00)

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

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RESOLUTION #53-18
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE

Subject: Cancellation of Tax Deed Approved

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of the Land and Development Committee and authorizes cancellation of tax deed on Parcel #BE-0004-00761-00 and Parcel #BE-0004-00762-00, Town of Bennett.

Dated this 20th day of September, 2018.

(Committee Action: Unanimous)

(Fiscal Note: None)

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

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RESOLUTION #54-18
RESOLUTION BY SUPERVISOR ALLEN

Subject: Communication Tower and Access Easement Legal
Description Corrected

RESOLVED that the Douglas County Board of Supervisors accepts the recommendation of Supervisor Allen and approves correction of legal description as set forth in Exhibit C-9-18, Communication Tower and Access Easement between Douglas County and the State of Wisconsin DNR, which easement was previously approved by Resolution #45-18, on August 16, 2018.

Dated this 20th day of September, 2018.

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

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

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RESOLUTION #55-18
RESOLUTION BY THE PUBLIC SAFETY COMMITTEE

Subject: Compensation Increases for Defense Attorneys Assigned
 by State Public Defender Office Supported

WHEREAS, there is a severe shortage of criminal defense attorneys in Douglas County, and

WHEREAS, State Public Defender appointed private bar attorneys regularly travel over 100 miles, one way, to represent Douglas County clients, and

WHEREAS, the lack of defense attorneys is causing excessive delays and inefficiencies for the Douglas County criminal justice system, including but not limited to excess pre-trial confinement in the Douglas County Jail, and

WHEREAS, in an effort to protect the constitutional rights of the citizens of Douglas County, the Douglas County circuit court judges are being forced to appoint private attorneys to represent individuals at the expense of the citizens of Douglas County.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors urge the State of Wisconsin to provide sufficient resources to the Office of the Public Defender ensuring the criminal justice system is operated effectively and efficiently thereby protecting the constitutional rights of its citizens, including increasing the rate of reimbursement for private attorneys appointed by the Public Defender to a market rate that will ensure the prompt appointment of counsel and that cases are handled in a timely, efficient and competent manner.

BE IT FURTHER RESOLVED, that the County Clerk is directed to send a copy of this resolution to the Wisconsin Governor, the Wisconsin Supreme Court, the Wisconsin State Public Defender, the Wisconsin Counties Association, the Wisconsin Towns Association, the League of Wisconsin Municipalities, all Wisconsin state legislators, and each Wisconsin county.

Dated this 20th day of September, 2018.
 (Committee Action: Unanimous)
 (Fiscal Note: None)

ACTION: Motion by Pomush, second Lear, to adopt. Motion carried.

ACTION: Motion by Finn, second Hendrickson, to allow resolution not on agenda. Motion carried.

RESOLUTION NOT ON AGENDA

**RESOLUTION #56-18
RESOLUTION BY SUPERVISORS ON THE LAND
CONSERVATION COMMITTEE**

Subject: Moratorium on the Importation and Raising of Cervids in
Douglas County

WHEREAS, it is deemed in the best interest of Douglas County to impose a one year moratorium on the importation and raising of cervids (any member of the deer family), and

WHEREAS, during the one year moratorium a study group would be formed to study, review, consider and determine whether creation or amendments to the Zoning Ordinance or other ordinances of Douglas County is required to protect public health or safety, unique environments, and address key concerns, and

WHEREAS, the imposition of a moratorium will allow Douglas County to determine whether it has adequate resources to enforce any new or existing regulations for captive cervids who may contract or spread communicable diseases.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors request the Zoning Committee present an ordinance establishing a one year moratorium on the importation and raising of cervids in Douglas County and a study group be formed to provide recommendations to protect public health and safety.

Dated this 20th day of September, 2018.

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

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

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> _____ Lost _____ Refer _____ Amend _____ Other _____		
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COUNTY ADMINISTRATOR REPORT: Written report reviewed.

COUNTY BOARD CHAIR REPORT: Liebaert expressed appreciation to Interim Administrator and Finance Director for diligent work on county's 2019 budget; reviewed meetings attended.

APPOINTMENTS: Motion by Baker, second Hendrickson, to approve Craig Tyson, Highway Department, to the Energy Committee, replacing Steve Wedan. Motion carried.

COMMITTEE REPORTS: Glazman – Development Association; Hendrickson – Land Conservation Committee and Extension Education and Recycling Committee; Jaques – Administration Committee; Pomush – Public Safety Committee.

YOUTH REPRESENTATIVE REPORTS: Randa – Superior High School activities and appreciation for new building. Pulkonen – Northwoods High School activities and new independent classes opportunities. Achucarro – Northwestern High School activities.

APPROVAL OF BILLS AND CLAIMS: Motion by Baker, second Hendrickson, to approve. Motion carried.

FUTURE AGENDA ITEMS: Update on Health and Human Services budget issue and Superior Days.

ADJOURNMENT: Motion by Pomush, second Raunio, to adjourn. Motion carried. Adjourned 6:51 p.m. Next regularly scheduled meeting – October 18, 2018.

Submitted by,

Susan T. Sandvick
Douglas County Clerk