

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
JULY 18, 2007

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the **REGULAR** meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, July 18, 2007, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order at 7:00 p.m.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Warpinski, De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Evans, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, Zabel, Scray, Hoeft, Lund, Fewell

Excused: De Cleene

Supervisor Zima arrived at 7:05 p.m.

Supervisor Vander Leest arrived at 7:08 p.m.

Total Present: 25 Total Excused: 1

No. 1 -- Adoption of Agenda.

A motion was made by Supervisor La Violette and seconded by Supervisor De Wane **“to adopt the agenda”**. Voice vote taken. Motion carried unanimously with no abstentions.

No. 2 -- PUBLIC FORUM/COMMENTS FROM THE PUBLIC ON AGENDA ITEMS.
None.

No. 3 -- APPROVAL OF MINUTES OF COUNTY BOARD OF JUNE 20, 2007

A motion was made by Supervisor Fleck and seconded by Supervisor Clancy **“to adopt the County Board Minutes of June 20, 2007”**.

Supervisor Evans questioned why #9f was not referred to the Executive Committee. Discussion followed. Supervisor Evans will write a late communication on having resolution #9f referred to the August Executive Committee meeting.

Voice vote taken. Motion carried unanimously with no abstentions.

No. 4 -- ANNOUNCEMENTS BY SUPERVISORS.

Supervisor Fewell announced that Pulaski “Polka Days” are this weekend and he encouraged everyone to attend Polka Days and the Parade.

Supervisor Clancy announced that the 2006 Annual Report for Bay Lakes Regional Planning was on the Supervisor's desks this evening.

Supervisor Backmann stated that the Reading Program for Kids at the Brown County Library should be commended. He has his children involved in this program and he wants Brown County citizens to recognize what a great job the Brown County Library System does.

Supervisor Dantine announced that the 5th Annual Run/Walk for the New Franken Fire Department is August 5th. He also announced that the Annual Sugar Bush Soft Ball Tournament will be August 11th. He is still looking for players.

Supervisor Evans announced that the Annual Church Picnic for Annunciation Parish is on Sunday August 12th and the mass is scheduled for 10:00 a.m. He invited everyone to attend.

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No. 5 -- COMMUNICATIONS. None
LATE COMMUNICATIONS:

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No. 5a -- FROM SUPERVISOR LA VIOLETTE REGARDING: I REQUEST A COST
BENEFIT ANALYSIS FROM OUR COUNTY ADMINISTRATION
DEPARTMENT OF THE PROPOSED IMMIGRATION RESOLUTION.

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Refer to Executive Committee.

No. 5b -- FROM SUPERVISOR ZELLER REGARDING: THAT THE COUNTY BOARD
ESTABLISH A POLICY TO ADDRESS/PROCESS POSITION
RECLASSIFICATIONS (EITHER APPROVE OR DENY) WITHIN 60 DAYS OF
SUBMITTAL.

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Refer to Administration Committee.

No. 5c -- FROM SUPERVISOR DANTINNE REGARDING: TO HAVE THE HIGHWAY
DEPARTMENT LOOK INTO A STREET LIGHT ON THE CORNER OF
COUNTY T AND LUXEMBURG ROAD DUE TO THE HIGH VOLUME OF
TRAFFIC.

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Refer to Planning, Development and Transportation Committee.

No. 5d -- FROM SUPERVISOR HOEFT REGARDING: TO EVALUATE FOR SAFETY
MEASURES THE INTERSECTION OF J AND HILLCREST IN HOBART.

Refer to Planning, Development and Transportation Committee.

No. 5e -- FROM SUPERVISOR ERICKSON REGARDING: THE PLANNING,
DEVELOPMENT AND TRANSPORTATION COMMITTEE REVIEWS
SEVERAL BUDGETS EACH MONTH JUST AS ALL COMMITTEES DO.
MYSELF, ALONG WITH THE ENTIRE PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE WOULD LIKE TO BRING THIS
SUGGESTION TO THE BOARD TO HELP SIMPLIFY THE TASK OF
REVIEWING THESE BUDGETS. JUDY KNUDSEN, FROM UW EXTENSION,
USES A BAR GRAPH TO PRESENT HER MONTHLY BUDGET. THE GRAPH

CONTAINS THE ORIGINAL BUDGETED DOLLARS AND THE REMAINING DOLLARS LEFT FOR THE YEAR. THIS FORMAT IS VERY EASY TO REVIEW AND WE RECOMMEND THAT THE BOARD ADOPT THIS GRAPH FORMAT FOR ALL DEPARTMENT MONTHLY BUDGET REPORTS. ENCLOSED IS AN EXAMPLE OF THE UW BUDGET FROM MAY AND A TEMPLATE TO WORK FROM EACH MONTH.

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Refer to Administration Committee.

No. 5f -- FROM SUPERVISOR EVANS REGARDING: TO HAVE THE CORPORATION COUNSEL DRAFT AN ORDINANCE DELEGATING AUTHORITY TO BROWN COUNTY GOVERNMENT TO REGULATE THE EMPLOYMENT OF UNDOCUMENTED WORKERS IN BUSINESSES. HAVE THIS PLACED ON THE AUGUST EXECUTIVE COMMITTEE AGENDA.

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Refer to Executive Committee.

No. 6 -- APPOINTMENTS.

No. 6a -- APPOINTMENT/CONFIRMATION BY COUNTY EXECUTIVE TOM HINZ OF MARK QUAM AS HUMAN SERVICES DIRECTOR

A motion was made by Supervisor Warpinski and seconded by Supervisor Johnson **“to approve the appointment/confirmation of Mark Quam as Director of Human Services Department”**.

A motion was made by Supervisor Johnson and seconded by Supervisor Dantine **“to allow interested parties to address the Board”**. Voice vote taken. Motion carried unanimously with no abstentions.

Supervisors Scray, Vander Leest, Erickson, Fewell and Nicholson asked questions of Mr. Quam.

A motion was made by Supervisor Dantine and seconded by Supervisor Johnson **“to return to the regular order of business”**. Voice vote taken. Motion carried unanimously with no abstentions.

After further discussion, a vote was taken on the original motion **“to approve Mark Quam as the Human Services Director”**. Roll Call #6a(1):

Ayes: Warpinski, Theisen, Krueger, Haefs, Erickson, Kaye, Evans, Johnson, La Violette, Van Deurzen, Fleck, Clancy, Zabel, Hoeft, Fewell

Nays: De Wane, Nicholson, Zima, Vander Leest, Dantine, Zeller, Kaster, Backmann, Scray, Lund

Excused: De Cleene

Total Ayes: 15 Total Nays: 10 Excused: 1

Motion carried **“to approve”**.

No. 6b -- APPOINTMENT OF WA YIA THAO TO EQUAL OPPORTUNITIES IN HOUSING COMMISSION

A motion was made by Supervisor Johnson and seconded by Supervisor Warpinski **“to approve the above appointment”**. Voice vote taken. Motion carried unanimously with no abstentions.

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No. 7a -- COUNTY EXECUTIVE REPORT

County Executive Hinz asked the County Board to work with our Human Services Mark Quam and to

please give him a chance. He gave examples of Mr. Quam's background and feels he will do a great job for Brown County.

Executive Hinz announced that Emergency Government received a grant in the amount of \$7,750.

Mr. Hinz stated on June 21st the Arena roof was looked at and a new roof is necessary. He added that it was quite an experience to be at the top of the arena.

Executive Hinz discussed with Jerry Polus, Veterans Services Officer, the renaming of the Executive Conference room to the Veterans' Conference Room. Mr. Hinz explained the Conference Room in the Sheriff's Department was named after a fallen officer, Mr. Truttmann.

Mr. Hinz announced that he met with Congressman Kagen at the Mental Health Center on July 2nd in hopes of having a Veteran's Clinic at the Mental Health Center. He will keep County Board updated on this progress.

Executive Hinz announced that the budgets were handed out on July 9th and Department Heads will be meeting with him in the coming weeks.

Executive Hinz met with the Wellness and Benefits Committee to look at ways to keep our costs down. He expressed how impressed he was with the dedication of the committee members.

Mr. Hinz met with Mayor Schmitt regarding downtown homelessness issues. He added that he intends to meet with other Brown County municipal leaders as well.

No. 7b -- REPORT BY BOARD CHAIRMAN.

Chairman Lund announced that the Brown County Fair is August 15 thru August 19th, with August 19th being Veterans' Day at the fair. All Veterans can obtain tickets for \$5.00 from the Veterans Services Office or at the Aging and Disability Resource Center.

Chairman Lund announced that mileage reports are due in the County Board Office by July 31st.

Mr. Lund stated the reason why he voted against re-hiring Mark Quam as the Human Services Director. He felt it was time to bring in fresh faces for department heads.

No. 8 -- OTHER REPORTS.

No. 8a -- TREASURER'S FINANCIAL REPORTS FOR THE MONTHS OF MARCH 2007 AND APRIL 2007

BROWN COUNTY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF MARCH 2007

Following is a statement of the county Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of MARCH 31, 2007

Associated Bank	\$ 2,755,728.10
Wisconsin Development fund	(14,398.54)
Sweep Account (Repurchase Agreements)	528,816.66
Deposits in Transit	102,432.21
Emergency Fund	(33,634.70)
Non-sufficient Fund Checks Redeposited	0.00
Workers Comp Acct.	0.00
Wausau Benefit Sweep Acct.	(3,649.94)

E-Flex Sweep Account	(598,497.80)
Deposit Adjustment	0.00
Bank Error(s)	0.00
Total	<u>2,736,797.99</u>
Less Outstanding Checks	(1,300,716.63)
Other Reconcilable Items	0.00
Balance Per Cash Book	\$ <u>1,436,081.36</u>

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of MARCH 31, 2007.

Year-to-Date Interest Received - Prior Month	886,303.74
Interest Received - Current Month	<u>557,391.75</u>
Year-to-Date Interest Received on Unrestricted Funds	\$ <u>1,443,695.49</u>

Working Capital Reserves Invested	132,315,481.80
Restricted Investments	<u>8,315,607.74</u>
Total Funds Invested	\$ <u>140,631,089.54</u>

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of MARCH 31, 2007 and the statement of Investments for the month of MARCH have been compared and examined, and found to be correct.

 /s\ Kerry M. Blaney
County Treasurer

Approved by:
 /s\ Tom Hinz 7/23/07
County Executive Date

**BROWN COUNTY TREASURER'S FINANCIAL REPORT FOR THE
MONTH OF APRIL 2007**

Following is a statement of the County Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of APRIL 30, 2007

Associated Bank	\$ 2,528,968.19
Wisconsin Development Fund	(377.16)
Sweep Account (Repurchase Agreements)	1,759,744.45
Deposits in Transit	189,987.33
Emergency Fund	(21,360.14)
Non-sufficient Fund Checks Redeposited	45.84
Workers Comp Acct	200.00
Wausau Benefit Sweep Acct	(18,086.06)
E-Flex Sweep Account	(546,215.54)
Deposit Adjustment	0.00
Bank Error(s)	0.00
Total	<u>3,892,906.91</u>

Less Outstanding Checks	(1,156,216.75)
Other Reconcilable Items	0.00
Balance Per Cash Book	\$ 2,736,690.16

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of APRIL 30, 2007.

Year-to-Date Interest Received - Prior Month	1,443,695.49
Interest Received - Current Month	584,313.36
Year-to-Date Interest Received on Unrestricted Funds	\$ 2,028,008.85

Working Capital Reserves Invested	129,429,458.49
Restricted Investments	2,743,333.83
Total Funds Invested	\$132,172,792.32

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of APRIL 30, 2007 and the statement of Investments for the month of APRIL have been compared and examined, and found to be correct.

\s\ Kerry M. Blaney
County Treasurer

Approved by:

\s\ Tom Hinz 7/23/07
County Executive Date

A motion was made by Supervisor Vander Leest and seconded by Supervisor Nicholson **“to receive and place on file”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 9 -- STANDING COMMITTEE REPORTS:

No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF JUNE 26, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on June 26, 2007, and recommends the following motions:

- 1. Review minutes of:
 - a. Housing Authority (5/21/07).
Receive & place on file.
- 2. Communication from Supervisor Vander Leest re: Request for a budget update from County Executive Hinz and related targets for each department. (Referred from June 20, 2007 County Board meeting. Hold until July meeting for an update on the 2008 budget.
- 3. Facility Management - 2008 Budget – Table of Organization Changes. Approve.

