



November 13, 2018

## MARINETTE COUNTY BOARD OF SUPERVISORS

County Administrator – John Lefebvre  
Corporation Counsel – Gale R. Mattison

- |                       |                         |                        |
|-----------------------|-------------------------|------------------------|
| 1. Gilbert Engel      | 11. Mark Anderson       | 21. Vilas Schroeder    |
| 2. Alfred J. Sauld    | 12. Ginger Deschane     | 22. Don R. Pazynski    |
| 3. Tricia Grebin      | 13. Robert Holley       | 23. Ken Keller         |
| 4. Cary L. Whiting    | 14. Josh Anderson       | 24. Gail Wanek         |
| 5. Bill Stankevich    | 15. Glenn L. Broderick  | 25. Paul D. Gustafson  |
| 6. George Kloppenburg | 16. David M. Zahn       | 26. Shirley A. Kaufman |
| 7. Bonnie Lee Popp    | 17. Thomas E. Mandli    | 27. Ted J. Sauve       |
| 8. Robert Hoyer       | 18. Christopher Gromala | 28. Thomas Mailand     |
| 9. John Guarisco      | 19. Jillian Schutte     | 29. Rick Polzin        |
| 10. Penny Chaikowski  | 20. Michael J. Behnke   | 30. Allen L. Mans      |

Meeting called to order by Chair Mark Anderson at 9:00 a.m. at the Marinette County Courthouse.

Roll call taken by County Clerk Kathy Brandt. Quorum is present.

Pledge of allegiance and a moment of silent reflection held.

- Motion (Zahn/Engel) to approve the agenda. Motion carried. No negative votes.
- Motion (Behnke/Polzin) to approve the minutes of October 30 2018. Motion carried. No negative votes.

**PUBLIC COMMENT** – None

**ANNOUNCEMENTS** – None

**PROCLAMATIONS** – None

#### REPORTS

- Elderly Services Director Pam Mueller-Johnson - Annual report

#### ADMINISTRATOR REPORT

- Health and dental insurance renewal
- Employee evaluations
- Wellness Committee exploring revenue sources
- WPPA bargaining negotiations
- Development Committee will meet December 4, 2018 to discuss economic and community development strategies
- Medical Examiner interviews
- Group Home renovations and pending lease

- Utilization of services provided by Bay Lake Regional Planning Commission
- Johnson Controls – working with the City of Marinette to obtain required permit to place the interim measure system by Runnoe Park

#### APPOINTMENTS

- Motion (Behnke/Keller) to approve County Administrator's recommendation for the following appointments. Motion carried. No negative votes.
- Veterans Service Commission – Michael McGowan, Veteran – term expiring 11/30/2021
- Zoning Board of Adjustment – Harry Sokel moving from Alternate to permanent member – term expiring 06/30/2019
- Marinette County Group Home Association, Inc. Board – Ginger Deschane, Supervisor - term expiring 12/31/2020

Nicolet Federated Library System – Notice of vacancy

#### ORDINANCE No. 414-18

#### AMENDING THE GENERAL CODE OF ORDINANCES OF MARINETTE COUNTY - COUNTY GOVERNMENT CHAPTER 21 – SHORELAND-WETLAND ZONING CODE

- Motion (Holley/Mandli) to approve Ordinance No. 414-18 "Amending the General Code of Ordinances of Marinette County – County Government Chapter 21 – Shoreland-Wetland Zoning Code". Motion carried. No negative votes. Exhibit A

**RESOLUTION No. 504-18**

**RESOLUTION TO URGE THE STATE TO INCREASE FUNDING AND COMPENSATION FOR PUBLIC DEFENDER APPOINTMENTS**

WHEREAS, criminal cases continue to rise due to a variety of factors including increased drug crimes; and

WHEREAS, both the United States Constitution and the Constitution of the State of Wisconsin provide that persons accused of a crime have the right to counsel; and

WHEREAS, in Wisconsin, the Office of the Public Defender provides counsel to those persons meeting income eligibility guidelines for services; and

WHEREAS, counsel appointed to represent these indigent defendants are often private bar attorneys that have agreed to take Public Defender appointments; and

WHEREAS, almost 40% of State Public Defender cases are appointed to private bar attorneys statewide; and

WHEREAS, the of State Public Defender cases are appointed to private bar attorneys statewide; and

WHEREAS, the rate of compensation for private bar attorneys is \$40 per hour for court time and \$25 per hour for travel time; and

WHEREAS, this rate of compensation for private bar attorneys is the lowest in the nation and has not been increased since 1995; and

