

**MEETING OF THE IRON COUNTY BOARD OF SUPERVISORS
APRIL 28, 2009**

Meeting called to order by Chairman Dennis DeRosso at 6:00 PM.

Pledge of Allegiance was recited.

Roll call, Present: Thompson, Kichak, Luke, Richards, Erspamer, Prospero, Kern, Thomas, Koski, Smith Innes, Wiita, DeRosso, Lambert and Roberts. Absent: None.

Clerk Michael Saari certified that the meeting was properly called and posted.

Motion by Kichak, seconded by Richards to approve minutes of March 30, 2009 as presented.

COMMUNICATIONS:

DeRosso read letter from Veterans Service Department informing Iron County that they have been awarded an \$8,500 grant to help offset the cost of our Veterans Service Officer for 2009.

COMMITTEE, DEPARTMENT HEADS AND CHAIRMAN'S REPORT:

Smith reported that the Aging Unit should be able to purchase some new equipment out of stimulus funds.

Thompson reported that Iron County Economic Development monies have been spent advertising to support your local businesses instead of sending your money out of town.

Thompson reported that stumpage revenues are \$572,260.40 at this time and were \$515,654.80 at the same time last year.

Lambert reported that the Sheriff's Department has sold a used squad car and that housing revenues for the year total \$27,189.51.

Lambert reported that the Health Department has a plan in effect for the swine flu outbreak. Zona Wick, Health Director is going to speak at Grand View Hospital tomorrow about swine flu problem.

Kichak introduced John Nelson as Iron County's new Highway Commissioner. Commissioner Nelson told board the highway crew has been trimming trees along Highway 51. Crack sealing will be done for the state along Highways 169 and 77. A major project to be completed this summer will be repaving another section of County C and road limits will be lifted on May 11th.

Kichak also reported that Land & Zoning will working with Land Conservation on shoreline projects to improve lake water standards within Iron County.

Luke reported that Recycling Committee will be reviewing the municipality contracts and will have discussion of a tire collection on the next Recycling agenda.

Kern reported that probation period is over for the Emergency Government director and Finance voted to increase the salary to the same level as the Veterans Service Director which is the same as a grade 2 in the courthouse union contract. Kern also reported that Emergency Government

car needs work but the quote on the paint job is more than the car is worth. Finance instructed Stacy Ofstad to get specs up for a used SUV that he was comfortable with for the next Finance meeting.

Wiita reported that bid openings for new airport terminal will be held on May 14th.

Thomas reported that Lynn Adams has begun as the Extension Department horticulturalist.

Wiita reported that there will be cuts made to Human Services after the new state budget is passed.

Innes reported that the Fair Board lawsuit is ongoing and a long discussion was held on insurance issues.

PUBLIC COMMENT: None.

Chairman DeRosso announced that he was reappointing Dave Gentile, Mercer to Veterans Service Commission.

Motion by Prospero, seconded by Richards to accept 2008 Forestry annual report. All aye. Motion carried.

RESOLUTION 2730

OPPOSING PROPOSED CHANGES TO WISCONSIN'S PREVAILING WAGE LAW

WHEREAS, the Governor's proposed biennial state budget, Assembly Bill 75, proposes to make the prevailing wage law applicable to any public works contract over \$2,000; and

WHEREAS, under current law the prevailing wage requirements only apply to multiple-trade public works projects over \$234,000 and single-trade public works projects over \$48,000;

WHEREAS, reducing the threshold to \$2,000 will increase the cost of small public works projects previously exempted from the prevailing wage requirement in many communities; and

WHEREAS, the cost increase to pay prevailing wages on all public works projects over \$2,000 will force counties and other local governments to reduce the number and/or size of public works projects or raise taxes to meet the increased costs, which would further burden property taxpayers; and

WHEREAS, the Governor's proposed budget also for the first time proposes to make the prevailing wage law applicable to private projects that receive public financing; and

WHEREAS, the requirement to pay prevailing wages on all public works projects over \$2,000 will take away the competitive advantage that many smaller local contractors have on small public works projects over larger contractors from outside a local community, thus hurting the local economy in these communities while still increasing the costs of these projects; and

WHEREAS, the proposed changes to the prevailing wage law in the budget are non-fiscal policy items that should be addressed as separate legislation so that lawmakers can give more

thoughtful consideration to changing the cost threshold for public works projects and clarifying statutory language to distinguish between routine maintenance and construction projects.