4. Facility Management - Budget Status Financial Report for April 30, 2007. Receive & place on file.
5. Information Services - Approval to submit RFP for engineering and design services for Brown County and City of Green Bay Joint Fiber Optic Project. (Requested by Kevin Raye). Approve moving forward with the RFP process.
6. County Clerk - Budget Status Financial Report attached for May 2007. Receive & place on file.
7. County Clerk - Resolution re: Brown County Clerk's Department change in Table of Organization: Add .75 FTE Clerk Typist I (Elections). Receive & place on file. (Referred to Executive Committee.)
8. Treasurer's Financial Report for March 2007 and April 2007. Receive & place on file.
9. Treasurer - Banking RFP-Draft. Approve moving forward with the RFP process.
10. Corporation Counsel - Request for Budget Transfer (#07-41): Increase in Expenditures with Offsetting Increase in Revenue: State of Wisconsin re-allocated \$10,888 with a federal match of \$21,135 which gives the Child Support Agency \$32,023 to spend on child support related items. Approve.
11. Corporation Counsel - Budget Status Financial Report for Corporation Counsel & Child Support attached for May 2007 (not available). Hold until July meeting.
12. Human Resources - Budget Status Financial Report attached for May 2007. Hold until July meeting.
13. Human Resources - Monthly Committee Report for May 2007. Receive & place on file.
14. Human Resources - Communication from Supervisor Warpinski re: Request that Brown County merge the Human Resources Department with the Department of Administration under the direction of Director of Administration. (Referred from June 20, 2007 County Board meeting.) Hold until July meeting.
15. Human Resources - Resolution re: Approving reclassification of two Human Resources Department positions. (Referred from June 20, 2007 County Board meeting.) Approve with a request that Corporation Counsel gives a written opinion of County Code (4.51 and 4.59) relative to non-union employees and whether the County is required to pay back retroactively by code with a response by July 18, 2007. See Resolutions, Ordinances July County Board.
16. ** Human Resources - Communication from Supervisor Vander Leest re: Request to change the Brown County Code related to back pay for non-union employees for reclassifications. (Referred from June 20, 2007 County Board meeting.) Change Brown County Code to eliminate back pay for non-union employees. Ayes: 2 (Haefs, Zeller); Nays: (Krueger, Warpinski). Excused 1 (Hoefl). Motion defeated.

** ITEM #16 --Refer back to Administration Committee as per the County Board on 7/18/2007.

17. Dept. of Administration - Budget Status Financial Report attached for May 2007. Receive & place on file.
18. Dept. of Administration - 2007 Budget Transfer Log. Receive & place on file.
19. Dept. of Administration - Asset Maintenance Fund Expenditures. No action.
20. Dept. of Administration - Government Financial Officers Association Award for 2007 Annual Budget. No action.
21. Audit of bills. Approve audit of bills.

A motion was made by Supervisor Warpinski and seconded by Supervisor Van Deurzen **"to adopt"**. Supervisor Vander Leest requested item #15 be taken separately; and Supervisor Haefs requested item #16 be taken separately.

A motion was made by Supervisor Scray and seconded by Supervisor Clancy **"to approve the remainder of the report"**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #15 -- Human Resources - Resolution re: Approving reclassification of two Human Resources Department positions. (Referred from June 20, 2007 County Board Meeting.) COMMITTEE ACTION: Approve with a request that Corporation Counsel gives a written opinion of County Code (4.51 and 4.59) relative to non-union employees and whether the County is required to pay back retroactively by code with a response by July 18, 2007.

Chairman Lund suggested Supervisor Vander Leest wait until this item is addressed under Resolution #10a. Supervisor Vander Leest agreed.

Item #16 -- Human Resources - Communication from Supervisor Vander Leest re: Request to change the Brown County Code related to back pay for non-union employees for reclassifications. (Referred from June 20, 2007 County Board Meeting.) COMMITTEE ACTION: Change Brown County Code to eliminate back pay for non-union employees. Ayes: 2 (Haefs, Zeller); Nays: 2 (Krueger, Warpinski); Excused: 1 (Hoeft). Motion defeated.

Supervisor Haefs stated that the code should be changed regarding back pay for non-union employees. He explained his thoughts and discussion followed.

A motion was made by Supervisor Haefs and seconded by Supervisor La Violette **“to refer back to the Administration Committee”**. Vote taken. Roll Call #9a16(1):

Ayes: Warpinski, Haefs, Erickson, Kaye, Johnson, La Violette, Backmann, Van Deurzen, Fleck, Clancy, Zabel, Hoeft, Lund, Fewell

Nays: De Wane, Nicholson, Theisen, Krueger, Zima, Evans, Vander Leest, Dantine, Zeller, Kaster, Scray

Excused: De Cleene

Total Ayes: 14 Total Nays: 11 Excused: 1

Motion carried.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 9b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF JULY 5, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION & RECREATION COMMITTEE met in regular session on July 5, 2007 and recommends the following:

1. Arena/Expo Centre Resch Centre - Event Attendance May 2007. Receive & place on file.
2. Communication from Supervisor Tom De Wane re: Place ladders on the docks at Bay Shore Park. (Referred from June 20, 2007 County Board meeting.) Receive & place on file.
3. NEW Zoo - Budget Status Financial Report for May 31, 2007. Receive & place on file.
4. Zoo - Monthly Activity Report.
 - a) Admissions Revenue Attendance 2007 Report. Receive & place on file.

- b) NEW Zoo Gift Shop Concessions Revenue 2007 Report
Receive & place on file.
- c) Animal Collection Report.
Receive & place on file.
- d) NEW Zoo Budget Report.
Receive & place on file.
- 5. NEW Zoo Education & Volunteer Programs Report (April, 2007). Receive & place on file.
- 6. Library - Budget Status Financial Report for May 31, 2007. Receive & place on file.
- 7. Library report. Receive & place on file.
- 8. Parks - Update Central Library Roof Project. Receive & place on file.
- 9. Parks - Update on Arena Roof Replacement Project. Receive & place on file.
- 10. Parks - Update on lawsuit for Arena roof (from previous meeting). Receive & place on file.
- 11. Parks - Request to approve park areas open for hunting during the 2007 season. Approve
- 12. Parks - Request by the Village of Wrightstown for a waiver of grounds fees at the Wrightstown Boat Launch for the "Taste of Wrightstown" festival on September 15, 2007. Approve.
- 13. Parks - Action to approve holding 2008 rates consistent with 2007 rates for Fairground buildings and grounds; park shelter, grounds and trails; chair, table and tent rentals and agree to approve a 2-year schedule for the above rates and fees in the annual budget process. Approve.
- 14. Parks - Budget Status Financial Report for May 31, 2007. Receive & place on file.
- 15. Parks - Director's report. Receive & place on file.
- 16. Museum - Attendance & Admissions May 2007. Receive & place on file.
- 17. Museum - Budget Status Financial Report for May 31, 2007. Receive & place on file.
- 18. Museum - Director's report. Receive & place on file.
- 19. Golf Course - Budget Status Financial Report for May 31, 2007. Receive & place on file.
- 20. Golf Course - Daily Financial & Attendance Report thru June 17, 2007. Receive & place on file.
- 21. Golf Course - Golf Report for June 12, 2007. Receive & place on file.
- 22. Golf Course - Request from Family & friends of Tom Coniff for a memorial plaque in Memory of Tom Coniff to be placed on Hole #17 tee box. Approve.
- 23. Golf Course - Superintendent's report. Receive & place on file.
- 24. Audit of bills. Approve audit of bills.
- 25. **Closed Session** Authorized by Sec. 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating, negotiating or conducting other specified public business, whenever, competitive or bargaining reasons require a closed session. (No Closed Session held.)

A motion was made by Supervisor Johnson and seconded by Supervisor Theisen **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 9c -- REPORT OF "SPECIAL" EDUCATION AND RECREATION COMMITTEE OF JULY 18, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION & RECREATION COMMITTEE met in special session on July 18, 2007 and recommends the following:

1. Approve low bid for Central Library Roof. (Bid attached.) Choose Contractor Ed Chase at \$148,000 with \$5,000 in escrow for roof replacement of the library.

A motion was made by Supervisor Johnson and seconded by Supervisor Van Deurzen **“to approve the low bid for Central Library Roof submitted by Ed Chase at \$148,000 with \$5,000 in escrow for roof replacement of the library”**. Vote taken. Roll Call #9c(1):

Ayes: Warpinski, De Wane, Nicholson, Theisen, Krueger, Erickson, Kaye, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Backmann, Van Deurzen, Fleck, Clancy, Zabel, Scray, Hoeft, Lund, Fewell

Nays: Haefs, Zima, Kaster

Excused: De Cleene

Total Ayes: 22

Total Nays: 3

Excused: 1

Motion carried.

Approved by: \s\ Tom Hinz, County Executive

Date: 7/23/2007

ATTACHMENT TO NO. 9C, ITEM #1

BID TABULATION RECORD					
PROJECT: ROOF REPLACEMENT - LIBRARY					
PROJECT #: 1260					
DATE: 7/13/2007 AT 11:00 A.M.					
CONTRACTOR	BASE BID	ALTERNATE #1	ALTERNATE #2	BID BOND	
Northern Metal & Roofing	\$ 148,900.00	\$ 7,120.00	\$ 1,000.00	Yes	
JT Roofing	\$ 157,600.00	\$ 7,100.00	\$ 1,925.00	Yes	
Ed Chase ***	\$ 145,000.00	\$ 3,000.00	\$ 9,000.00	Yes	
Walsdorf	\$ 161,700.00	\$ 12,200.00	\$ 1,600.00	Yes	
Blindauer	\$ 160,336.00	\$ 2,700.00	\$ 6,000.00	Yes	
Crafts Inc.	\$ 150,870.00	\$ 2,480.00	\$ 5,000.00	Yes	

No. 9d -- REPORT OF EXECUTIVE COMMITTEE OF JULY 9, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on July 9, 2007 and recommends the following motions:

1. County Executive report.
 - a) Budget Status Financial Report for May 31, 2007.
Receive & place on file.
2. Internal Auditor Report.
 - a) Budget Status Financial Report for May 31, 2007.
Receive & place on file.
3. Report from Supervisor Hoeft on new Supervisor training. (Held from May 7, 2007 meeting.)
Refer to County Board Chairman, Tom Lund, Executive Hinz and his Assistant, Jayme Sellen, and to Supervisor Hoeft for further action. Ayes: 6 (Erickson, Fewell, Johnson, Kaye, Krueger, Lund); Nays: 1 (Evans). Motion Carried.
4. Resolution re: Approving Reclassification of Two Human Resource Department Positions. (Referred back to Administration Committee & Executive Committee from June 20, 2007 County Board meeting.) Committee approved. See Resolutions, Ordinances July County Board.
5. Resolution re: Highway Department Reclassification of Two "Engineering Technician" Positions to "Senior Engineering Technician." (Referred from Planning, Development & Transportation Committee.) Hold until August meeting for a union representative to be present.
6. Resolution re: Brown County Clerk's Department Change in Table of Organization. (Referred from Administration Committee.) Committee approved. See Resolutions, Ordinances July County Board.
7. Resolution re; Regrading the Salary Range for the Position of Director of Public Safety Communications. (From Public Safety Committee.) Committee approved. Ayes: 6 (Erickson, Fewell, Johnson, Kaye, Krueger, Lund); Nays: 1 (Evans). Motion Carried. See Resolutions, Ordinances July County Board.
8. Resolution re: Authority to Execute the 2004 2005-2006 Contract for the Brown County Professional Public Health Sanitarians. Committee approved. See Resolutions, Ordinances July County Board.
9. Resolution re: Authority to Execute the 2007-2008 Contract for the Brown County Professional Public Health Sanitarians. Committee approved. See Resolutions, Ordinances July County

Board.

10. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85 (1) (e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes.
- a) Enter into Closed Session.
 - b) Return to Regular Order of Business.
 - c) No action taken.

