



## LAND INFORMATION DEPARTMENT

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John Lefebvre  
*Director*

Greg Cleereman  
*Conservationist*

Linda Christensen  
*Property Lister*

### AGENDA LAND INFORMATION COMMITTEE

DATE: Wednesday, February 10<sup>th</sup> 2010  
TIME: 9:00 a.m.  
PLACE: Marinette County Courthouse – Land Information Committee Room C129

1. Call meeting to order
2. Approve agenda
3. Approve minutes of the January 13<sup>th</sup> 2010 meeting.
4. Public Comment - Any person not a member of the Committee, desirous of addressing the Committee on any subject under the Committee's jurisdiction shall first obtain permission from the Committee Chairperson. All such addresses shall be limited to 5 minutes unless otherwise extended by the Committee Chairperson.
5. Reports by cooperating agencies. Action, if any.
  - FSA – FSA Update
6. Discuss/consider status of Assembly Bill 521 and possible companion bill to be introduced in the Senate that creates an additional exception under current law which authorizes a motor vehicle's use below the ordinary high water mark in order to destroy or prevent the spread of aquatic or terrestrial invasive species. Action, if any.
7. Discuss/consider status of WDNR Phragmites grant application. Action, if any.
8. Discuss/consider recommendation by the Marinette County Comprehensive Planning Advisor Committee to approve and adopt the Marinette County Comprehensive Plan. Action, if any.
9. Discuss/consider an ordinance creating Chapter 14 (20 Year Comprehensive Plan) of the Marinette County Code of Ordinances. Action, if any.
10. Discuss/consider procedure to be used to preserve PLSS corners in danger of being damaged or destroyed by the upcoming 2010 road construction activities. Action, if any.
11. Discuss/consider amendments to Marinette County Ordinance Chapter 21 – Shoreland Wetland Zoning to comply with recently adopted amendments to NR 115 Wisconsin Administrative Code. Action if any.
12. Discuss/consider approval of a Land Information Department Limited Term Employee for the summer of 2010. Action if any.
13. Discuss/consider Agreement between Marinette County and Lake Noquebay Rehabilitation District for operation of Lake Noquebay Dam for 2010. Action if any.



- 14. Report(s) by Land Information Staff on Departmental programs and activities. Action, if any.
  - Parks division effort to purchase an island on the Menominee River in the Town of Wagner
  - Status of the Great Lakes Restoration Initiative Grant applications
- 15. Correspondence. Action, if any. (Correspondence if not specifically listed below will be for information only)
  - Resolution from Columbia and Langlade Counties Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee
  - Resolution from Langlade County To Oppose DOR County Assessment Proposal
- 16. Review and approval of invoices. Action, if any.
- 17. Schedule next meeting – March 10, 2010
- 18. Adjourn

Alice Baumgarten	Ted Sauve	Larry Nichols
Joe Policello	George Kowalski	Jerry Pillath
John Guarisco	Bob Fraik	County Clerk

NOTE: Agenda items may not be considered and acted upon in the order listed

If you are an individual with a disability and need a special accommodation while attending this meeting, as required by the Americans with Disabilities Act, please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD# 715-732-7760)



# LAND INFORMATION DEPARTMENT

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## MEETING OF THE LAND INFORMATION COMMITTEE WEDNESDAY, JANUARY 13, 2010 LAND INFORMATION MEETING ROOM – 1<sup>ST</sup> FLOOR - COURTHOUSE

**Members Present:** Joe Policello, Alice Baumgarten, Jerry Pillath, John Guarisco, Larry Nichols and George Kowalski. Ted Sauve joined the meeting at 9:30 a.m.

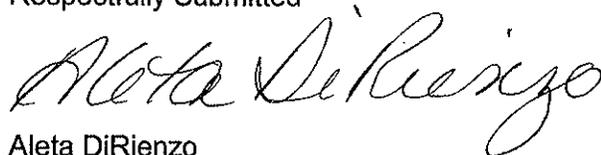
**Others Present:** John Lefebvre, LID; Greg Cleereman, LID-LWC; Aleta DiRienzo, LID-LWC; Jodie Reisner, USDA-NRCS; John Gilner, USDA-FSA; John Huff, WI-DNR; Scott Reuss, UWEX; Bob Fraik and the Peshtigo Times.

1. The meeting was called to order by Vice-Chairperson Guarisco at 9:00 a.m.
2. APPROVAL OF AGENDA  
**MOTION** (Baumgarten/Pillath) to approve the agenda and addendum as presented. Motion carried, no negative vote.
3. APPROVAL OF MINUTES  
**MOTION** (Pillath/Policello) to approve the minutes of December 14, 2009. Motion carried, no negative vote.
4. WISCONSIN DEPARTMENT OF REVENUE PROPOSAL  
**MOTION** (Pillath/Nichols) to recommend to the County Board approval of the proposed Resolution In Opposition to the DOR Proposal for County Assessment. Motion carried, no negative vote.
5. 2009 ASSEMBLY BILL 521  
**MOTION** (Pillath/Baumgarten) to draft a resolution supporting Assembly Bill 521 for Committee review and approval at February's meeting. Motion carried, Supervisors Guarisco and Nichols opposed.
6. TOWN OF PESHTIGO REZONE  
**MOTION** (Guarisco/Policello) to recommend to the County Board approval of the Town of Peshtigo action to rezone the property owned by Gary Bearson, parcel # 024-01858.001 located at W713 Rader Road, from R-1 single Family Residential to A-2 Agricultural District. Motion carried, no negative vote.
7. WISCONSIN LAND & WATER CONSERVATION ASSOCIATION  
**MOTION** (Policello/Nichols) to approve paying additional dues (\$800.00) to the Wisconsin Land & Water Conservation Association for 2010. Motion carried, no negative vote.