NOW, THEREFORE, BE IT RESOLVED, that the Iron County Board of Supervisors opposes the changes to the prevailing wage law proposed in AB 75, and urges the Legislature and the Governor to remove these items from the budget bill.

Motion by Lambert, seconded by Kichak to adopt. All aye. Motion carried.

RESOLUTION 2731

RESOLUTION OF IRON COUNTY OPPOSING THE PROPOSED TRANSFER OF THE WISCONSIN COASTAL MANAGEMENT PROGRAM FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF NATURAL RESOURCES

WHEREAS, Iron County has been the recipient of grant funding and technical assistance through the Wisconsin Coastal Management Program; and

WHEREAS, Iron County is uniquely situated within the state with nearly 8 miles of mainland coastline bordering Lake Superior; and

WHEREAS, the Wisconsin Coastal Management Program 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 Wisconsin Coastal Management Program works effectively and efficiently with government agencies, non-profit organizations, tribes and academia; and

WHEREAS, the Wisconsin Coastal Management Program 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 of 1972, as amended; and

WHEREAS, the Wisconsin Coastal Management Program has successfully provided broad technical assistance resources that have supported environmental, as well as economic development, land use, hazard mitigation, education, non-point source pollution, public access, historic and other objectives of the federal Coastal Zone Management Act (CZMA); and

WHEREAS, the Wisconsin Coastal Management Program 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 Wisconsin Coastal Management Program to the Wisconsin Department of Natural Resources will limit the Wisconsin Coastal Management Program's scope to water management issues; and

WHEREAS, this 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

WHEREAS, there is no existing support infrastructure within the Department of Natural Resources to effectively manage the Wisconsin Coastal Management Program.

NOW, THEREFORE, Iron County resolves to oppose the transfer of the Wisconsin Coastal Management Program from the Wisconsin Department of Administration to the Wisconsin Department of Natural Resources.

Motion by Smith, seconded by Thomas to adopt. All aye. Motion carried.

RESOLUTION 2732

**AUTHORIZING THE TAKING OF PROPERTIES ON
DELINQUENT TAX DEED LIST**

WHEREAS: Iron County has notified property owners who are delinquent in paying property taxes to Iron County for the certificates held for the year 2005, and

WHEREAS: These property owners have been notified by certified mail or by proper publication in our official newspaper that these taxes must be paid in full, including interest within 90 days following receipt of said notice, and

WHEREAS: After the 90 day redemption period has expired, the County Clerk is authorized by the Wisconsin Statutes to issue tax deeds on all unredeemed property taxes to the County of Iron,

NOW, THEREFORE, BE IT RESOLVED: That the Iron County Clerk is hereby instructed to comply with the Wisconsin Statutes in issuing tax deeds to Iron County on all property taxes that remain delinquent upon the expiration of the 90 day redemption period allowed.

Motion by Richards, seconded by Innes to adopt. All aye. Motion carried.

RESOLUTION 2733

**APPROVING ADJUSTMENT AND AMENDMENT OF YEAR 2009
BUDGET OF FORESTRY DEPARTMENT TO REFLECT CORRECT
REVENUES AND NECESSARY EXPENDITURE**

WHEREAS, the Forestry Department upon paying off their no interest loan to the State of Wisconsin have incurred unanticipated stumpage revenues and have sold their trail groomer and will purchase a new tractor that can be used year round;

NOW, THEREFORE, BE IT RESOLVED, that the Iron County Board of Supervisors does hereby authorize amendment of the Iron County 2009 budget, to provide for the payment of \$150,500.00 for the new tractor and record unexpected revenues in the amount of \$130,600.00 for stumpage and \$55,000.00 for the sale of the old trail groomer.

Motion by Thompson, seconded by Kern to adopt. All aye. Motion carried.

RESOLUTION 2734

**RESOLUTION OPPOSING THE GOVERNOR'S PORPOSED CHANGES TO
INSURANCE LAWS AND 2009 SENATE BILL 20**

WHEREAS, Governor Jim 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, Iron 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

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, Iron 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 Iron County taxpayers is growing; and

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

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

Motion by Wiita, seconded by Roberts to adopt. All aye. Motion carried.