A motion was made by Supervisor De Wane and seconded by Supervisor Van Deurzen **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 9e -- REPORT OF HUMAN SERVICES COMMITTEE OF JULY 3, 2007

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on July 3, 2007, and recommends the following motions:

1. Review minutes of:
 - a) Board of Health (2/19/07).
 - b) Veterans’ Recognition Sub Committee (6/12/07).
 - c) Aging & Disability Resource Center (5/24/07).
 - d) Homeless Issues & Affordable Housing Sub Committee (6/19/07).
 - e) Children with Disabilities Education Board (5/9/07).
 - f) Community Options Program Appeals Cmte (6/25/07).
 - g) Community Options Program Planning Cmte (6/25/07).

Receive & place on file items a-g.
2. Communication from Supervisor Andy Nicholson re: Review County employee procedures and oversight for verifying citizenship of county and state program users for which it is required by state, county ordinance or administrative rule. (Referred from June County Board.) Refer to staff and bring back to August meeting.
3. Communication from Supervisor Fewell re: To explore the issues related to the high Unit 7 census and consider adding appropriate staff to address this increase in census. (Held from previous meeting.) Receive & place on file.
4. Human Services Dept. - Mental Health Center Expanded Census and Financial Projection Scenarios. (Held from previous meeting.) Receive & place on file.
5. Human Services Dept. - Mental Health Center Update and Statistics (May 2007). Receive & place on file.
6. Human Services Dept. - Approval of new contract vendors. Approve.
7. Human Services Dept. - Approval of non-continuous service providers. Approve.
8. Human Services Dept. - Contract update. Receive & place on file.
9. Human Services Dept. - Bellin Psychiatric Update (May 2007). Receive & place on file.
10. Human Services Dept. - Mental Health Center Financial Report. Receive & place on file.
11. Human Services Dept. - Community Programs & Economic Support Financial Report. Receive & place on file.

12. Human Services Dept. - Director's report. Receive & place on file.
13. Audit of bills. Approve.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Fleck "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Tom Hinz, County Executive _____ Date: 7/23/2007

No. 9f -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUB COMMITTEE OF JUNE 25, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE & LAND CONSERVATION SUB COMMITTEE met in regular session on June 25, 2007, and recommends the following motions.

Land Conservation Subcommittee

1. Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Grant from Wisconsin Land & Water Conservation Association Land Internship program (\$2,000). Approve.
2. Director's report. No action.

Planning, Development & Transportation Committee

1. Review minutes of:
 - a) Harbor Commission (3/12/07 & 5/14/07).
 - b) Solid Waste Board (5/21/07)Receive & place on file items a-b.
2. Communication from Supervisor Warpinski re: Request Brown County develop a five-year plan to reduce fossil fuel consumption by Brown County. (From previous meeting for a report from Mr. Lamers.) Receive & place on file.
3. Communication from Randy Schultz re; Warning Signs & Flashing Lights on CTH IR at the NEW Zoo. (Highway department). (Deleted from agenda.)
4. Highway - Brown County Highway budget sheets for June meeting. Receive & place on file.
5. Highway - Ordinance re; To Amend Schedule A, To Section 340.0003 of the Brown County Code Entitled "Speed Limits". Committee approved. See Resolutions, Ordinances July County Board.
6. Highway - Resolution re; Highway Department Reclassification of Two "Engineering Technician" Positions to "Senior Engineering Technician". Committee approved. Ayes: 4 (Dantinne, Erickson, Fleck, Kaster); Nays: 1 (Vander Leest). Motion Carried. Referred to Executive Committee.
7. Zoning - FEMA Floodplain Mapping Update. Receive & place on file.
8. Zoning - Non-Metallic Mining Ordinance Changes Update. Hold until July meeting.
9. Zoning - Budget Status Financial Report for May 2007. Receive & place on file.

10. Zoning - Director's report.
 - a) Request a resolution be drafted opposing NR115 and forward to County Board for discussion at the July 18, 2007 meeting. See Resolutions, Ordinances July County Board.
 - b) Receive & place on file.
11. Airport - Budget Status Financial Report for May 2007 (not available). Hold until next meeting.
12. Airport - Director's report. Hold until next meeting.
13. Planning Commission - Request for staff updates on recommendations and development options on the excess land east of the current jail site. (Standing item). (Deleted from agenda.)
14. Planning Commission - Budget Status Financial Report for May 2007 (not available). (Deleted from agenda.)
15. Zoning, Planning Commission, Register of Deeds & Property Listing - Budget Status Financial Reports for May 31, 2007. Hold May financial reports for approval at next meeting.
16. Audit of bills. Approve audit of bills.

A motion was made by Supervisor Erickson and seconded by Supervisor Fleck **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 9g -- REPORT OF PUBLIC SAFETY COMMITTEE OF JULY 3, 2007

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on July 3, 2007, and recommends the following motions:

1. Review minutes/reports:
 - a) Criminal Justice Coordinating Board (6/5//07).
 - b) Fox Comm Advisory Board (5/3/07).Approve.
2. VIP – Monthly and Quarterly Statistics for end of May, 2007. Receive & place on file.
3. Teen Court Stats for May 2007. Receive & place on file.
4. Circuit Courts - Honorable J. D. McKay re: Explanation of 2006 over budget of \$142,000. Receive & place on file.
5. Circuit Courts - Budget Status Financial Report for May 31, 2007. Receive & place on file.
6. County Executive request recommendation to change salary grade of Public Safety Communication Director's position. Approved. Ayes: 2 (Clancy, Kaye); Nays: 2 (Backmann, Nicholson); Excused 1 (Zima). Motion Defeated. Referred to Executive Committee.
7. Resolution re: Allowing the Criminal Justice Coordinating Board to Use the AIM (assess, Inform & Measure) Program Statement as a Base for an RFI to seek potential vendors for the services outlined in the program. RFI would be used to identify costs Associated with the Program. (Referred from Criminal Justice Coordinating Board.) Committee approved. Ayes: 3 (Backmann, Clancy, Kaye); Nays: 1 (Nicholson); Excused: 1 (Zima). Motion Carried. See Resolutions, Ordinances July County Board.
8. Sheriff - Budget Status Financial Report for May 31, 2007. Receive & place on file.
9. Sheriff - Key Factor Report for July 2, 2007 with Jail Average Daily Population by month and Overtime Expenditures. Receive & place on file.
10. Sheriff's report. Receive & place on file.

11. Public Safety Communications - Monthly Budget Financial Status Report for May 31, 2007. Receive & place on file.
12. Public Safety Communications - Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Increase Litigation Services expense to cover the legal fees incurred in the case with Nextel negotiations & mediation. These costs will be recovered through Nextel settlement (\$30,000). Approve.
13. Public Safety Communications - Director's report. Receive & place on file.
14. Public Safety Communications - Approval to move forward with a RFI regarding Communications Center and System. Receive & place on file.
15. Medical Examiner, Clerk of Courts & District Attorney Budget Status Financial Reports for May 31, 2007. Receive & place on file.
16. **Closed Session:** Pursuant to Sec. 19.85 (1) (c) considering employment, promotion, compensation, or performance evaluation date of a public employee over which the Committee has jurisdiction or exercises responsibility. (No Closed Session held.)
17. Audit of bills. Pay the bills.

A motion was made by Supervisor De Wane and seconded by Supervisor Kaye **"to adopt"**. Supervisor Warpinski requested item #6 be take separately and Supervisor Dantine requested item #4 be taken separately. Voice vote taken. Remainder of report passed unanimously with no abstentions.

Item # 4 -- Circuit Courts -- Honorable J. D. Mc Kay re: Explanation of 2006 over budget of \$142,000. COMMITTEE ACTION: Receive and place on file.

Supervisor Dantine explained he took this item separately because of the differences in revenues and expenditures.

Previous to this evening, Judge Mc Kay explained some revenues were placed in different accounts. His budget reflects the way his revenues and expenditures differ. The August Public Safety Committee should have the explanation on its agenda.

A motion was made by Supervisor Dantine and seconded by Supervisor De Wane **"to adopt item #4"**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #6 -- County Executive request recommendation to change salary grade of Public Safety Communication Director's position. COMMITTEE ACTION: Approved. Ayes: 2 (Clancy, Kaye); Nays: 2 (Backmann, Nicholson); Excused: 1 (Zima). Motion defeated. Referred to Executive Committee.

Supervisor Warpinski withdrew his request to take #6 separately.

Approved by: _____ \s\ Tom Hinz, County Executive _____ Date: 7/23/2007

No. 10a -- RESOLUTION REGARDING: APPROVING RECLASSIFICATION OF TWO HUMAN RESOURCES DEPARTMENT POSITIONS

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a request for reclassification of one Human Resources Assistant and one Human Resources Analyst position due to a significant change in job duties being performed;

WHEREAS, a study of the Human Resource Department organization and distribution of assigned duties was completed by the Human Resources Department , and it was determined that one of two Human Resource Assistant positions had significant changes in job duties which include the following: lead role in county test administration, and the coordination of all employment/recruitment activities, award of internal postings, review of position descriptions and providing research on data for testing, postings, and recruitment for managers.

WHEREAS, the study also determined that one of three Human Resources Analyst positions had significant changes in job duties which include the following: direct participation in union contract negotiations, completes research and analysis and costing of contract proposals. A complete study is attached for review.

WHEREAS, the Human Resources Department after conducting a thorough study of the job duties of the Human Resources Assistant recommends that the position be moved from pay grade 11 to pay grade 13 including a title change to Employment Coordinator. Additionally after conducting a thorough study of the job duties of one of the Human Resources Analysts recommends that the position be moved from pay grade 16 to pay grade 19 and includes a title change to Senior Human Resources Analyst.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that one of the Human Resources Assistant position be **titled Employment Coordinator and** reclassified from pay grade 11 to pay grade 13 and with an effective date of January 31, 2007 and one of the Human Resources Analysts positions be **titled Senior HR Analyst** and reclassified from pay grade 16 to pay grade 19 with an effective date of October 1, 2006 when the requests were received in the Human Resources Department.

Fiscal Impact Summary (see attached for detail):

	2006	2007	Total
HR Assistant to Employment Coord	-	7,267	7,267
HR Analyst to Senior HR Analyst	<u>2,103</u>	<u>8,605</u>	<u>10,708</u>
Total Fiscal impact:	2,103	15,872	17,975

Respectfully submitted,
ADMINISTRATION COMMITTEE
EXECUTIVE COMMITTEE

A motion was made by Supervisor Warpinski and seconded by Supervisor Van Deurzen **“to adopt”**.
A motion was made by Supervisor Vander Leest and seconded by Supervisor Theisen **“to amend the resolution to “request to eliminate back pay for 2 Human Resources Department positions noted in Resolution 10a”**. Vote taken. Roll Call #10a(1):

Ayes: Nicholson, Theisen, Haefs, Zima, Vander Leest, Zeller, Kaster, Backmann, Scray
Nays: Warpinski, De Wane, Krueger, Erickson, Kaye, Evans, Johnson, Dantine, La Violette, Van Deurzen, Fleck, Clancy, Zabel, Hoeft, Lund, Fewell
Excused: De Cleene

Total Ayes: 9 Total Nays: 16 Excused: 1

Motion defeated.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Clancy **“to adopt”**. Voice vote taken. Motion carried with Supervisors Zeller and Vander Leest voting nay.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

ATTACHMENTS TO 10A

-- MEMO --

TO: Administrative Committee
 FROM: Debbie Klarkowski
 Human Resources Analyst
 DATE: May 15, 2007
 SUBJECT: Human Resources Reorganization

I. Introduction:

As a resolute of the 2007 budget, the Human Resources Testing Coordinator position was eliminated from the table of organization. Additionally the Principal Human Resources Analyst retired in March of 2006 and the position was eliminated during the 2007 budget process. The elimination of the HR Testing Coordinator and Principal Human Resources Analyst, along with some other realignment of duties, provides an opportunity for the Human Resources Department to review the current duties within the clerical support staff and Human Resources Analysts group.