8. **WISCONSIN LAND INFORMATION ASSOCIATION 2010 CONFERENCE**  
**MOTION** (Guarisco/Baumgarten) to approve the Land Information Director and GIS Coordinator's attendance with expense and mileage to the Wisconsin Land Information Association 2010 Conference in Appleton at the Paper Valley Hotel and Conference Center, February 24-26, 2010. Motion carried, no negative vote.
10. **PUBLIC HEARING ON THE MARINETTE COUNTY COMPREHENSIVE PLAN**  
**MOTION** (Policello/Kowalski) to approve the Land Information attendance, with mileage and per-diem, at the Public Hearing for the Marinette County Comprehensive Plan to be held at the Crivitz Fire Station at 6:30 p.m. on Thursday, January 21, 2010. Motion carried, no negative vote.
11. **LAKE MICHIGAN LAND & WATER CONSERVATION ASSOCIATION PLANNING AND BUDGET MEETING**  
**MOTION** (Pillath/Guarisco) to approve the attendance, with mileage and per-diem, for the Land Information Committee at the Lake Michigan Land & Water Conservation Association Planning and Budget Meeting on Friday, January 8, 2010 in Green Bay. Motion carried, no negative vote.
12. **35<sup>TH</sup> ANNUAL KELLY LAKE SEMINAR FOR PLUMBERS, CST'S, SEPTIC HAULERS, POWTS INSPECTORS AND POWTS MAINTAINERS**  
**MOTION** (Guarisco/Policello) to approve the attendance, with mileage and per-diem, for Land Information Committee and Zoning staff to the 35<sup>th</sup> Annual Kelly Lake Seminar for Plumbers, CST's, Septic Haulers, POWTS Inspectors and POWTS Maintainers on Thursday, February 11, 2010 at the Holiday Inn Restaurant, Kelly Lake. Motion carried, no negative vote.
13. **VOUCHERS**  
**MOTION** (Nichols/Pillath) to approve vouchers as presented (\$8,387.15) and forward to County Board for approval and payment vouchers over \$5,000 (\$7,800.00). Motion carried, no negative vote.
14. **SCHEDULE NEXT MEETING**  
Next meeting is scheduled for 9:00 a.m. Wednesday, February 10, 2010 at the Courthouse.
15. **ADJOURNMENT**  
**MOTION** (Pillath/Nichols) to adjourn at 11:34 a.m. Motion carried, no negative vote.

Respectfully Submitted



Aleta DiRienzo  
Database Specialist/Program Assistant

ORDINANCE NO. \_\_\_\_\_

**CREATING**

**CHAPTER 14 - 20 YEAR COMPREHENSIVE PLAN**

The County Board of Supervisors of the County of Marinette does ordain as follows:

Section One: Marinette County Code of Ordinances, Chapter 14 – 20 Year Comprehensive Plan is created to read as follows:

**14.01 AUTHORITY**

This ordinance is adopted pursuant to §66.1001 Wis. Stats.

**14.02 COMPREHENSIVE PLAN ADOPTED**

The Marinette County 20 Year Comprehensive Plan dated February 23, 2010 is hereby adopted and may be referred to as the Comprehensive Plan. The Comprehensive Plan is available for public viewing in the Land Information Office, the County Clerk's Office, the county libraries and on the county's website, [www.marinettecounty.com](http://www.marinettecounty.com).

**14.03 DELIVERY**

The County Clerk shall send a copy of the Comprehensive Plan to each of the following:

- (1) Every governmental body that is located in whole or in part within the boundaries of Marinette County;
- (2) The clerk of every local governmental unit that is adjacent to Marinette County;
- (3) The Wisconsin Land Council;
- (4) The Wisconsin Department of Administration;
- (5) The Bay-Lake Regional Planning Commission; and
- (6) Each public library that serves Marinette County.

**14.04 SEVERABILITY**

The provisions of this ordinance and the Comprehensive Plan are severable. If any part of this ordinance or the Comprehensive Plan is found to be invalid, unlawful, or unenforceable, that finding will not affect the validity, lawfulness, or enforceability of the remainder of this ordinance or the Comprehensive Plan, and the remainder of this ordinance and the Comprehensive Plan shall remain in full force and effect.

**14.05 RELATION TO OTHER ORDINANCES**

If a provision of any ordinance is in conflict with a provision of this ordinance or the Comprehensive Plan, the provisions of this ordinance and the Comprehensive Plan are controlling.

Section Two: This ordinance shall be effective immediately upon passage and publication.

ADOPTED:

\_\_\_\_\_  
George Bousley, Chairperson

\_\_\_\_\_  
Katherine K. Brandt, County Clerk

Recommended : Land Information Committee February 10, 2010

**MARINETTE COUNTY COMPREHENSIVE PLAN ADVISORY  
COMMITTEE (MCCPAC)**

**RECOMMENDATION FOR ADOPTION OF THE MARINETTE COUNTY  
20-YEAR COMPREHENSIVE PLAN**

WHEREAS, Wisconsin Statutes 62.23 authorizes the adoption of a Comprehensive Plan for the general purpose of guiding and accomplishing coordinated, adjusted, and harmonious development of the County;

AND WHEREAS, the Comprehensive Plan has been prepared by the Bay-Lake Regional Planning Commission which contains proposals, programs, descriptions, maps, and explanatory matter regarding natural resources, population, housing, economic development, transportation, land use, public facilities, outdoor recreation, and future land use plan for the 20-year planning period;

AND WHEREAS, the Comprehensive Plan has been prepared in accordance with the elements of a plan as defined in Wisconsin Statutes 66.1001 (Smart Growth);

AND WHEREAS, the Comprehensive Plan has been drafted and reviewed by the Marinette County Comprehensive Plan Advisory Committee (MCCPAC);

NOW, THEREFORE BE IT RESOLVED that the Marinette County Comprehensive Plan Advisory Committee hereby recommends to the Marinette County Land Information Committee that the Comprehensive Plan entitled: *Marinette County 20-Year Comprehensive Plan* is adopted by the County Board pursuant to Wisconsin Statutes Sections 62.23 and 66.1001(4).