RESOLUTION 2735

REPORT OF ZONING AGENCY TO COUNTY BOARD ON HEARING OF PETITION TO AMEND THE ZONING ORDINANCE

RECOMMENDATION TO THE IRON COUNTY BOARD OF SUPERVISORS:

The Comprehensive Planning/Land & Zoning Committee of Iron County, having considered the petition to amend the Zoning Ordinance, and

Having held public hearings thereon pursuant to Sec. 59.97(3), Wisconsin Statutes, notice thereof having been given as provided by law and being duly informed of the facts pertinent to the change proposed and duly advised of the wishes of the people in the area affected, hereby recommends that the proposed amendments be approved as follows:

Changes to Shoreland Regulations Article D Sec. 9-1-70(b)

(b) Removal of Shoreline Cover

The cutting of trees and shrubbery shall be regulated to protect natural beauty, control erosion, and reduce the flow of effluents, sediments and nutrients from the shoreland area. In the strip of land 35 feet wide inland from the ordinary high water mark (shoreland buffer protection area), no more than thirty (30) feet in any one hundred (100) feet shall be clearcut. In shoreland areas more than thirty five (35) feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices, including The Forestry Best Management Practices for Water Quality Field Manual, and soil conservation practices. The tree and shrubbery cutting regulations required by this section shall not apply to the removal of dead, diseased or dying trees or shrubbery. However, the act of purposely damaging (i.e. girdling or ring barking) healthy trees is strictly prohibited.

See Section 9-1-70(d)(1) for limitations on land alteration activities.

Changes to Shoreland Regulations Article D Sec. 9-1-70(d)

(d) Land Alteration

- (1) There shall be a shoreland buffer protection area extending from the ordinary high water mark to thirty five (35) feet inland. All filling, grading, lagooning, dredging, ditching and excavating will be prohibited in this area with the following exceptions:
 - a. For the purpose of Shoreland Restoration.
 - b. For the removal of structures.
 - c. For the purpose of construction and removal of outfall structures.
 - d. For the purpose of maintaining existing roadways.
 - e. For work done under Wisconsin Dept. of Natural Resources permitting.
- (2) Filling, grading, lagooning, dredging, ditching and excavating in the area extending inland of the thirty five (35) foot shoreland buffer protection area requires an Iron County Land Use Permit in accordance with Section 13-1-141 and may be permitted only in accord with State law and where protection against erosion, sedimentation and impairment of fish and aquatic life had been assured.

Subsection (1) is new. The old subsection (1) will have the above changes and renamed subsection (2). All the following sub sections will be renumbered appropriately.

Changes to Definitions Article L Sec. 9-1-220(b)

The addition of the following definitions:

Dwelling, Accessory: Any additional dwelling unit on a parcel of land where a principal dwelling unit already exists.

Dwelling, Principal: A dwelling unit on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.

Dwelling Unit: Any structure that is wholly or partly used or intended to be used for human habitation, which includes sanitary and/or food preparation facilities.

Human Habitation: That which provides living, sleeping, cooking, eating, sanitary or other related facilities required for human needs.

Shoreland Buffer Protection Area: The area extending from the ordinary high water mark to thirty five (35) feet inland.

Respectfully submitted by the Iron County Comprehensive Planning/Land & Zoning committee for consideration by the Iron County Board of Supervisors this 21st day April, 2009.

Motion by Kichak, seconded by Innes to adopt. All aye. Motion carried.

RESOLUTION 2736

RESOLUTION OF IRON COUNTY BOARD OF SUPERVISORS

WHEREAS Iron County values its lake resources used by the public for recreation and enjoyment of natural beauty, and

WHEREAS the protection of critical watershed areas and reasonable lake use activities are paramount in the protection of water quality and the natural ecosystem of Iron County; and

WHEREAS we are qualified to carry out the responsibilities of this protection project

IT IS, THEREFORE, RESOLVED THAT:

Iron County requests the funds and assistance available from the Wisconsin Department of Natural Resources under the "Lake Management Protection Grant Program," and

HEREBY AUTHORIZES the Chairman of the Iron County Board to act on behalf of Iron County to: submit an application to the State of Wisconsin for financial aid for lake protection purposes; sign documents; and take necessary action to undertake, direct, and complete an approved protection project.

BE IT FURTHER RESOLVED THAT Iron County will comply with state rules for the program, may perform force account work, and will meet the financial obligations under the grant.

Motion by Richards, seconded by Thomas to adopt. All aye. Motion carried.

PUBLIC COMMENT: None.

NEW BUSINESS: None.

Motion by Richards, seconded by Smith to adjourn at 6:30 PM. All aye. Motion carried.



Michael Saari
Iron County Clerk