II. Research Completed:

- A. Review of the job duties within the clerical support group
- B. Review of Testing Coordinator and Principal Human Resources Analyst job duties
- C. Review and discussion with individuals of the Human Resources Department

III. Discussion

Currently the Human Resources support group includes:

- 2 FTE Human Resources Assistants
- 1 FTE Administrative Coordinator
- 1 FTE Human Resources Coordinator
- 1 FTE Benefits Program Coordinator

During the 2006 budget process the Benefits Analyst and Benefits Program Coordinator position were moved under the Human Resources Department from the Department of Administration. Additionally during the 2007 budget process the Safety/Risk Coordinator position was moved under the Human Resources Department from the Department of Administration. While these positions were under the Department of Administration, the table of organization included 1 FTE for clerical support. When the positions moved to Human Resources the clerical support was eliminated from the table of organization and the Human Resources clerical support group absorbed some of the duties. For purposes of this reclass, the support group will be reviewed first, then a brief summary of the Human Resources Analyst, Principal Analyst and Employee Relations Manager. An outline of the reassignment of the duties of the Principal Human Resources Analyst is included.

The Administrative Coordinator is responsible for coordinating the following areas: maintaining department files on labor contracts, union agreements, grievances, county board proceedings and committee reports and projects. Supports the Human Resources department on meeting coordination, reports, agenda, and preparation of resolutions and department correspondence. This position monitors and administers the H/R Department budget.

The Human Resources Coordinator is responsible for coordination and administration of employee wages and paid leave benefits, maintains the human resources database and related systems.

- Coordinates leave of absence and return to work issues with appropriate management and employees.
- Ensures employment and related actions are in compliance with applicable laws, including Brown County Code.
- Assesses the training needs of the operating unit.
- Monitors key operating indicators, including attendance and turnover. Makes recommendations and develops plans to address problem areas.
- Completes special projects in support of department effectiveness or in support of projects initiated by the Administration or other County Board Committee. (Employee Relations Manager job description)

Duties of Principal Analyst, that were already included in the Employee Relations Manager position include:

- Manages the County classifications and compensation plan. Conducts surveys and compiles data relating to competitive salary and benefits. (one H/R Analyst job description also)
- Addresses wage and salary placements regarding new positions, revised positions, and appeal of wage or salary placements. (H/R Analyst job description)
- Assists in the preparation of administration of the annual budget.
- Completes special projects in support of department effectiveness or in support of projects initiated by the Administration or other County Board Committee. (Employee Relations Manager job description)
- Manages Human Resources systems in conjunction with the H/R Coordinator. Supervises the activities and performance of the H/R Coordinator.

In addition to the current analyst workload, one H/R Analyst assumed responsibility for the following duties:

- Preparation and participation in union contract negotiations
- Completes accompanying research and analysis, including costing of contract proposals
- Conducts surveys, gathers and compiles data relating to competitive salary and benefits.
- Drafts contract language as required and ensures uniform language consistency
- Works with various departments including payroll and benefits coordinating retroactive wages and benefits interpreting questions that may evolve.
- Develops materials in preparation for labor arbitrations. Works with confidential labor relations and contract negotiation data and projects.
- Manages H/R systems in conjunction with H/R Administrative Coordinator. (union correspondence, contract files, etc.)
- Co-supervise H/R Administrative Coordinator with regards to contract settlements and required administrative follow up. (resolutions, updating contracts, review, and distribution)
- Assists with County compensation and classification review, monitoring trends, correcting gaps and inconsistencies. Provides guidance on reclassification process of represented and non-represented County Employees.

IV. Recommendation

The duties of the Testing Coordinator were reviewed by the Human Resources Analysts, who brought forth the following recommendation. The duties of the Human Resources Assistants would be split between the two positions with one position, taking a lead role by assuming the testing duties of the testing coordinator and coordinating the employment/recruitment process.

One Human Resources Assistant will coordinate the recruitment/employment process for the department: including preparing job vacancies for posting and advertisements, preparing ads, and processing job applications, additionally, this position will maintain the applicant tracking and related recruiting and hiring reports. In addition to the duties listed above this position will assume accountability for the following test duties:

- Administers skills, written, typing, and data entry tests, prepares test materials and sets up equipment.
- Corrects and tabulates written test scores. Maintains test score records, researches previous test scores for applicants accuracy and correctness based on labor agreement language. Reviews positions descriptions for job requirements, reviews candidates seniority.

The Benefits Program Coordinator administers leaves of absence and benefit programs, including medical leaves, short and long term disability, worker's compensation and state and Federal Family Medical Leave Act and other county related leaves and coordinates return to work programs and fit for duty exams.

The two Human Resources Assistants provide administrative support for the department relating to the recruitment and interview process: including preparing job vacancies for posting and advertisement, preparing ads, processing job applications, coordinating interviews and preparing interview packets. Maintain applicant tracking and related recruiting and hiring reports. Runs confidential background checks on candidates, assists in coordination and planning of employee orientation, employee performance reviews and other employee notices.

The Testing Coordinator administers skills and written tests for a variety of county positions. Additionally this position was responsible for coordinating the recruitment and selection process for summer/seasonal employees and co-op students.

Human Resources Analyst

Currently there are three FTE Human Resources Analysts in the Human Resources Table of Organization. The Principal Human Resources Analyst retired from Brown County March 2006.

Human Resources Analyst serves as strategic partner to assigned operational units in the County. Identifies human resource and related initiatives to improve operational performance and optimize related costs. Serves as Human Resource contact to all employees within the assigned operating units, and is available to counsel employees regarding all aspects of county employment. The Analyst will advise the operating units regarding compliance and administration of applicable labor agreements, is knowledgeable on labor contract content and interpretation. Advises department heads on grievance issues and resolutions. This position is in Grade 16 of the County's compensation plan.

Principal Human Resources Analyst provides general guidance and support to department heads and human resource staff in the areas of labor relations, benefits, performance management, and recruitment and selection. Manages the County classification and compensation plan for administrative employees. Manages the County employee records system. Assists with applicable union contract negotiations. Completes accompanying research and analyses, including the costing of contract proposals. Participates in contract negotiations as directed. Develops materials in preparation for labor arbitrations. This position was in Grade 21 of the County's compensation plan.

Employee Relations Manager assists in the direction and administration of all Human Resource functions for Brown County, including recruitment/selection, employee relations, wage and salary

administration, benefit administration, policy administration, investigations, employee development, employee records and affirmative action. The Employee Relations Manager also provides support to assigned operational units within the county. This position is in Grade 25 of the County's compensation plan.

The Principal Analyst duties were assigned as follows:

The following duties from the Principal Analyst are also outlined in the Analyst job description.

- Provides general guidance and support to department heads and human resource staff in the areas of labor relations, benefits, performance management, and recruitment and selection
- Works closely with department heads of assigned operating units to identify and implement human resource related improvement initiatives.
- Administers all human resource related aspects of the County Code for assigned operating units
- Addresses wage and salary placements regarding new positions, revised positions, and appeal of wage or salary placements. (Employee Relations Manager job description also)
- Advises the operating units regarding compliance and administration of applicable labor agreements. Advises department heads on grievance issues and resolutions. Represents the County at the appropriate step of the grievance procedure.
- Serves as human resource contact to all employees within the assigned operating units
- Assists with performance management issues at the operating units. Develops performance action plans and corrective actions as appropriate. Conducts disciplinary investigations and employee discipline meetings.
- Awards internal job postings based on labor agreements, notifies appropriate supervisor of selection and requests appropriate documentation.
- Researches data regarding testing, postings, recruitment, and provides to Managers.

The Human Resources Assistant's job description with the above mentioned duties will be revised to include the testing and awarding of vacant positions in addition to coordinating the recruitment process. Based on these changes, the position was reevaluated for placement in the Administrative Classification and Compensation Plan. Based on the duties and responsibilities of this position, the position point factored out to Pay Grade 13, with an annual salary of \$35,905 - \$42,874 within the 2007 Administrative Compensation Plan. Similar positions within this grade are: Human Resources Administrative Coordinator and Executive Secretary - County Board. An updated job description is attached. Additionally it is recommended the title of the position be changed to Employment Coordinator, a better reflection of the current duties.

The second Human Resources Assistant's duties will remain as outlined in the current job description. Providing administrative support for the department relating to the recruitment and interview process: processing job applications, coordinating interviews and preparing interview packets. Maintaining applicant tracking and related recruiting and hiring reports. Runs confidential background checks on candidates, assists in coordination and planning of employee orientation, employee performance reviews and other employee notices. Therefore, there is not significant change in job duties, requiring the position to be reevaluated for placement in the Administrative Compensation Plan.

The duties associated with the coordination of the summer/seasonal process along with the high school co-op program will be absorbed by the Benefits Program Coordinator. This position is point factored out in Pay Grade 13 of the Administrative Compensation Plan, which is the same grade the H/R Testing Coordinator was placed. Therefore there is not significant change in job duties, requiring the position to be reevaluated for placement in the Administrative Compensation Plan.

Human Resources Analyst

The H/R analyst duties remain as outlined in the current job description. Therefore, there is not significant change in job duties, requiring the position to be reevaluated for placement in the Administrative Compensation Plan.

The Human Resources Analyst’s job description with the above mentioned duties will be revised to include the additional negotiation preparation and participation and other duties outlined above. Based on these changes, the position was reevaluated for placement in the Administrative Classification and Compensation Plan. Based on the duties and responsibilities of this position, the position point factored out to Pay Grade 19 with an annual salary of \$52,015 - \$62,109 within the 2007 Administrative Compensation Plan.

Per Brown County Code of Ordinances 4.59 (2) Temporary Appointments and 4.51 (5) Compensation during Temporary Assignment, the wages will be retroactive to the date the duties were assigned. The date of assignment of duties for the Employment Coordinator is January 31, 2007 and the date of assignment of duties for the Senior Analyst is October 1, 2006.

Fiscal Impact Summary (see attached for detail):

Fiscal Impact:	2006	2007	Total
HR Assistant to Employment Coord	---	7,267	7,267
HR Analyst to Senior HR Analyst	2,103	8,605	10,708
TOTAL FISCAL IMPACT	2,103	15,872	17,975

DETAILED ATTACHMENT TO FISCAL IMPACT SUMMARY

January 31st, 2007

HR Assistant to Employment Coord.	2006 Actual (Grade 11 Step 1)	2006 Proposed (Grade 13 Step 3)	2006 Fiscal Impact
Salary	N/A	N/A	
Fringe (46.46% - 2006; 43.04% - 2007)	N/A	N/A	
TOTAL			

HR Assistant to Employment Coord.	2007 Actual (Grade 11 Step 1)	2007 Proposed (Grade 13 Step 3)	2007 Fiscal Impact
Salary	(29,838)	34,918	5,080
Fringe (46.46% - 2006; 43.04% - 2007)	(12,842)	15,029	2,187
TOTAL	(42,680)	49,947	7,267

October 1, 2006

HR Analyst to Senior HR Analyst	2006 Actual (Grade 16 Step 6)	2006 Proposed (Grade 19 Step 4)	2006 Fiscal Impact
Salary	(12,460)	13,896	1,436
Fringe (46.46% - 2006; 43.04% - 2007)	(5,789)	6,456	667
TOTAL	(18,249)	20,352	2,103

HR Analyst to Senior HR Analyst	2007 Actual (Grade 16 Step 6)	2007 Proposed (Grade 19 Step 4)	2007 Fiscal Impact
Salary	(50,961)	56,836	5,875
Fringe (46.46% - 2006; 43.04% - 2007)	(23,676)	26,406	2,730
TOTAL	(74,637)	83,242	8,605

Fiscal Impact:	2006	2007	Total
HR Assistant to Employment Coord	---	7,267	7,267
HR Analyst to Senior HR Analyst	2,103	8,605	10,708
TOTAL FISCAL IMPACT	2,103	15,872	17,975

No. 10b -- RESOLUTION REGARDING: BROWN COUNTY CLERK’S DEPARTMENT CHANGE IN TABLE OF ORGANIZATION

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the present County Clerk’s Department Table of Organization currently includes one (1) Chief Deputy County Clerk, one (1) Deputy County Clerk, one (1) Elections Specialist, one (1) Account Clerk I and (.10) Election Help; and

WHEREAS, there are newly mandated Federal and State laws regarding the management and implementation of elections and a State-wide voter registration system since 2006 which has created additional duties involving managing voter registration data; and

WHEREAS, the County Clerk’s Department has one Account Clerk I performing clerical and bookkeeping duties involving maintaining records and processing documents relating to financial transactions in the County Clerk’s department; and

WHEREAS, upon a review of the Account Clerk I’s workload and duties by the County clerk and the Human Resources Department, it is recommended adding a part time (.75 FTE) Limited Term Employee, Clerk Typist I (Elections) to perform the additional duties mandated under the Federal and State voter election laws, allowing the County Clerk’s Department to meet the required deadlines of the Federal Help America Vote Act.