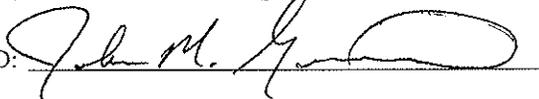
Dated this 21<sup>st</sup> day of January, 2010.

Resolution introduced and adoption moved by M. Behnke

Motion for adoption seconded by A. Shatter

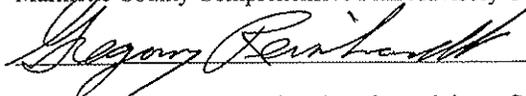
Voting Aye: 23 Nay: 0

APPROVED:



Marinette County Comprehensive Plan Advisory Committee Chair

ATTEST:



Marinette County Comprehensive Plan Advisory Committee Secretary

# Marinette County Comprehensive Planning Advisory Committee

## Minutes of M CCPAC Meeting January 21, 2010 Crivitz Fire Station

### Present:

Mike Behnke	City of Peshtigo	Amy Shaffer	Town of Stephenson
Alice Baumgarten	Marinette County (a)	Allen Sievert	Town of Wagner (a)
Ted J. Sauve	Marinette County (a)	Dave Setunsky	Town of Wagner
John Guarisco	Marinette County	Robert C Jicha	Town of Wausaukee
Fred Smeester	Town of Amberg	Jo Di Volk	Village of Crivitz
Greg Reinhardt	Town of Athelstane	Paul Dyer	Village of Crivitz (a)
David Bedora	Town of Beaver	Ann Hartnell	Village of Wausaukee
Jim Zwick	Town of Beaver (a)		
Robert Grandaw	Town of Dunbar		
Steve Gostisha	Town of Goodman		
Joe Policello	Town of Middle Inlet		
Ardella Sucharda	Town of Middle Inlet (a)		
George Swenson	Town of Niagara (a)		
Don Limburg	Town of Porterfield		
John Wendler	Town of Pound (a)		
Tom Prue	Town of Pound		

### Interested Citizens in Present

Bruce Muller	Town of Athelstane
Michael Cassidy	Town of Dunbar
Donald Van	Town of Middle Inlet
Larry Kuchinski	City of Niagara

(a) Denotes a M CCPAC Member Alternate

### Others Present:

John Lefebvre, Marinette County Land Information Department  
Jim Van Laanen, Angela Pierce (BLRPC staff)  
Shirley Prudhomme, Peshtigo Times

### Agenda Item 1 - Introductions

Attendees introduced themselves and Bay-Lake staff provided a brief overview of the Public Hearing Process that would follow.

### Agenda Item 2 – Public Hearing to Obtain Comment on the Draft Marinette County 20-Year Comprehensive Plan (6:30 PM).

Chairman Guarisco opened the Public Hearing at 6:30 pm. He noted that the hearing was being conducted to obtain comment on the County's draft comprehensive plan.

No comments or questions were received or made by the public.

Van Laanen noted that the draft plan had been distributed for review pursuant to s. 66.1001. Lefebvre notes that each member of the County Board had been presented with a copy of Volume I of the Plan.

Two comments, from state agencies, were received via email. The Wisconsin Department of Natural Resources (Peshtigo Office) commented that the plan was "well written and complete". The Wisconsin Department of Administration noted minor corrections that should be addressed prior to the final adoption and printing of the plan. M CCPAC member Zwick noted several minor editing corrections in the Volume I draft document.

Chairman Guarisco closed the Public Hearing at 6:55 pm.

A motion was made by Shaffer; seconded by Behnke to recommend that the Marinette County Land Information Committee recommend adoption of the Plan by the Marinette County Board (recommendation attached).

### Agenda Item 3 – Comprehensive Planning Process Wrap-Up

Marinette County and Bay-Lake staff discussed the final review and adoption procedures for the *Marinette County 20-Year Comprehensive Plan*. Lefebvre noted that the Marinette County Land Information

Committee will take action on the MCCPAC recommendation at their February 10, 2010 meeting. Lefebvre and Van Laanen discussed and answered general questions pertaining to the adoption procedures, amendment procedures and the distribution of the Plan.

**Agenda Item 4 - Adjournment**

The January 21, 2010, MCCPAC meeting was adjourned at 7:15 p.m. on a Motion by Volk; Seconded by Prue.

Minutes Prepared By: Jim Van Laanen  
Bay Lake Regional Planning Commission



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711

January 27, 2009

Marinette County Zoning Office  
John Lefebvre  
1926 Hall Ave  
Marinette, WI 54143-1717

Subject: Wisconsin Shoreland Protection Program, Chapter NR 115

Dear Sir or Madam:

As you are probably aware the State has revised the statewide minimum standards for shoreland zoning. This is in no small part due to the on-going support & contributions you and your counterparts have offered over the past several years. Thank you for your assistance.

With a revision of this nature there are many questions that arise which I am certain you would like answers to. Please do not hesitate to contact your local shoreland zoning representative or myself if you have questions other than the ones within this letter. Here are some of the more common questions at this time.

- When will the new rule be in effect?
  - The date of publication will be February 1, 2010.
- How long before my county will have to meet the new standards?
  - You will have to have a new ordinance in place before February 1, 2012.
- What are the key provisions of the new code?
  - Many familiar provisions remain the same such as the water setback, lot sizes, wetland provisions. New provisions include impervious surface limits, mitigation and others.
- Where can I find a copy of the rule language?
  - <http://dnr.wi.gov/org/water/wm/dsfm/shore/news.htm>
- Will there be assistance offered from the State to modify our ordinance?
  - If your county plans to adopt only the state minimum standards in NR 115, we've outlined an ordinance grant project scope and example grant budget for your use. You must submit a completed grant application by **May 1, 2010** to be eligible for this year's funding cycle. For counties seeking to adopt only the state minimum standards in NR 115, the available state cost share will be \$5000, which will require a county to provide at least \$1667 in match for a total project cash cost of \$6667.00. The county match may include the value of county staff time spent on ordinance revision. . Please see the attached **Shoreland Zoning Ordinance Development--compliance with minimum standards** information for your use.
- Will there be assistance offered from the State to modify our ordinance in ways that exceed the State minimum standards?