WHEREAS, judges are increasingly being forced to appoint counsel at county expense for persons for whom the public defender cannot find representation due to a lack of available counsel, as a result of the low compensation rate; and

WHEREAS, this results in costs to counties if judges appoint private counsel, increased costs to jail persons held before trial pending appointment of counsel, and a delay in obtaining justice for victims; and

WHEREAS, this shortage of attorneys willing to accept Public Defender appointments at the current rate of compensation has created a burden on the courts and Wisconsin counties;

NOW, THEREFORE BE IT RESOLVED, that the Marinette County Board of Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Office of the Public Defender to ensure that the criminal justice system operates effectively and efficiently; and

BE IT FURTHER RESOLVED, that the Marinette County Board of Supervisors does hereby support increasing the rate of reimbursement for private bar attorneys appointed by the Public Defender's Office to a market rate that will ensure the prompt appointment of counsel and will ensure that cases are handled in a timely and efficient manner; and

BE IT FURTHER RESOLVED; that the Marinette County Clerk is directed to forward a copy of this resolution to the Office of Governor Scott Walker, the Wisconsin Counties Association, and the state legislators that represent the citizens of Marinette County.

Approved this 13th day of November 2018 by a majority vote of a quorum of the Marinette County Board.

- Motion (Keller/Guarisco) to approve Resolution No. 504-18 "*Resolution to Urge the State to Increase Funding and Compensation for Public Defender Appointments*". Motion carried. No negative votes.

**INFRASTRUCTURE**

- Motion (Mans/Sauld) to approve 2019 Annual Work Plan for the Forestry Department. Motion carried. No negative votes.
- Motion (Mans/Behnke) to approve a lease agreement with Advocates for Healthy Transitional Living for the building and property located at N2981 Schacht Road, former Crossroads Group Home, pending Corporation Counsel's approval. Motion carried. No negative votes.

**HEALTH AND HUMAN SERVICES BOARD**

- Motion (Gustafson/Polzin) to approve Purchase of Service Contract #18-34 with Advocates for Healthy Transitional Living in the amount of \$44,883.04, for administration of the Share Academy from 12/01/18 through 12/31/18, subject to Corporation Counsel's approval. Motion carried. No negative votes.

- Motion (Gustafson/Behnke) to approve Purchase of Service Contract #18-36 with Northwest Passage in the amount of \$27,843.64 for out-of-home, subject to Corporation Counsel's approval. Motion carried. No negative votes.
- Motion (Gustafson/Wanek) to approve Provider contract amendment with Clarity Care, subject to Corporation Counsel's approval. Motion carried. No negative votes.
- Motion (Gustafson/Hoyer) to approve one-year agreement with Elderly Services, subject to Corporation Counsel's approval. Motion carried. No negative votes.

#### **ADMINISTRATIVE**

- Motion (Schroeder/Grebin) to approve the purchase of Microsoft Server 2019 Datacenter Edition licensing and Microsoft Client Access licensing in the amount of \$37,484.40 from CDWG. Motion carried. No negative votes.
- Motion (Schroeder/Stankevich) to approve transfer not to exceed \$15,471 from the Highway Department fund balance to account number 53280000-53890 to cover the cost of two cameras at \$2,890 and the creation of a wireless network at \$12,581 for the Peshtigo Highway Shop. Motion carried. No negative votes.
- Motion (Schroeder/Polzin) to approve transfer of \$100,000 from contingency fund to self-insurance fund. Motion carried. No negative votes.
- Motion (Schroeder/Behnke) to approve the 2019 Health Insurance employee/retiree contribution for Anthem Blue Cross/Blue Shield Blue Priority Network plan at 10% and the Blue Preferred Network plan at 15%. Motion carried. No negative votes.
- Motion (Schroeder/Grebin) to approve renewing Wisconsin County Mutual Insurance Corporation Excess Workers Compensation & Claims Administration for 2019 at a cost of \$54,783, subject to Corporation Counsel's approval. Motion carried. No negative votes.
- Motion (Schroeder/Polzin) to approve Amendment 92 to the Personnel Policies and Procedures Manual Section 1.30 Miscellaneous Provisions, (n) Sheriff Department Duty Weapons. Motion carried. No negative votes.

#### **DEVELOPMENT**

- Motion (Sauve/Broderick) to approve Town of Pound's request to rezone parcel #028-00150.001, located in part of the SE SW S11 T30N R20E lying at the intersection of County Road CP and West 16<sup>th</sup> Road from B-1 Mixed Use Commercial Business to A1/R1 Agricultural/Residential. Motion carried. No negative votes.
- Motion (Sauve/Popp) to approve 2019 UW-Extension 136 Contract, subject to Corporation Counsel's approval. Motion carried. No negative votes.
- Motion (Polzin/Kloppenborg) to adjourn at 10:01 a.m. Motion carried. No negative votes.