WHEREAS, the Administration Committee and Executive Committee concur with the above proposed change in Table of Organization.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors, that a part time (.75 FTE) Limited Term Clerk Typist I (Elections) position be created in the County Clerk’s Table of Organization effective January 1, 2008.

Respectfully submitted,
 ADMINISTRATION COMMITTEE
 EXECUTIVE COMMITTEE

Fiscal Impact Calculation for Clerk Table of Organization Change
 Adding .75 FTE Clerk/Typist I (LTE) position

Salary:	\$	19,921.93
Benefit Total:	\$	1,524.03
2008 Total Salary and Fringe	\$	21,445.96

Revenues from fees collected from municipalities \$ (21,445.96)

2008 Net Fiscal Impact \$ 0.00

A motion was made by Supervisor Warpinski and seconded by Supervisor Van Deurzen “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 10c -- RESOLUTION REGARDING: AUTHORITY TO EXECUTE A 2004-2005-2006 LABOR AGREEMENT WITH THE BROWN COUNTY PROFESSIONAL PUBLIC HEALTH SANITARIANS.

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

BE IT RESOLVED by the Brown County Board of Supervisors, that the County Executive and County Clerk be and are hereby authorized to execute a three (3) year labor agreement on behalf of Brown County with the Brown County Professional Public Health Sanitarians for the years 2004, 2005, and 2006 effective January 1, 2004, which agreement shall provide the following major changes from the 2002-2003 labor agreement.

1. ARTICLE 1 – RECOGNITION

Amend the introduction and recognition article, and other relevant sections to recognize the Professional Public Health Sanitarians as the exclusive bargaining agent, per the WERC certification dated April 8, 2004.

2. ARTICLE 15 – INSURANCE – HEALTH, DENTAL, AND LIFE

Add the following beginning lines 328

Effective with January 1, 2005 coverage, full time employees shall pay (7.5 %) seven and one-half percent of the single or family premium per month for the PPO Plan, HSP Plan, Basic Plan and dental plan. The County shall pay ninety-two and one-half percent (92.5%) of the single or family premium for the PPO Plan, HSP Plan, Basic Plan and dental plan.

The Basic Health Plan option is discontinued effective December 31, 2004.

Delete lines 332 – 335

~~The Basic Plan shall continue to be offered through the term of this Agreement. The union will not object to the use of the plan being subject to acknowledgement by the employee that they have read and understood the explanation of major medical per illness maximum coverage under the Basic Plan document.~~

3. ARTICLE 22 – PENSION

Increase commensurate with wage increase.

4. ARTICLE 24 – DURATION, revise to reflect a three-year contract.

- Increase the PPO in-network office co-pay from \$10 to \$15
- Establish a Prescription Drug separate out-of-pocket per-person maximum at \$1000
- PPO ambulance usage for medically necessary events will be paid at 95%.
- There will be a ~~\$25~~ \$50 penalty charged for non-emergency use of the emergency room. Emergency (defined as): An acute, sudden onset of a sickness or bodily injury which is life threatening or will significantly worsen without immediate medical or surgical treatment. (Regardless of final diagnosis).
- A 3 - tier formulary will be followed for all prescriptions effective the first day of the month following ratification by the parties:

From	To:
Generic - 20%	20% employee co-pay (no change)
Preferred - 20% + difference	25% employee co-pay + cost difference
Non-preferred - 20% + difference +\$15	25% employee co-pay + cost difference + \$15.00

4. ARTICLE 18- LONG TERM DISABILITY

Amend the following beginning line 499

Long Term Disability - Brown County's Long Term Disability Plan provides for eligible employees, employees who work ~~10~~ 17.5 hours or more per week, to receive two-thirds (2/3) pay after 180 days of disability to age 65 with offsets for social security disability benefits, Wisconsin Retirement System disability benefits, and worker's compensation benefits.

5. ARTICLE 21 – FUNERAL LEAVE

Amend the following beginning line 574

Whenever a death occurs to a member of the immediate family of an employee, Brown County shall compensate the employee for any time lost from work during the next three (3) succeeding workdays following said death which may include the day of death.

Amend the following beginning line 585

Employees will be entitled to compensation for one (1) day to attend the funeral of a brother-in-law or sister-in-law, aunt or uncle of the employee or spouse or spouse's grandparent.

6. ARTICLE 22 – PENSION

Increase commensurate with wage increase.

7. ARTICLE 24 – DURATION, revise to reflect a two-year contract.

8. APPENDIX A, revise to reflect a 1.5% wage increase effective December 31, 2006, a 1.5% wage increase effective July 1, 2007, a 1.5% wage increase effective December 30, 2007, and a 1.5% wage increase effective June 29, 2008.

Delete the following beginning line 668

~~Employees shall receive an additional \$110 annually in lieu of clothing allowance.~~

And add the following to the wage schedule

Effective January 1, 2008 add .0872 cents per hour to the hourly wage

Respectfully submitted,
 EXECUTIVE COMMITTEE

A motion was made by Supervisor De Wane and seconded by Supervisor Warpinski **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: /s\ Tom Hinz, County Executive Date: 7/23/2007

No. 10e -- RESOLUTION REGARDING: OPPOSING PROPOSED AMENDMENTS TO WISCONSIN ADMINISTRATIVE CODE CHAPTER NR 115 RELATING TO SHORELAND ZONING WITHIN THE STATE OF WISCONSIN

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
 BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, it is the responsibility of county zoning departments to enforce state shoreland zoning regulations; and

WHEREAS, the goal of the proposed amendments to NR 115 are to protect public rights to the navigable waters of the State of Wisconsin while allowing property owners the flexibility to make reasonable use of their property; and

WHEREAS, despite these goals, the new proposed rules are significantly more restrictive than the current rules in a number of significant ways, including the following:

- Greater restrictions on the use of setback averaging resulting in virtually no averaging being allowed;
- The inclusion of impervious surface standards which result in increased costs to a permit applicant, increased county staff time, and in many cases prohibit any additional construction on property within 300’ of the water;
- The addition of significant costs to homeowners in relationship to compliance with new revegetative requirements and impervious area standards;
- The requirement that counties adopt various standards with no guarantee as to what the Department of Natural Resources will consider acceptable in their review and approval of the ordinance; and

WHEREAS, the Planning, Development & Transportation Committee of the Brown County Board of Supervisors believes that the proposed regulations are overly restrictive and any benefits gained from such requirements are minimally beneficial in nature; and

WHEREAS, the proposed zoning regulations will greatly increase the work performed by the Zoning Department and the Corporation Counsel’s Office in the issuance of permits and enforcement of such regulations; and

WHEREAS, said proposed regulations provide no provisions for additional funding to counties for staff additions to enforce said regulations.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it opposes the current proposed amendments to Chapter NR 115 which are presently being promoted by

the Wisconsin Department of Natural Resources; and

BE IT FURTHER RESOLVED, that the Brown County Clerk is hereby directed to mail copies of this resolution to Governor Jim Doyle, the legislators representing Brown County, the co-chairs of the Administrative Rules committee, the Secretary of the State Department of Natural Resources, and the Wisconsin Counties Association.

Fiscal Impact: Estimated to be \$85,000

Respectfully submitted,
 PLANNING, DEVELOPMENT &
 TRANSPORTATION COMMITTEE

A motion was made by Supervisor Dantine and seconded by Supervisor Van Deurzen **“to adopt”**.

Approved by: _____ \s\ Tom Hinz, County Executive _____ Date: 7/23/2007

ATTACHMENT TO RESOLUTION #10E

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
 REPEALING, RENUMBERING, AMENDING, REPEALING AND RECREATING,
 AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to repeal NR 115.05 (3) to (6) and 115.06; to renumber NR 115.05 (2); to amend NR 115 (title), 115.01 (1) and (2), 115.05 (title), 115.05 (1) 115.07(title), (1)(a), (s)(a) and (c), (3)(intro.), (c)(note), (e), (g), (j) and (k), (4), (5)(a) to (c), (d) (intro.), (e), (f), (g)(intro.), (h) and (i); to repeal and recreate NR 115.02 and 115.03.; and to create NR 115.01 (4), 115.05 (note), 115.09, 115.11, 115.13, 115.15, 115.17, 115.19, 115.21, 115.23, 115.25 and 115.27 relating to minimum standards for county shoreland zoning ordinances.

WT-28-04

Analysis prepared by the Department of Natural Resources

Statutory authority: Sections 59.692, 227.11 (2) (a), and 281.31, Stats.

Statutes interpreted: Sections 59.69, 59.692, 59.694 and 281.31, Stats.

I. Plain Language Rule Analysis:

Background

Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became commonly known as the Clean Water Act. The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. Here in Wisconsin, our foresight in protecting navigable waters far exceeded that of the federal government. In response to human impacts on public waters, the Wisconsin Legislature on August 1, 1966, passed the Water Resources Act (as created by Chapter 614, Laws of 1965) that articulated the purpose and direction for shoreland zoning: “To aid in the fulfillment of the state’s role as trustee of its navigable waters and to promote public health, safety, convenience, and general welfare.”

Wisconsin's Water Resources Act utilized a novel approach toward comprehensive pollution control by supplementing state-level regulation of direct polluters (industries and municipal treatment plants) with county-administered zoning ordinances, sanitary codes, and subdivision regulations to control indirect pollution sources. The basic premise was to establish practical minimum standards and workable regulations in an area where there had been little experience. This act was also very important specifically for shoreland protection because the requirement to enact shoreland zoning ordinances has been interpreted to be part of the active public trust duty of the state of Wisconsin, which requires the state to protect navigable waters not only for navigation, but also to protect and preserve those waters for fishing, recreation and scenic beauty.

Authority

The proposed amendments to ch. NR 115 are intended to allow a county more flexibility in how they regulate land use in shorelands, and to give shoreland property owners more land use options, while still protecting the public interest in navigable waters and adjacent shorelands.

Section 281.31(6), Stats., provides: "Within the purpose of sub. (1), the department shall prepare and provide to municipalities general recommended standards and criteria for . . . navigable water protection regulations and their administration." Section 59.692 (6), Stats., provides that "if the department, after notice and hearing, determines that a county has enacted an ordinance that fails to meet the shoreland zoning standards, the department shall adopt such an ordinance for the county." Section 59.692 (1) (c), Stats., defines "shoreland zoning standard" to mean "a standard for ordinances enacted under this section that is promulgated as a rule by the department." Section 227.11(2)(a), Stats., gives the Department the authority to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

In addition, the rule revision attempts to remove duplication with other Department administrative codes and allow deference to other codes with overlapping jurisdictions. Section 30.27 Stats., provides for the Lower St. Croix River preservation including subsection (2a) which states that "as soon as possible after May 7, 1974, the department shall adopt, by rule, guidelines and specific standards for local zoning ordinances which apply to the banks, bluffs and bluff tops of the Lower St. Croix River." Under this statute, the Department has promulgated NR 118, Wis. Adm. Code which specifies standards for development in the Lower St. Croix Riverway. Section NR 115.02(6) of the revision allows the Lower St. Croix Riverway zoning ordinance that is adopted by a county in compliance with the requirements of s. 30.27 Stats., and ch. NR 118 to be adopted and administered as the county's shoreland zoning ordinance for those areas within the Riverway. This removes the criteria that areas within the Riverway boundary apply both the shoreland zoning ordinance and the Lower St. Croix riverway ordinance. Areas outside of the Riverway boundary under shoreland zoning would still be required to adhere to the county shoreland zoning ordinance which meets or exceeds the standards within this chapter.

The Department has also tried to minimize duplication with other agency codes in this revision. Cross reference and deference to Commerce codes, including Private Onsite Wastewater Treatment Systems - Comm 83, the Uniform Dwelling Code - Comm 21.125, Commercial Building Code - Comm 61.115 and sections of the Uniform Plumbing Code - Comm 82.36 and 82.365 are incorporated in the draft. In addition, cross reference and deference has been incorporated for other natural resources programs including the in-water permitting program under ch. 30, Stats., and chs. NR 151 and 216 for stormwater management and erosion control.