- Yes, if your county plans to adopt a shoreland zoning ordinance that goes above state minimum standards in NR 115 in protecting property values, water quality, habitat or natural scenic beauty there are two main competitive grant programs you may choose from depending on your emphasis. There are lake grants and river grants. It is very important to remember that both grants require you to apply no later than May of each year. Please see this web site for additional information:
  - Lakes - <http://dnr.wi.gov/lakes/grants/> Rivers - <http://dnr.wi.gov/org/water/rivers/grants/>
- When will a model ordinance be available for consideration?
  - We anticipate having a model ordinance available by February 1, 2010. Unlike past model ordinances, we do expect this one to continually improve as our experience with the new rule language grows. The model ordinance will be posted on the DNR shoreland webpage and will include basic requirements to comply with the new NR 115, plus examples from counties around Wisconsin that are more effectively protecting property values, water quality, habitat and natural scenic beauty.

I am certain that you either have, or will have much more technical and detailed questions and would encourage you to ask them as they arise. We are committed to updating our web site and having the latest information on the shoreland pages. We are also committed to responding to any and all of your questions in a timely manner whether it is by phone, e-mail, etc. We will respond.

I am excited to enter into this critical time with you and hope that together we will strike the right balance between public and private rights. Feel free to call or write with any questions.

Sincerely,



Gregory Breese  
Shoreland Program Manager

CC: DNR Shoreland Team  
All Zoning Administrators

## Shoreland Zoning Ordinance Development-- compliance with minimum standards

### Completion of lake management grant application & scope

Complete a Lake Management Grant Application—form 8700-283 (R 11/07) found at:  
<http://dnr.wi.gov/org/caer/cfa/grants/Forms/8700283.pdf>  
(Grant program guidelines can be found at the same web address).

- Section I: Application type  
Check box “Lake Management Protection Grant” and “Ordinance Development”
- Section II: Applicant Information  
Complete in full per application directions. Leave “Lake Name” and “Size in Acres” blank.
- Section III: Project Information  
Fill in the project title and proposed ending date.
- Section IV: Lake Access  
Complete in full per application directions.
- Section V: Cost Estimate and Grant Request  
**Column 1--Cash Costs=\$5000.00.** The most common cash costs for ordinance development will be: Salaries, wages and employee services, consulting services, purchased services—printing/mailing, other purchased services(specify) or other (specify).  
**Column 2—Donated Value=\$1334.00 (minimum).** \*Note—the grant program will only reimburse up to 100% of project cash costs up to \$5000.00.  
**State Share Requested=\$5000.00**
- Section VI: Attachments  
A) Complete in full per application directions. Follow “Project Scope” directions below in place of A)7 on the grant application form.  
D) Check all that apply and attach the required information
- Section VII: Certification  
Sign and date application with required signatures

#### Project scope (choose one):

1. County zoning office for describes the purpose for the ordinance revision.
  - a. This must include a scope of the revision: what ordinances and sections will be revised?.
  - b. Coordinate with staff and county board: who will help with which tasks in the revision process?
2. Our county plans to revise the county ordinance by (check one):
  - o Adopting state minimum standards by adopting the provided model ordinance

Revising existing ordinance language to incorporate new standards using in comprehensive/general zoning codes  
The following processes outline the process for each of these approaches. Please modify them to suit your local needs, but maintain the legal requirements such as.

#### Adopt state minimum standards by adopting the provided model ordinance

- i. Publish notice
  1. Not the entire ordinance language, simply notice of where to obtain entire language
  2. 30-day class one notice needed
- ii. Address public comments
  1. What are the comments

2. Do the comments require changes
3. Give full accountability in writing of all comments
- iii. Create needed forms
  1. Use current with modifications
  2. Use DNR supplied forms
- iv. Adopt final language
  1. If there are no changes from the model, submit model with signatures, comments, and process documentation to DNR
  2. If there are changes to the model, submit to DNR with notes explaining what was changed with signatures, comments, process documentation.
- v. Notice of completion and effective date published with fact sheet or brochure containing basic public information for public use
  1. After certificate of compliance is issued by DNR
  2. After 30 business days of mailing if nothing is received from DNR
- i. Revise existing ordinance language to incorporate new standards using in comprehensive/general zoning codes. Insert language into existing ordinance using easily identifiable tracking system
  1. Discuss with DNR and Corp. counsel before adding language
  2. Preferred format is word with track changes on
- ii. Publish notice
  1. Not the entire language simply notice of where to obtain entire language
  2. 30-day class one notice
- iii. Address comments
  1. What are the comments
  2. Do the comments require changes
  3. Give full accountability in writing of all comments
- iv. Modify any necessary forms
  1. Use current with modifications
  2. Use DNR supplied forms
- v. Adopt final language
  1. If there are no changes from the model, submit model with signatures, comments, process documentation to DNR
  2. If there are changes to the model, submit to DNR with notes explaining what was changed with signatures, comments, process documentation
- vi. Notice of completion and effective date published with fact sheet or brochure containing basic public information for public use
  1. After certificate of compliance is issued by DNR
  2. After 30 business days of mailing if nothing sent by DNR

#### **Additional Grant Program Information**

Awarded grants are eligible for a 25% advance of total state share.

Documentation of expenses—For projects which will seek to attain compliance with minimum standards (total project costs not greater than \$6666.67), individual receipts do not need to be submitted for reimbursement. However, Authorized Representative will need to submit a signed certification that attests that they have contributed the required local match (a minimum of \$1666.67), and that they will retain match documentation for three (3) years after the last payment is made from DNR. For comprehensive zoning ordinance projects (total project costs greater than \$6666.67), individual receipts do need to be submitted for final reimbursement. In addition, sponsor will retain documentation for three (3) years after the last payment is made from DNR.