Next meeting scheduled for December 18, 2018.

**Kathy Brandt, County Clerk**

Any exhibits/attachments mentioned above are available for public viewing and per the Marinette County copy policy upon request to the County Clerk.

Date approved/corrected:

**ORDINANCE No. 414-18**

**AMENDING THE GENERAL CODE OF ORDINANCES OF  
MARINETTE COUNTY - COUNTY GOVERNMENT  
CHAPTER 21 – SHORELAND-WETLAND ZONING CODE**

The Marinette County Board of Supervisors does ordain as follows:

Section One: Chapter 21 – Shoreland-Wetland Zoning Code of the Marinette County Code of Ordinances is amended to read as follows:

**CHAPTER 21  
SHORELAND-WETLAND ZONING**

**INDEX**

**21.055 IMPERVIOUS SURFACE STANDARDS**

- ...
- (4) ~~Impervious Surface~~ Mitigation Options
- ...

**21.06 SETBACKS AND STRUCTURES**

- ...
- (11) Illegal Structures – Maintenance, Repair, or Replacement
- ...

**21.04 LAND DIVISION REVIEW AND SANITARY REGULATIONS**

- ...
- (10) Planned Residential Unit Development.**
  - ...
  - b. REQUIREMENTS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENT. The County Board at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development either by approving first an overlay district and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:
    - ....
    - (5) Lot Sizes, Widths, Setbacks and Vegetation Removal. The lot sizes, widths, and setbacks shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. Increased shoreland setbacks shall be a condition of approval as a way of minimizing the adverse impacts of the development. Shore cover provisions in Section 21.07 shall apply except that maximum width of the view/access corridor shall not exceed thirty ~~five~~ (30~~5~~%) percent of the shoreland frontage or one hundred (100) feet whichever is less and the minimum vegetative

1 buffer depth shall be increased to offset the impact of the proposed  
2 development.

3 ...  
4 **21.055 IMPERVIOUS SURFACE STANDARDS**

5 ...  
6 (3) **Impervious Surface Standard.** Not more than 15% impervious surface of  
7 any lot or parcel ~~is permitted with exception to existing impervious surfaces.~~  
8 ~~Greater than 15% impervious surface of a lot or parcel is permitted provided~~  
9 ~~the~~ If a property owner can show that runoff from any impervious surface ~~in~~  
10 excess of 15% is treated by devices, such as, storm water ponds, constructed  
11 wetlands, infiltration basins, other engineered systems or that the runoff  
12 discharges to internally drained pervious area that retains the runoff on the  
13 parcel to allow for infiltration into the soil ~~this area of the lot or parcel shall~~  
14 not be included in the calculation to determine the percentage of impervious  
15 surface. In addition to the treatment options, ~~or~~ mitigation options identified  
16 in sub par. (4) below ~~may be are~~ utilized: to increase the maximum  
17 impervious surface up to thirty (30) percent.

18  
19 (4) **Impervious Surface Mitigation Options.** The property owner is obliged to  
20 create, maintain and/or preserve any mitigation option(s) the owner selects  
21 from the options below. The owner shall evidence such obligation by  
22 recording an affidavit to the effect in the County Register of Deeds Office  
23 before the permit is issued. Mitigation options available are:

24 (a) **Vegetation buffer.** The 15% impervious surface standard shall be  
25 increased by five (5) percent for every twelve (12) feet of the vegetation  
26 protection area that exists or is created in accordance with the  
27 requirements of S21.07 (5) (a).

28 (a)(b) **Reduced access and vision corridor.** An additional two (2) percent  
29 of impervious surface shall be granted for every twelve (12) feet the  
30 vegetation protection area reference above extends into the access and  
31 view corridor identified in S21.07 (2) (a). ~~It is the property owner's~~  
32 ~~obligation to create, maintain and/or preserve this vegetation protection~~  
33 ~~area which shall be evidenced by an affidavit recorded in the County~~  
34 ~~Register of Deeds Office prior to the issuance of the permit.~~

35 (b)(c) **Rain garden.** A rain garden designed based on the following  
36 parameters: size of the rain garden shall be one quarter square foot of rain  
37 garden for every one square foot of impervious surface to be treated and  
38 the rain garden shall be no greater than 12 inches in depth nor less than 4  
39 inches in depth as measured from original ground surface. If runoff from  
40 an impervious surface is treated by a rain garden, the square footage of  
41 that impervious surface is not part of the calculation for the lot.