Revision Rationale

In response to the increasing impacts on public waters from adjacent shoreland development, the amount and intensity of development today in comparison to 40 years ago and the resulting pressures on our

public resources from private land owners and water recreationalists alike, the state launched a broad-based effort to update the shoreland protection standards originally promulgated in 1968. NR 115 was created to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers by establishing statewide minimum standards including minimum lot sizes, how far structures must be setback from the water's edge, and limits on removing trees and other vegetation. Controlling the density of development along the waters and creating a buffer around them was the best management practice of the time. With 40 years of growth the way in which we develop the land and the associated pressures on the resource has drastically changed. What once sufficed as a small summer weekend cottage has now grown into a demand for year-round, winterized and much larger homes. The lots that were created years ago may not be capable of handling the increased stress without compromising the integrity of the vary resource that draws our attention in the first place. Over time it has become increasingly clear that change is needed to clarify standards, provide flexibility, protect the resources, improve consistency and local zoning authorities' ability to implement these standards through their zoning ordinances in a consistent, timely and enforceable manner.

In addition, many of the provisions in the original NR 115 were vague and difficult to interpret and enforce. The revision process represents an attempt to move towards a clear rule with little room for misinterpretation. The proposed amendments to NR 115 are intended to allow a county more flexibility in how they regulate land use in shorelands but still provide the determinations necessary for consistent interpretation among counties. The proposed amendments also provide shoreland property owners more land use options while protecting the very values and resources that make these destinations attractive.

Revision Process

The revision package is based on concepts developed, negotiated and compromised by a very diverse and well-represented advisory committee. The dedication and determination of these individuals proves how important our water resources and adjacent shorelands are in the state.

These amendments are the result of nearly 5 years of work by this group and numerous opportunities for public comment. The Department held 11 public hearings in July and August of 2005 and 8 listening sessions in the fall and winter of 2002. Both venues were an opportunity for the public to review and comment on the draft proposals generated together by the Department and the Advisory Committee.

As a requirement, public hearings are held to generate public comment. The Department far exceeded any legal requirement by holding 11 public hearings around the state. Over 1,000 people attended the hearings and during the public comment period over 12,000 comments we collected.

Listening sessions were added as an additional step in the traditional rule revision process because the Department recognized this issue needed special consideration and debate in an open, informative, honest and participatory forum. Over 850 people attended eight listening sessions that were held around Wisconsin in November and December 2003. Comments were accepted on prepared comment sheets, as oral comments at the sessions, and as written comments submitted before December 31, 2003. Nearly 1100 comments were submitted regarding the NR 115 Advisory Committee recommendations.

Public hearing and listening session comments are summarized on the rule revision website at: <http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm>.

In addition to the public hearings and listening sessions, the Bureau of Watershed Management staff have kept a list of interested parties by e-mail and hard mail to provide timely updates to those interested in the process and allow those parties an opportunity to comment on newly generated materials including each draft of the code.

With all the attention and public comment on the revision to NR 115, four main themes can be derived from a majority of the comments:

- Keep the regulations simple,
- Make the regulations enforceable,
- Protect our water resources, and
- Provide communities the flexibility to determine how to best administer the minimum standards.

To that extent, the implementation of the revised rules provide for the following:

Major provisions and new requirements

Major provisions of the proposal include changes to vegetation management in the primary shoreland buffer and changes to regulation of structures within the minimum setback. New requirements include the removal of the nonconforming structure provisions and replacement with impervious surface standards. Counties may still choose to regulate nonconforming structures with traditional standards; however, the new standards will regulate a structure based on its impact to the resource, not on when or how the structure was built. In addition, the code contains changes to the minimum lot size requirements, including the directive for counties to develop standards for multi-unit residential development, mobile home parks, and campgrounds; a reduced setback option as well as allowing development on substandard lots is included in this draft. Finally, a section on mitigation standards was added to the code to help balance the flexibility provided in this chapter.

II. Federal Regulatory Analysis:

There is no specific existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

III. State Regulatory Analysis:

Wisconsin's Shoreland Management Program is a partnership between state and local government that requires development near navigable lakes and streams to meet statewide minimum standards. Each Wisconsin county has zoning ordinance provisions that protect water resource values: water quality, recreation and navigation, fish and wildlife habitat, and natural scenic beauty. County ordinances must have standards that meet or exceed the minimum state standards contained in Chapter NR 115, Wisconsin Administrative Code. The shoreland provisions include:

- setbacks for structures from waterways
- minimum lot sizes
- controls on cutting shoreland vegetation
- standards for land disturbance activities
- protection of wetlands
- restrictions on improvements to nonconforming structures

Current development trends continue to pose major challenges to the shoreland program. As new sections of shoreline are developed, long continuous sections of natural shorelines are broken into small fragmented patches. This likely reduces the availability and quality of habitat needed by shoreline-dependent species, such as loons, eagles, osprey, and many amphibian species, particularly in northern Wisconsin. Along highly developed shorelines, preserving even small amounts of near-shore and fringe

wetland habitat becomes critical for maintaining natural reproduction of fish populations. As smaller seasonal cabins are replaced with larger four season homes, concerns over the size of lots and carrying capacity of the land arise. In addition, development in areas typically considered undevelopable and second and third tier development are now problems that the shoreland program did not predict nearly 40 years ago.

Much has changed in the way we develop waterfront property and the demands we place upon our developed areas. Revision to this program would equip the county with the tools and techniques needed to protect these valuable resource areas while allowing reasonable development to continue for the foreseeable future.

IV. State Comparison:

Minnesota

The State of Minnesota has a shoreland program that is also currently in the process of being revised. The MN DNR, on their website, states that an increase in development pressure around lakes and rivers has raised concerns about water quality and impacts on lake use therefore resulting in the need to review current shoreland minimum standards in the state. Minnesota bases their shoreland program on statewide classification of all surface waters based on size and shape, amount and type of existing development, road and service accessibility, existing natural character of the water and other parameters. Waterbodies are classified as natural environment lakes, recreational development lakes, general development lakes, remote river segments and forested rivers. Each class has specific standards associated with shoreland zoning including building setbacks, lot sizes and widths, bluff impact zones, slope requirements and others. The states do differ on where the shoreline setback is measured from and how the Ordinary High Water Mark is determined. In practice this difference may result in reduced shoreline setbacks in Minnesota when compared to standards in Wisconsin. The states also have somewhat different standards in treatment of nonconforming structures.

Michigan

The State of Michigan also has a wild and scenic rivers protection program to provide special protection to designated rivers. This program is managed very similar to other wild and scenic river protection programs nationwide. The protection standards are outlined in Natural River Zoning Rule 281 which outlines standards for river setbacks, minimum lot widths, special vegetation management standards, and nonconforming structure improvements. Additional activities that may have potential impacts to the public trust, riparian rights, or may impair or destroy the waters or other natural resources of the state, including inland lakes and streams, the Great Lakes, wetlands, and groundwater, are regulated by the DEQ.

Illinois

The State of Illinois regulates inland waters through an administrative code detailing conservation measures for public waters. The purpose of the program is to protect the public's interests, rights, safety and welfare in the State's public bodies of water. More specifically construction is regulated to prevent obstruction to, or interference with, the navigability of any public body of water; encroachment on any public body of water; and impairment of the rights, interests or uses of the public in any public body of water or in the natural resources thereof.

Indiana

The state of Indiana also regulates lake-side construction activities and provides standards for the activities along and within public freshwater lakes. The state also has standards for nonconforming uses and nuisances including the removal of a lawful nonconforming use if the structure or facility affects public safety, natural resources, natural scenic beauty or the water level of a public freshwater lake.

Iowa

The state of Iowa has an integrated watershed management program, surface water regulation program which includes motor regulations and slow-no-wake areas to reduce shore erosion and a new (January 12, 2005) invasive species program to help safeguard the biological integrity of the lakes and river systems in Iowa. However, Iowa does not have a specific program for shoreland management or shoreland zoning. Most of Iowa's environmental programs are directly mandated by the federal government and required components of EPA or FEMA programs.

V. A Summary of Factual Data:

This rule was developed based on guidelines and criteria for minimum standards outlined in the authorizing statutes sections 59.692, 227.11 (2)(a), and 281.31, Stats. The final revision package was the result of scientific analysis, literature summaries, advisory committee meetings, listening sessions, extensive public comments and formal public hearings that spanned a nearly a five year period. The revision is a result of a collaborative effort between several key stakeholders including local elected officials, implementing agencies, private sector business interests, academic experts and conservation associations. This was a comprehensive effort that began by collecting data, analyzing issues, developing goals and objectives, summarizing comments and data and ultimately reviewing every section of the numerous rule drafts as well as 5 individual workgroups and three issue specific focus groups.

The planning process identified some key problem areas concerning application of the existing zoning standards and regulation consistency. Confusion and misunderstandings have resulted from unclear, subjective language, and inconsistent application of zoning standards. Landowners and local governments have been frustrated in applying and interpreting the intent of the shoreland regulations. The proposed ch. NR 115 has been developed to clarify the standards and provide more flexibility in the application of land use standards and restrictions that will allow reasonable improvement of private properties, while still protecting the resources and natural scenic beauty of Wisconsin's waters.

VI. Effect on Small Businesses:

Small businesses are not expected to be significantly impacted by the proposed rule changes. Lot size and setback requirements have been imposed on businesses within the shoreland zone since the inception of the program back in the late 1960s. Commercial development has never been, and is not as a condition of this proposal, singled out as a different use. New impervious surface standards and mitigation requirements will pertain to small business just like a single-family residential development. Safeguards have been put into place to guarantee the amount of mitigation that would be required on large scale projects which may prove beneficial for some small businesses. Standards contained in this rule may limit some facility expansion based on location; however, other modifications in the rule will help in allowing current facilities to maintain and update current structures without limitations now imposed on the cost of those modifications. The rule requires local units of government to adopt zoning based on these rules. The local units of government will enforce the local ordinances.

VII. Anticipated Costs Incurred by the Private Sector:

Submission of an application for a permit under the local ordinances will result in costs to the applicant to provide the needed background information. The application costs will vary by individual permit application depending on the type of project undertaken and the level of detailed information needed to provide local zoning authorities sufficient background information to make a determination. This rule will require mitigation. Mitigation costs will be incurred for vegetative plantings, runoff control and

other types of practices that may be needed and determined by the local zoning office.

Agency contact person: Toni Herkert (608) 266-0161 toni.herkert@dnr.state.wi.us

SECTION 1. Chapter NR 115 (title) is amended to read:

WISCONSIN'S SHORELAND ~~MANAGEMENT~~ PROTECTION PROGRAM

SECTION 2. NR 115.01 (1) is amended to read:

NR 115.01 (1) Section 59.692, Stats., requires a county to adopt zoning ~~and subdivision regulations~~ ordinances for the protection of all shorelands in unincorporated areas ~~by January 1, 1968,~~ and provides that if the department of natural resources determines, after notice and hearing, that a county has not adopted a shoreland zoning ordinance ~~by January 1, 1968,~~ or that a county has adopted an ordinance which fails to meet ~~reasonable minimum~~ the shoreland zoning standards in accomplishing the shoreland protection objectives found in s. 281.31, Stats. ~~this chapter,~~ the department ~~is to~~ shall adopt a shoreland zoning ordinance to be administered by that county.

SECTION 3. NR 115.01 (2) is amended to read:

NR 115.01 (2) Section 281.31 (1), Stats., provides that the purpose of shoreland zoning regulations shall: “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.” A county shall adopt shoreland zoning standards that are consistent with this purpose and which limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat and natural scenic beauty by all of the following:

(a) Controlling the density and location of development to allow adequate room between structures and navigable waters for primary shoreland buffers, secondary shoreland buffers, and for the infiltration of stormwater runoff.

(b) Preserving and establishing shoreland vegetation in order to infiltrate stormwater runoff to screen shoreland development and to preserve natural beauty.

(c) Ensuring that the construction, reconstruction, structural alteration, expansion or replacement of a structure in the shoreland zone is designed to limit environmental impacts and prevent water pollution.