**AGREEMENT**  
Marinette County  
And  
Lake Noquebay Rehabilitation District

THIS AGREEMENT is entered into by and between the Marinette County (County) and the Lake Noquebay Rehabilitation District (District) for the purposes of operating and maintaining the Lake Noquebay dam.

FOR AND IN CONSIDERATION of the terms and conditions contained in this agreement, the above named parties agree:

1. PERIOD OF AGREEMENT: This agreement shall commence upon its signing by both parties and continue until December 31, 2010 during which period all performance as described in this agreement shall be fully completed to the satisfaction of the County.
2. CANCELLATION: The County reserves the right to cancel this agreement in whole or in part, without penalty, due to non-appropriation of funds or for failure of the District to comply with terms, conditions, and specifications of this agreement.
3. AGREEMENT AND AMENDMENTS: This agreement, together with the specifications, referenced parts and any amendments, shall constitute the entire agreement and previous communications or agreements pertaining to this contract are hereby superseded. Any agreement revisions including cost adjustments and time extensions shall be made by a written amendment to this agreement, signed by both parties prior to the ending date of this agreement.
4. ASSIGNMENT SUBCONTRACTS: This agreement or any right or duty in whole or in part by the District under this contract may be assigned, delegated or subcontracted to outside associates or consultants without the written consent of the County. The District will inform the County in writing along with copies of subcontracts or agreements of any such subcontractors and outside associates or consultants required in connection with the services covered by this agreement.
5. DESCRIPTION OF WORK: The District agrees to perform the following services to operate and maintain the Lake Noquebay dam in accordance with the Project Work Program, referred to as Attachment A, and made a part of this agreement by reference:
  - A. Dam Operation

B. Grounds & Maintenance

C. Record Keeping

6. COUNTY/DISTRICT CONTACTS: All communications regarding this agreement will be made through the designated County/District contacts. The designated contacts are:

County - Greg Cleereman  
Land Information-Land and Water Division  
1926 Hall Avenue  
Marinette, WI 54143-1717  
Tel: work (715) 732-7783

District - Miles Kresl Chairman, Board of Commissioners  
Lake Noquebay Rehabilitation District  
N8062 Boat Landing Rd  
Crivitz, WI 54114  
Tel: (715) 854-3617

7. TERMINATION:

- A. This agreement may be terminated in whole, or in part, in writing by the County in the event of substantial failure of the District to fulfil its obligation under this agreement, provided, that the County shall give the District not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of intent to terminate and an opportunity for consultation prior to termination.
- B. If termination is effected by the County an equitable adjustment in the price provided for in this agreement shall be made. Any payment due to the District (or County request to return a prorated amount of advance payment made to the District) at the time of termination may be adjusted to the extent of any additional costs occasioned to the County by reason of the District's default. The equitable adjustment for any termination shall provide for payment to the District for services rendered and reasonable expenses incurred prior to the termination. The County will not be responsible for District commitments, subcontracts or otherwise, for services that have not been delivered.
- C. Upon receipt of a termination action pursuant to paragraph A above, the District shall (1) promptly discontinue all services affected (unless the notice directs otherwise); and (2) deliver or otherwise make available to the County all data, reports, estimates, summaries, and such other information and materials as may have been accumulated by the District in performing this agreement, whether completed or in process.

- D. Upon termination pursuant to paragraph A above, the County may take over the work and carry on the same to completion by agreement with another party or otherwise.
- E. The rights and remedies of the County and the District provided in this clause are in addition to any other rights and remedies provided by law or under this agreement.

8. PAYMENT:

- A. The County agrees to reimburse the District a total of \$1,500.00 for the work to be done under this agreement. Compensation is intended to be provided from County funds as budgeted and approved by the Marinette County Board.
- B. The District agrees to provide the County with a bill for full \$1,500.00 advance payment upon the signing of this agreement by both parties; or bill in three payments - one-third after signing of agreement by both parties, one-third midway through the agreement period, and one-third at the end of the agreement period and the delivery of services outlined in Attachment A.
- C. Bill(s) shall be sent to:

Land Information Department  
Attn: Greg Cleereman  
1926 Hall Avenue  
Marinette, WI 54143-1717

9. RECORDS AND ACCESS: The District shall, for a period of three (3) years after completion and acceptance by the County, maintain books, records, documents, and other evidence directly pertinent to performance of work under this agreement in accordance with generally accepted accounting principles and practices. The District shall also maintain the financial information and data used in the preparation or support of the cost submission in effect on the date of execution of this agreement and a copy of the cost summary submitted to the County. The County, their agents, or any of their duly authorized representatives shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The District shall provide proper facilities for such access and inspection.

Records referred to the above shall be maintained and made available during the performance under this agreement and until three years from the date of final payment. In addition, those records which relate to any dispute, appeal or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

10. INDEPENDENT CONTRACTOR: The District is an Independent Contractor for all purposes, including workers' compensation, and is not an employee or agent of the County.
11. INDEMNIFICATION: The District agrees to save, keep harmless, defend and indemnify the County and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (County or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of District's employees, agents or representatives.
12. APPLICABLE LAW: The laws of the State of Wisconsin shall govern this agreement. The District shall at all times comply with all federal, state and local laws, ordinances, and regulations in effect during the period of this contract.

The undersigned, as representative of the County and as representative of the District, hereto agree to this agreement.