42 (e)(d) **Others.** At the discretion of the Zoning Administrator and with  
43 the approval of the Zoning Agency, up to five (5) %-percent additional  
44 impervious surface mitigation credit may be approved for an activity that  
45 provides significant benefits to meet the objectives of this Chapter: and are  
46 proportional to the impact of increase impervious surfaces.

1  
2 **21.06 SETBACKS AND STRUCTURES**

3 ...  
4 **(11) Illegal Structures – Maintenance, Repair, Replacements. (§59.692**  
5 **(1k)(a)2c, & (1t) Wis. Stats) the County may not commence an enforcement**  
6 **action against any person who owns a building or structure that is in violation of**  
7 **this chapter if the building or structure has been in place for more than ten (10)**  
8 **years. The building or structure may be maintained, repaired, replaced, restored,**  
9 **rebuilt or remodeled however no vertical or lateral expansion shall be permitted**  
10 **unless the structure is in compliance or brought into compliance with the**  
11 **provisions of this chapter.**

12  
13 **21.07 REMOVAL OF SHORE COVER**

14 ...  
15 **(2) Vegetation Removal or Modification.** On each lot, trees, shrubbery and  
16 groundcover vegetation shall be protected in an area bounded by the ordinary  
17 high water mark and a line which is thirty five (35) feet from the ordinary high  
18 water mark. Land disturbing activities and vegetation removal are prohibited  
19 within the vegetation protection area with these exceptions:

- 20 (a) Establishment by selective cutting and pruning of existing vegetation of  
21 ~~one~~ view/access corridor with combined widths not to exceed thirty five  
22 (35%) percent of the shoreline frontage or one view and access corridor of  
23 thirty five (35) feet for every hundred feet of frontage. The view/access  
24 corridor shall be more or less perpendicular to the shore. Sufficient trees  
25 and shrubbery shall be retained to screen development from view from the  
26 water, while providing a filtered view of the water during the summer  
27 season and to protect aquatic and shoreline wildlife habitat, control  
28 erosion, and reduce effluent and nutrient flow from the shoreland. Clear  
29 cutting, filling, grading and other land disturbing activities are not  
30 permitted in the view/access corridor. If a view/access corridor already  
31 exists on the lot, it shall be restored with native vegetation to the extent  
32 practicable based on a plan approved in accordance with the requirements  
33 of subpar. (5) before another view/access corridor is established.

34 ...  
35 **(5) Mitigation Activities.** The mitigation plan shall be approved by the Zoning  
36 Administrator or the County Zoning Agency. The plan shall include an  
37 implementation schedule, identify one or more of the mitigation options  
38 outlined in s. 21.055(4). and shall comply with the following requirements:  
39 ...

40 **21.08 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND**  
41 **EXCAVATING**

42 ...  
43 **(2) Permit Required.** Except as provided in subpar. (3), a staff approved  
44 conditional use-filling and grading permit is required.

45 ...  
46 **21.10 NONCONFORMING USES AND STRUCTURES**

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**(3) Nonconforming Structures.**

...

**(c) SHORELINE SETBACK NONCONFORMITIES**

...

(3) ...

(a) Any horizontal expansions within the setback area shall be limited to a maximum of two hundred (200) square feet over the life of the structure and no portion of the horizontal expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure. Such expansion shall comply with all side yard and road setbacks. Any portion of a horizontal expansion in excess of two hundred (200) square feet shall comply with all setbacks as required by section 21.06 of this chapter. In addition, mitigation equivalent to a five (5) percent reduction in the impervious surface area of the lot or parcel shall be completed in accordance with S21.055 (4)7(5).

Section Two: This ordinance as amended shall be effective January 1, 2019.

ADOPTED: November 13, 2018

\_\_\_\_\_  
Mark Anderson, Chairperson

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Kathy Brandt, County Clerk

Recommended – Development Committee – November 6, 2018

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Marinette County Finance Department  
Fiscal Impact Statement

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Number 414 -18

Ordinance  Resolution

**AMENDING THE GENERAL CODE OF ORDINANCES OF  
MARINETTE COUNTY – COUNTY GOVERNMENT CHAPTER 21 –  
SHORELAND-WETLAND ZONING CODE**

Fiscal Impact Statement:

No fiscal impact.

*Laura Mans*

\_\_\_\_\_  
Laura Mans  
Interim Finance Director

November 8, 2018

\_\_\_\_\_  
Date