(d) Minimizing vegetation removal, soil erosion, soil compaction and sedimentation.

SECTION 4. NR 115.01 (4) is created to read:

NR 115.01 (4) In order to meet the shoreland protection objectives found in s. 281.31 (1) and (6), Stats., and to adequately protect local resources, a county may adopt more protective shoreland zoning regulations than are required by the minimum standards in this chapter.

SECTION 5. NR 115.02 is repealed and recreated to read:

NR 115.02 Applicability. (1) The provisions of this chapter are applicable to county regulation of the use and development of unincorporated shoreland areas, and to county, city or village regulation of previously unincorporated shoreland areas that were annexed by a city or village after May 7, 1982 or

incorporated as a city or village after April 30, 1994. References in this chapter to a county, or county government agencies, shall be read to apply to cities and villages, or city and village agencies, when this chapter is applied to annexed or incorporated areas in situations where s. 59.692 (7), Stats., requires that shoreland zoning is to continue in effect.

(2) Town zoning ordinances that are more restrictive than the shoreland zoning ordinance of the county in which the town is located may be enforced in the shoreland zone, in addition to county shoreland zoning, to the extent of the greater restrictions, but any provisions that conflict with, or are less restrictive than, the county shoreland zoning ordinance are unenforceable in the shoreland area.

(3) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with, and obtain all necessary permits under, local shoreland zoning ordinances.

(4) State agencies are required to comply with, and obtain all necessary permits under, local shoreland zoning ordinances if required by s. 13.48 (13), Stats.

(5) The construction, reconstruction, maintenance and repair of state highways, bridges, and other transportation projects carried out under the direction and supervision of the Wisconsin department of transportation are not subject to local shoreland zoning ordinances, if s. 30.2022, Stats., applies.

(6) A Lower St. Croix riverway zoning ordinance that is adopted by a county, city or village in compliance with the requirements of s. 30.27, Stats., and ch. NR 118 may be adopted and administered as the county's shoreland zoning ordinance for shorelands within the Lower St. Croix national scenic riverway. All areas outside of the Riverway boundary that are within the shoreland zone shall be regulated by the county shoreland zoning ordinance which meets or exceeds the standards in this chapter.

SECTION 6. NR 115.03 is repealed and recreated to read:

NR 115.03 Definitions. For the purpose of this chapter:

(1) "Access and viewing corridor" means a vegetated strip of land that extends through the primary shoreland buffer to provide pedestrian access to the waterfront.

(2) "Accessory structure" means a subordinate structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property.

Note: Examples of accessory structures include detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks and detached stairways and mechanical lifts.

(3) "Agricultural practice" has the meaning found in s. 281.16 (1)(b), Stats.

Note: Section 281.16 (1)(b), Stats., defines "agricultural practice" to mean "beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising."

(4) "Best management practices" or "BMPs" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants being carried in runoff to navigable waters.

(5) "Compliant building location" means a location on a lot where a structure may legally be placed in accordance with the requirements of the county's shoreland zoning ordinance and which provides at least a 30 foot deep location for the structure.

(6) "Conditional use" or "special exception" means a use that is specifically listed in a shoreland zoning ordinance as either a conditional use or special exception and that may only be permitted if the appropriate governmental body, as authorized by county, city or village ordinance, determines that the conditions specified in the shoreland zoning ordinance for that use are satisfied.

(7) "County zoning agency" means the agency or office that is created or designated by the

county board under s. 59.69 (2)(a), Stats., to act in matters pertaining to county planning and zoning.

(8) “Dam” means any artificial barrier in or across a watercourse that has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse.

(9) “Department” means the Wisconsin department of natural resources.

(10) “Disabled” means having a physical or mental impairment that substantially limits one or more major life activities.

(11) “Expansion” means an addition to an existing structure that makes the structure larger, taller or both.

(12) “Floodplain” means the land that has been or may be hereafter covered by flood water during the regional flood, as defined in s. NR 116.03 (41).

(13) “Forest land” means any property on which trees exist, standing or fallen, alive or dead, that are primarily grown because they are valuable for forest products, watershed or wildlife protection or non-residential recreational uses. Forest land does not include property where shade or ornamental trees are grown primarily because they are valuable for landscape, aesthetic, agricultural or similar purposes.

Note: A parcel of land need not be designated as managed forest land under ss. 77.80 to 77.91, Stats., or be enrolled in any other forest management program to be considered “forest land.”

(14) “Forest management activities” means actions taken to establish, maintain or enhance forest land including planting trees, thinning and trimming trees, and harvesting timber and other forest products.

(15) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious unless specifically designed, constructed and maintained to be pervious.

(16) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(17) “Levee” means a continuous dike or embankment of earth constructed to prevent the flooding of certain areas of land.

(18) “Lift” means a mechanical device, either temporary or permanent, containing a mobile open-top car, including hand rails or guard rails, a track upon which the open-top car moves, and a mechanical device, which may or may not be motorized, to provide power to the open-top car.

(19) “Lot” means a contiguous parcel of land with described boundaries that abuts, or has access via an easement or areas of common ownership to, a public or private street or road.

Note: For the purpose of calculating lot area, the area or width of a lot may not include any portion of the bed of a navigable body of water below the ordinary high water mark, as provided in s. NR 115.11.

(20) “Mitigation” means implementing measures to restore natural functions to balance values lost through development and human actions.

(21) “Natural areas management activities” means actions taken to establish, maintain or enhance native plant communities or fish or wildlife habitat including forest management activities, prairie restoration, wetland restoration and removal of exotic species.

(22) “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within this state and all streams, ponds, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of the boundary waters, which are navigable under the laws of this state.

Note: Wisconsin case law further defines this term as any body of water, with a defined bed and bank, which is navigable under the laws of the state. In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis.

Section 281.31 (2m), Stats., also provides that, notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. 59.692, Stats., “does not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of the drainage ditches adjacent to these lands were nonnavigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.”

(23) “Ordinary high water mark” means the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

(24) “Primary shoreland buffer” means a vegetated buffer strip, measured on a horizontal plane, parallel to the ordinary high water mark, and extending inland from the ordinary high water mark a minimum of 35 feet.

(25) “Principal structure” means the main building or other structure on a lot or parcel of land that is utilized for the property’s primary use, including attached garages and porches.

(26) “Reasonable accommodation” means allowing a disabled person to deviate from the strict requirements of the county’s zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

Note: Federal courts have interpreted the “reasonable accommodations” requirement in the Federal Fair Housing Act to mean that an accommodation is reasonable “if it does not cause any undue hardship or fiscal or administrative burdens on the municipality, or does not undermine the basic purpose that the zoning ordinance seeks to achieve.” Oxford House, Inc. v. Town of Babylon, 819 F. Supp. 1179, 1186 (E.D.N.Y. 1993)

(27) “Secondary shoreland buffer” means a vegetated buffer strip, measured on a horizontal plane, from the inland edge of the primary shoreland buffer to the county designated setback.

(28) “Shoreland setback area” has the meaning found in s. 59.692 (1)(bn), Stats.

Note: Section 59.692 (1)(bn), Stats., defines “shoreland setback area” to mean “an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section.”

(29) “Shorelands” and “shoreland zone” have the meaning found in s. 59.692 (1)(b), Stats.

Note: Section 59.692 (1)(b), Stats., defines “shorelands” to mean “the area within the following distances from the ordinary high water mark of navigable waters, as defined under s. 281.31 (2)(d):

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake.
2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.”

(30) “Shoreland-wetland zoning district” means a zoning district, created in compliance with the requirements of s. NR 115.07.

(31) “Structure” means any man-made object with form, shape and utility, either permanently or temporarily placed upon the ground. The term “structure” does not include objects that are easily moved

by hand.

Note: Examples of structures include houses, garages, storage sheds, boathouses, camping trailers, mobile homes, swimming pools, hot tubs, fences, patios, decks and retaining walls.

(32) “Variance” means an authorization granted by the appropriate governmental body to construct, place, alter or expand a structure, or use a lot, in manner that deviates from the dimensional requirements of a shoreland zoning ordinance.

(33) “Wetland” has the meaning found in s. 23.32 (1), Stats.

Note: Section 23.32 (1), Stats., defines “wetland” to mean “an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.”

SECTION 7. NR 115.05 (title) is amended to read:

NR 115.05 (title) Shoreland ~~regulation standards and criteria~~ zoning districts.

SECTION 8. NR 115.05 (1) is amended to read:

NR 115.05 ~~(1) ESTABLISHMENT OF APPROPRIATE ZONING DISTRICTS.~~ Counties shall adopt shoreland zoning ordinances that ~~include~~ establish, at a minimum, ~~zoning regulations for a shoreland-wetland zoning districts~~ district that is regulated in compliance with the requirements in s. NR 115.07. A county may create other types of land use districts in shorelands, (such as general purpose, agricultural, industrial, commercial, residential, recreational, or conservancy, or wetlands districts) may be created in addition to shoreland-wetland zoning districts. The districts shall be established in, or incorporated by reference into, the county’s shoreland zoning ordinance adopted under s. 59.692, Stats.

SECTION 9. NR 115.05 (note) is created to read:

Note: Section 56.692 (5), Stats., provides that an ordinance enacted under s. 59.692, Stats., supersedes all provisions of an ordinance enacted under s. 59.69, Stats., that relate to shorelands.

SECTION 10. NR 115.05 (2) is renumbered NR 115.07.

SECTION 11. NR 115.05 (3) to (6) are repealed.

SECTION 12. NR 115.06 is repealed.

SECTION 13. NR 115.07 (title), (1) (a), (2) (a) and (c), (3) (intro.), (c) (note), (e), (g), (j), and (k), (4), and (5) (a) to (c), (d) (intro.), (e), (f), (g) (intro.), (h) and (i), as renumbered, are amended to read:

NR 115.07 ~~Establishment and regulation of shoreland-wetland~~ Shoreland-wetland zoning districts: (1) COUNTY REVIEW OF PRELIMINARY WETLAND INVENTORY MAPS. Before the department prepares or amends final Wisconsin wetland inventory maps,

~~(a) The department shall transmit to the county zoning agency designated under s. 59.69 (2)(a), Stats., digital or paper copies of preliminary wetland inventory maps for that county.~~

~~(b) The county zoning agency shall have 90 days to review the preliminary maps unless the~~

~~review period is extended by written approval of the department, but in no case shall the review period extend for more than 180 days.~~

~~(c) The county zoning agency shall hold a public hearing to solicit public comments on the preliminary wetland inventory maps. Notice of the time and place of the hearing shall be mailed to the town clerk of each town in the county and shall be published as a class 1 notice, under ch. 985, Stats.~~

~~(d) On or before the last day of the review period, the county zoning agency shall return the preliminary maps to the department. If the county zoning agency believes that the preliminary maps are inaccurate, discrepancies shall be noted on the maps with an accompanying narrative explaining the problem areas.~~

~~(e) The department shall schedule a meeting with the county zoning agency within 30 days of the return of the preliminary maps if the county zoning agency has indicated that they believe that there are inaccuracies on the maps.~~

~~(f) After meeting with the county zoning agency to discuss apparent map inaccuracies, the department shall, at department expense, consult available soil survey maps and conduct on-site inspections, if appropriate, in order to evaluate the county recommendations, and shall then prepare the final Wisconsin wetland inventory maps for that county.~~

~~(g) The adoption of a final Wisconsin wetland inventory map is a final decision of the department and may be reviewed as provided in ch. 227, Stats.~~

(2) COUNTY ADOPTION OF SHORELAND-WETLAND ZONING. (a) Each county shall, within 6 months after receipt from the department of final Wisconsin wetland inventory maps, or Wisconsin wetland inventory map amendments, for that county ~~from the department~~, zone all shorelands within the county that are designated as wetlands on the Wisconsin wetland inventory maps, ~~in~~ as a shoreland-wetland zoning district.

(c) The appropriate ~~district~~ regional office of the department shall be provided with a copy of the proposed text and map amendments and with written notice of the public hearing at least 10 days prior to the hearing.