MARINETTE COUNTY

Date \_\_\_\_\_

By \_\_\_\_\_  
 Kathy Brandt  
 County Clerk

LAKE NOQUEBAY REHABILITATION DISTRICT

Date \_\_\_\_\_

By \_\_\_\_\_  
 Miles Kresl  
 Chairman, Board of Commissioners

**PROJECT WORK PROGRAM**  
**OPERATION & MAINTENANCE OF LAKE NOQUEBAY DAM**

**DAM OPERATION**

**Lake Levels**

In accordance with DNR permit 3-WR-576 the water level of Lake Noquebay is to be maintained between a minimum of 92.00 feet and a maximum of 92.40 feet at all times, insofar as it can be accomplished (holding the lake level between 92.25 feet and 92.33 feet whenever possible), except during the drawdown period. The winter drawdown allows Marinette County to lower the water level below the minimum established level of 92.00 feet to a level of 90.75 feet between October 15 and the spring break up/ice out of any calendar year. **The Lake Noquebay Rehabilitation District (District) will comply with these conditions to protect the public resources that are associated with Lake Noquebay and to avoid an enforcement action by the Wisconsin Department of Natural Resources.**

**Drawdown and Excessive Downstream Flows**

Excessive flows during drawdown can have a flushing effect on the downstream aquatic community and hamper recreation activities such as duck hunting and trapping. To minimize negative impacts of high flows, it is required that during the drawdown the lake level elevation must be drawn down only one inch each day. The Wisconsin Department of Natural Resources has calculated that this drawdown rate will pass approximately 100 cubic feet per second of water downstream in addition to the normal stream flow. This should allow enough time to draw the lake down to the 90.75 level before the freeze up and should also protect the downstream area from flooding. To optimize the drawdown, the lake level should be at the minimum 92.00 level before the drawdown begins on October 15. **The District will follow the above requirements to minimize the negative impacts of high flows during drawdown.**

**Minimum Flow Requirements**

Section 31.34 Wisconsin Statutes requires that a dam pass at all times at least 25% of the natural low flow of water on a stream. The purpose of this statute is to ensure that there will be adequate water to protect, enhance and preserve the downstream aquatic resource. Violations of this statute are subject to a \$1000 fine. The U.S. Geological Survey office in Madison has calculated this natural low flow to be 42 cubic feet per second, and that a four inch gate opening with the lake level at 90.75 feet would result in a flow of approximately 16 cubic feet per second and would satisfy the 25% of natural low flow requirement. **The District will comply with the 25% of the natural low flow requirements of this statute.**

**General**

The gauge on the dam should be checked daily to maintain water levels, and more frequently during periods of heavy runoff and during the drawdown and refilling of the lake. **The District will notify the Marinette County Land and Water Conservation Division (County) prior to the drawdown and refilling.**

## GROUNDS & MAINTENANCE

### Embankments

Preventing erosion and maintaining a good grass cover on the embankments increases the chance that the dam will be able to withstand overtopping. **The District will mow grass on the embankments so that it stays 4-8 inches tall; and keep the embankments free of trees, brush, and broadleaf plants.**

### Problem Reporting, Repairs and Authorization

The dam, gauge, light, walkway, and safety barriers need to be maintained in good working order and in safe condition. **The District will report embankment erosion problems, structural deterioration, need for repairs, and other problems to the County.** The District is authorized to spend up to \$50 for dam repairs or improvement without County authorization. The District has the authority to make necessary repairs if an emergency situation exists that requires immediate attention and they are unable to contact the County. Repair and improvement costs will be the responsibility of the County.

### Emergency Contacts

In the event of dam failure, or if dam failure appears imminent, **the District should contact Marinette County Sheriff Department at 911, Wisconsin Division of Emergency Government 24-Hour Emergency Hotline at 800 943-0003, and the Marinette County Land and Water Conservation Division at 732-7780.**

## RECORD KEEPING

### Daily Record of Operation

Maintaining a daily record of operation is important for liability protection and provides a historical record. **The District will maintain daily logs which include the recording of date of inspections, water levels, gate openings and settings, maintenance performed, and unusual occurrences.** The County will provide the District with appropriate daily log materials.

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4 **RESOLUTION NO. 2-10**  
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6 **SYNOPSIS:** RESOLUTION SUPPORTING DELAYED IMPLEMENTATION OF THE FARMLAND  
7 PRESERVATION REZONING CONVERSION FEE  
8  
9

10 **INTRODUCED BY:** Planning & Zoning Committee and Land & Water Conservation  
11 Committee  
12  
13

14 **To the Honorable Board of Supervisors of Columbia County:**  
15

16 **WHEREAS,** Columbia County has participated in the Wisconsin Farmland Preservation Program  
17 since the Columbia County Farmland Preservation Plan was adopted by the County Board in 1978 and  
18 exclusive agricultural zoning was adopted in 1978; and  
19

20 **WHEREAS,** Columbia County's participation in the Wisconsin Farmland Preservation Program  
21 has resulted in the preservation of productive agricultural land and allowed farmers to collect tax credits  
22 since 1978; and  
23

24 **WHEREAS,** the authorizing statute, Chapter 91 Wisconsin Statutes, remained largely unchanged  
25 for nearly 30 years until Governor Doyle and the Department of Agriculture, Trade, and Consumer  
26 Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to Chapter 91 in  
27 Assembly Bill 75, the proposed 2009-2011 state budget; and  
28

29 **WHEREAS,** Assembly Bill 75 was signed into law as 2009 Wisconsin Act 28 on June 29, 2009,  
30 and it revised Chapter 91 to require landowners to pay a rezoning conversion fee beginning on January 1,  
31 2010 when they rezone their land from the Agriculture zoning district to any other zoning district, whether  
32 or not they ever farmed the land or ever collected farmland preservation tax credits; and  
33

34 **WHEREAS,** Chapter 91 requires all counties to update their farmland preservation plan over the  
35 next 5 years and, within one year after plan adoption, requires counties to update their exclusive  
36 agricultural zoning ordinances to maintain certification for tax credit eligibility; and  
37

38 **WHEREAS,** Chapter 91 imposes the rezoning conversion fee on January 1, 2010, based on  
39 existing plans, ordinances and zoning maps, without the benefit of an updated farmland preservation plan  
40 or ordinance; and  
41

42 **WHEREAS,** charging the rezoning conversion fee is a burden on property owners who are not  
43 farmers, whose land is not currently being farmed, and who never collected farmland preservation tax  
44 credits in the past; and  
45

46 **WHEREAS,** the implementation of the rezoning conversion fee is an imposition on county  
47 government and places undue pressure on counties to act immediately to revise their plans and  
48 ordinances, without the benefit of state financial assistance; and  
49

50 **WHEREAS,** delaying implementation of the rezoning conversion fee until after revised plan and  
51 ordinance adoption and certification allows counties and landowners time to properly address all the  
52 planning and zoning requirements of the new Working Lands Program.  
53

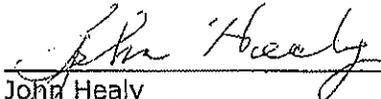
54 **NOW THEREFORE BE IT RESOLVED,** the Columbia County Board of Supervisors hereby  
55 requests that legislation be introduced and passed to delay the implementation of the farmland  
56 preservation rezoning conversion fee under §91.48(1)(b) Wisconsin Statutes until a county updates its  
57 farmland preservation plan and zoning ordinance and the plan and ordinance are certified by DATCP,  
58 and  
59

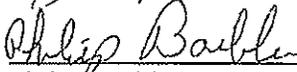
60 **BE IT FURTHER RESOLVED,** that this resolution be sent to Governor Doyle, Senator Mark  
61 Miller, Senator Luther Olsen, Rep. Fred Clark, Rep. Keith Ripp, the Senate Committee on Agriculture and  
62 Education, the Assembly Committee on Agriculture, DATCP Secretary Nilsestuen, all county clerks of  
63 Wisconsin counties with exclusive agricultural zoning and the Wisconsin Counties Association.  
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Fiscal Note: None

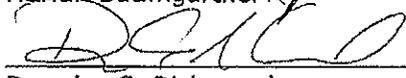
Fiscal Impact: Undetermined at this time.

  
\_\_\_\_\_  
John Healy

  
\_\_\_\_\_  
Philip Baebler

  
\_\_\_\_\_  
Fred C. Teitgen

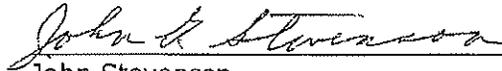
  
\_\_\_\_\_  
Harlan Baumgartner

  
\_\_\_\_\_  
Douglas S. Richmond

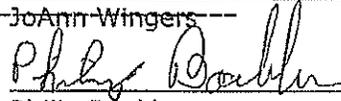
Planning & Zoning Committee

  
\_\_\_\_\_  
Robert Hamele

\_\_\_\_\_  
Donald Nelson

  
\_\_\_\_\_  
John Stevenson

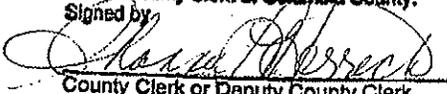
\_\_\_\_\_  
~~JoAnn Wingers~~

  
\_\_\_\_\_  
Philip Baebler

Land & Water Conservation Committee

STATE OF WISCONSIN  
COUNTY OF COLUMBIA  
CERTIFIED COPY

I certify that this is a true and exact copy  
of the original of which I am legal custodian  
for the County Clerk of Columbia County.

Signed by  
  
\_\_\_\_\_  
County Clerk or Deputy County Clerk

Date 1/20/10

# LANGLADE COUNTY



**RESOLUTION # 2-2010**

**INTRODUCED BY: WATER & LAND USE PLANNING COMMITTEE AND  
EXECUTIVE COMMITTEE**

**INTENT: SUPPORTING DELAYED IMPLEMENTATION OF FARMLAND  
PRESERVATION REZONING CONVERSION FEE**

**WHEREAS**, Langlade County has participated in the Wisconsin Farmland Preservation Program since the Langlade County Farmland Preservation Plan was adopted by the County Board in 1982 and exclusive agricultural zoning was adopted in 1985, and

**WHEREAS**, Langlade County's participation in Farmland Preservation has resulted in the preservation of prime agricultural land and allowed farmers to collect tax credits which has averaged a total of nearly \$190,000 per year since 1990, and

**WHEREAS**, the authorizing statute, Chapter 91 Wisconsin Statutes, remained largely unchanged in nearly 30 years until Governor Doyle and the Department of Agriculture, Trade, and Consumer Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to Chapter 91 in Assembly Bill 75, the proposed 2009-2011 state budget, and

**WHEREAS**, Assembly Bill 75 was signed into law as Wisconsin Act 2009 on June 29, 2009, and it revised Chapter 91 to require landowners to pay a rezoning conversion fee beginning on January 1, 2010 when they rezone their land from the A-1 Exclusive Agriculture district to any other zoning district, whether they ever farmed the land or ever collected farmland preservation tax credits, and

**WHEREAS**, Chapter 91 requires all counties to update their farmland preservation plan over the next 5 years and, within one year after plan adoption, requires counties to update their exclusive agricultural zoning ordinance to maintain certification for tax credit eligibility, and

**WHEREAS**, Chapter 91 imposes the rezoning conversion fee on January 1, 2010, based on existing plans, ordinances, and zoning maps, without the benefit of a new farmland preservation plan or ordinance, and

**WHEREAS**, charging the rezoning conversion fee is a burden on property owners who are not farmers, whose land is not currently being farmed, and who never collected farmland preservation tax credits in the past; and

**WHEREAS**, implementation of the rezoning conversion fee is an imposition on county government and places undue pressure on counties to act immediately to revise their plans and ordinances, without the benefit of state financial assistance, and

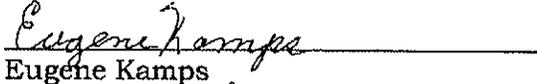
**WHEREAS**, delaying implementation of the rezoning conversion fee until after revised plan and ordinance adoption and certification allows counties and land owners time to properly address all the planning and zoning requirements of the new Working Lands Program.

**NOW THEREFORE, BE IT RESOLVED**, that the Langlade County Board of Supervisors hereby requests that legislation be introduced and passed to delay the implementation of the farmland preservation rezoning conversion fee under Wisconsin Statutes Section 91.48(1)(b) until a county updates its farmland preservation plan and zoning ordinance, and said plan and ordinance are certified by DATCP.

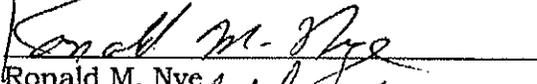
**BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to Governor Doyle, Senator Jim Holperin, Representatives Don Friske and Jeff Mursau, the Senate Committee on Agriculture and Education, the Assembly Committee on Agriculture, Secretary Nilsestuen, and all County Chairs or Clerks of Wisconsin counties with exclusive agricultural zoning and the Wisconsin Counties Association.

**WATER & LAND USE PLANNING COMMITTEE:**

  
Michael P. Klimoski, Chairman

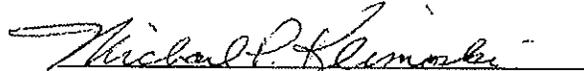
  
Eugene Kamps

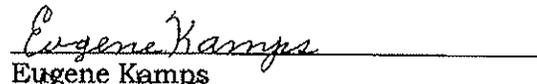
  
David Solin

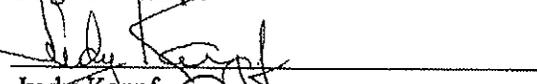
  
Ronald M. Nye

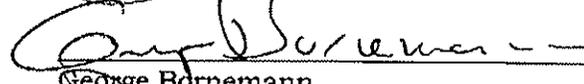
  
Frank Sus Jr.

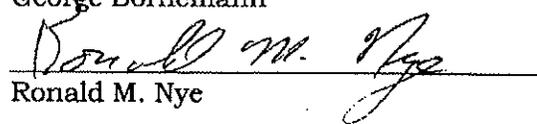
**EXECUTIVE COMMITTEE:**

  
Michael P. Klimoski, Chairman

  
Eugene Kamps

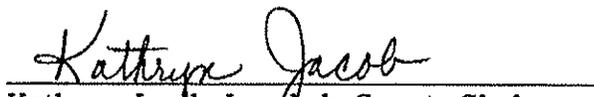
  
Judy Karpf

  
George Bornemann

  
Ronald M. Nye

**FISCAL NOTE: No fiscal impact.**

**ADOPTED BY THE COUNTY BOARD OF LANGLADE COUNTY THIS 19<sup>th</sup> DAY OF JANUARY, 2010.**

  
Kathryn Jacob, Langlade County Clerk

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# LANGLADE COUNTY



RESOLUTION # 4 - 2010

INTRODUCED BY: EXECUTIVE COMMITTEE

INTENT: To Oppose DOR County Assessment Proposal.

**WHEREAS**, the Wisconsin Department of Revenue (DOR) proposes to change from municipal assessment to county assessment of real and personal property;

**WHEREAS**, moving the assessment from the town, village, and city level to the county will take away local control and increase costs to the taxpayers;

**WHEREAS**, DOR acknowledges the costs of a county assessment system will be on average \$25 per parcel statewide, which will be a significant increase in property taxes from the county level at a time when increased property taxes are already a burden;

**WHEREAS**, property owners will lose the convenience of open book and board of review proceedings in their own municipality by having to travel to county sites for open book and board of review;

**WHEREAS**, the DOR proposal will provide little oversight over county assessment practices and no appeal rights of individual towns, villages, and cities of their municipal full value as determined by the county assessment;

**WHEREAS**, the DOR has expressed concern over some local assessment practices and other issues such as assessor certification and performance that can be addressed under the current municipal assessment system without mandating a county assessment system;

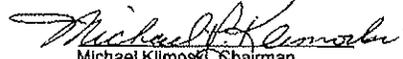
**WHEREAS**, the DOR proposal for "single value" assessment may reduce state costs for state equalization between municipal assessing districts, however there is no showing that "single value" assessment is required in Wisconsin, nor that the change to county assessment without state equalization will in fact bring more uniformity and equity to assessment practices;

**WHEREAS**, if valid concerns exist over current assessment practices of municipal assessment, these issues should be studied by the various interested stakeholders including local governments and assessors to determine if changes to municipal assessment practices could be implemented to improve the current system rather than blindly mandate county assessment;

**NOW THEREFORE, BE IT RESOLVED**, by the Langlade County Board of Supervisors to hereby oppose the implementation of county assessment in Wisconsin, and request that the State of Wisconsin, local governments and other stakeholders should study what changes, if any are found necessary, can be implemented to improve municipal assessment practices without necessarily eliminating the current system.

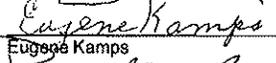
**FURTHER, BE IT RESOLVED**, that the County Clerk send a copy of this resolution to Governor Doyle, to the State Assembly Representatives and Senators representing Langlade County, to all Wisconsin counties, to the Wisconsin Counties Association, and to all City, Village, and Town Clerks within Langlade County.

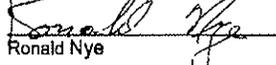
## EXECUTIVE COMMITTEE

  
Michael Kilmoski, Chairman

  
George Bornemann

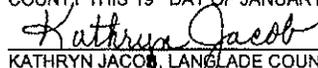
  
Judy Kapp

  
Eugene Kamps

  
Ronald Nye

**FISCAL NOTE:** If this legislation passes, the County would need to hire assessors and other additional staff costing the County a minimum of \$150,000 annually.

ADOPTED BY THE COUNTY BOARD OF LANGLADE COUNTY THIS 19<sup>th</sup> DAY OF JANUARY, 2010.

  
KATHRYN JACOB, LANGLADE COUNTY CLERK