(3) PERMITTED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Within shoreland-wetland zoning districts, a county ~~shall~~ may permit the following uses, which shall also comply with ~~subject to~~ the general requirements ~~of sub. (3) ss. NR 115.05 to 115.27~~, the provisions of chs. 30 and 31, Stats., and other state and federal laws, if applicable:

(e) **Note:** Local units of government, in the development and application of ordinances which apply to shoreland areas, must consider other programs of statewide interest and other state regulations affecting the lands to be regulated, i.e. regulations and management practices applicable to state and county forests and lands entered under the forest cropland program in subch. I of ch. 77, Stats., and ~~woodland tax law programs~~ the managed forest land program in subch. VI of ch. 77, Stats.

(e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems, ~~(such as ditching and tiling)~~, shall be ~~permitted~~ allowed. The construction and maintenance of roads shall be ~~permitted~~ allowed if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.

(g) The construction and maintenance of nonresidential ~~buildings~~ structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the building cannot as a practical matter be located outside the wetland, ~~not to exceed 500 square feet~~, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(i) Note: This section includes wetland conservation activities meeting the standards of ch. NR 353.

(j) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, ~~by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members,~~ which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(k) The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for ~~such~~ the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(4) PROHIBITED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Any use not permitted in ~~par. (c)~~ sub. (3) is prohibited in a shoreland-wetland zoning district unless the wetland or portion thereof is rezoned by amendment of the county shoreland zoning ordinance in accordance with s. 59.69 (5)(e), Stats., and the procedures outlined in ~~par. (c)~~ sub. (5).

(5) REZONING OF SHORELAND-WETLAND ZONING DISTRICTS. (a) ~~Official~~ Ordinance amendments are required for any change in shoreland-wetland zoning districts, ~~Such~~. The amendments shall be made upon petition in accordance with provisions of s. 59.69 (5)(e), Stats.

(b) The county clerk shall submit a copy of every petition for an amendment to a shoreland-wetland zoning district to the appropriate ~~district~~ regional office of the department within 5 days of the filing of ~~such~~ the petition with the clerk.

(c) All proposed text and map amendments to shoreland-wetland zoning districts shall be referred to the county zoning agency for a public notice and hearing as required by s. 59.69 (5)(e) 2., Stats. The county shall provide written notice of the public hearing at least 10 days prior to ~~such~~ the hearing to the appropriate ~~district~~ regional office of the department.

(d) In order to ensure that the shoreland protection objectives found in s. 281.31, Stats., will be accomplished by the county shoreland zoning ordinance, a county ~~shall~~ may not rezone a shoreland-wetland zoning district, or portion thereof, if there is a practicable alternative or if the proposed rezoning may result in a significant adverse impact upon any of the following:

(e) If the department determines that the proposed rezoning may have a significant adverse impact upon any of the criteria listed in ~~subd. 4~~ par. (d), the department shall notify the county zoning agency of its determination either prior to or during the public hearing held on the proposed amendment.

(f) As soon as possible after holding a public hearing, the county zoning agency shall submit its written findings and recommendations to the county board. ~~Said~~ The findings shall outline the reason for the agency's recommendations. After receipt of the county zoning agency's findings and recommendations, the board may approve or disapprove of the proposed amendment.

(g) The county shall send to the appropriate ~~district~~ regional office of the department ~~shall be provided with:~~

(h) If the county board approves of the proposed amendment and the department determines, after review as required by s. NR ~~115.06~~ 115.25 (2)(c), that the county shoreland zoning ordinance if so amended would no longer comply with the requirements of s. 59.692, Stats., and this chapter, the department shall, after notice and hearing, adopt a complying ordinance for the county, under s. 59.692 (6), Stats.

(i) If the department has notified the county zoning agency that a proposed amendment may have a significant adverse impact upon any of the criteria listed in ~~subd. 4~~ par. (d), ~~that~~ the proposed amendment, if approved by the county board, ~~shall~~ does not become effective until more than 30 days

have elapsed since written notice of the county board's approval was mailed to the department, as required by ~~subd. 7~~ par. (g). If within the 30-day period the department notifies the county board that the department intends to adopt a superseding shoreland zoning ordinance for the county under s. 59.592 (6), Stats., the proposed amendment ~~shall~~ may not become effective while the ordinance adoption procedure is proceeding, but shall have its effect stayed until the s. 59.692 (6), Stats., procedure is completed or otherwise terminated.

SECTION 14. NR 115.09 is created to read:

NR 115.09 Land division review. (1) GENERAL. All divisions of land in the shoreland zone that establish one or more lots that are 5 acres in size or smaller shall be reviewed and approved by the county and shall comply with the applicable minimum lot size standards in s. NR 115.11. In the review the following factors shall be considered:

- (a) County comprehensive planning.
- (b) Hazards to the health, safety or welfare of future residents.
- (c) Proper relationship to adjoining areas.
- (d) Public access to navigable waters, as required by law.
- (e) Appropriate stormwater drainage or retention facilities.
- (f) Conformity to state law and administrative code provisions.

(2) NAVIGABLE BODIES OF WATER WITHIN LOTS. For land divisions in the shoreland zone which are created after the effective date of the county's ordinance implementing the version of this chapter effective on the effective date of this rule [Revisor insert date], a county may not approve creation of a lot that is divided by a navigable stream unless a portion of the lot on at least one side of the stream has a compliant building location.

SECTION 15. NR 115.11 is created to read:

NR 115.11 Minimum lot sizes. (1) GENERAL. (a) *Minimum lot size.* Except as provided in subs. (2) to (5), a county may not permit the construction or placement of a structure on a lot in the shoreland zone which is created after the effective date of the county's ordinance implementing the version of this chapter effective on the effective date of this rule [Revisor insert date], unless the lot has a minimum area of 20,000 square feet and a minimum width of 100 feet at the ordinary high water mark and at the building setback line.

(b) *Beds of navigable waters excluded.* In calculating the minimum area or width of a lot, the beds of navigable waters may not be included.

(2) MULTI-FAMILY RESIDENTIAL STRUCTURES, MOBILE HOME PARKS AND CAMPGROUNDS. Counties shall develop minimum area or lot size requirements for multi-family residential structures, mobile home parks and campgrounds as part of the county's shoreland zoning ordinance. The ordinance shall require compliance with the rest of the county's shoreland zoning ordinance except the county may allow smaller lot sizes than those allowed under sub. (1)(a).

(3) SUBSTANDARD LOTS. A county may not permit the construction or placement of a structure on a lot in the shoreland zone that does not comply with the standards in this section, unless the lot is a lot of record that complied with applicable lot size requirements in effect at the time that the lot was recorded at the county register of deeds office, and the proposed construction or placement of a structure will comply with all other standards in the county's ordinance.

(4) PLANNED RESIDENTIAL DEVELOPMENTS. A lot may be created which does not meet the requirements of sub. (1) if the county has approved and recorded a plat or certified survey map for a planned unit, cluster or conservation development that allows reduced lot sizes in exchange for larger shoreland buffers, larger lot sizes or larger setbacks on those lots adjacent to the water.

SECTION 16. NR 115.13 is created to read:

NR 115.13 Minimum setbacks. (1) GENERAL. Except as provided in par. (b) and subs. (2) to (5), all structures shall be setback a minimum of 75 feet from the ordinary high water mark of navigable waters.

Note: A house boat or other structure that is licensed as a boat is still regulated under the county's shoreland zoning ordinance as a "structure," as that term is defined in s. NR 115.03 (36).

(a) *Measuring setback.* The minimum setback shall be measured on a horizontal plane from the point of a structure that is nearest to the ordinary high water mark, including roof overhangs and any cantilevered portions of the structure, unless, prior to the effective date of this rule [revisor insert date], a county has measured minimum setbacks to the nearest point of the foundation or base of a structure instead of measuring to roof overhangs. A county may continue to measure the minimum setback on a horizontal plane from the foundation or base of a structure at the point that is nearest to the ordinary high water mark, provided that after the effective date of this rule [revisor insert date], the county's shoreland zoning ordinance also requires, for any new construction, reconstruction, expansion, structural alteration, replacement, or relocation of any structure, that any cantilevered portion of a structure other than roof overhangs to be setback at least 75 feet from the ordinary high water mark and limits roof overhang width to no more than 3 feet.

Note: Porches are considered part of the structure. The width of porch roofs is not limited to 3 feet under s. NR 115.13 (1)(b), regardless of how a county measures the minimum setback.

(b) *Location of ordinary high water mark.* For the purposes of this chapter, if the department and the county determine different ordinary high water marks for a lot, the following procedure may be adopted in the county's shoreland zoning ordinance to resolve the inconsistency:

1. If the difference between the department and the county determination of the ordinary high water mark is one foot or less measured on a horizontal plane, the county determination may be used.
2. If the difference between the department and the county determination of the ordinary high water mark is greater than one foot measured on a horizontal plane, the department's determination shall be used unless a wetland 40 feet or more in depth is present and the county, as part of their county shoreland zoning ordinance, adopts the provision in subd. 3. or a more stringent requirement.
3. If a wetland of 40 or more feet between open water and the wetland-upland boundary is identified, the county may establish a minimum setback of 35 feet landward from the wetland-upland boundary. If necessary for safety, the primary buffer may be reduced to allow 15 feet of secondary buffer around the principal structure.

(2) EXEMPTED STRUCTURES. The following structures are exempt from the minimum setback standards in sub. (1).

(a) *Boathouses.* Dry boathouses located above the ordinary high water mark may be allowed within the minimum setback provided they are no larger than 250 square feet in size, are not used for human habitation and do not contain plumbing.

(b) *Open sided and screened structures.* Structures such as gazebos, decks, patios and screen houses in the shoreland setback area, that satisfy the requirements in s. 59.692 (1v), Stats., are exempt from the shoreland setback standards in sub. (1).

(c) *Fishing rafts.* Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats., and that are pulled up onto the shore in the fall for winter storage but are moved onto the water in the spring are exempt from the minimum setback standards in sub. (1).

(d) *Satellite dishes and antennas.* Broadcast signal receivers including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter are exempt from the minimum setback standards in sub. (1).

Note: Under 47 CFR 1.4000 and 25.104, state and local regulations that would impair the installation, maintenance or use of certain satellite dishes or antennas are prohibited.

(e) *Utilities.* Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. Comm 83, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure are exempt from the minimum setback standards in sub. (1).

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(f) *Flagpoles.* Flagpoles are exempt from the minimum setback standards in sub. (1).

(3) STRUCTURES COUNTIES MAY EXEMPT. Counties may exempt from the minimum setback standards in sub. (1), any structures that are regulated and permitted under ch. 30 or 31, Stats., such as piers, rip-rap, biological shore control structures, fish cribs, boat shelters, boat ramps, and dams and bridges and their appurtenant structures that have required state and federal permits, or meet statutory or administrative rule standards that do not require a state or federal permit.

(4) PERMITTED STRUCTURES. Counties may permit structures within the minimum setback if they are designed, constructed and maintained to minimize runoff to and preserve shore cover on navigable waters and have as their fundamental purpose one or more of the following goals:

1. To provide safe, pedestrian access to navigable waters, including public walkways or trails.
2. To provide public health and safety information.
3. To control significant, on-going erosion or slope stabilization.
4. To maintain or improve fish and wildlife habitat.
5. To maintain or improve water quality.

Note: Structures may include water quality improvement projects which comply with agricultural runoff management performance standards in ss. NR 151.01 to 151.095, wildlife and fisheries habitat improvement structures designated as necessary components of approved management plans and erosion control structures necessary to address significant on-going erosion.

(5) SETBACK REDUCTION PROCESS. A county may permit a reduced minimum setback for a new principal residential structure if all of the following conditions are satisfied:

1. The lot does not have a compliant building location which meets the applicable county setback, a minimum of 75 feet from the ordinary high water mark, due to unique property features.

Note: The department recommends that counties define unique property features to the area in their county shoreland zoning ordinance.

2. The depth of the structure is limited to 30 feet.
3. The lot is a legal lot of record that complied with the applicable lot size standards in effect at the time that the lot was recorded at the county register of deeds office.
4. The minimum setback shall be minimally reduced to create a compliant building location and may not be less than 50 feet from the ordinary high water mark.
5. Soil disturbance and vegetation removal activities do not encroach into the primary shoreland buffer.
6. The impervious surface standards in s. NR 115.19(3) are met.
7. The mitigation requirements in s. NR 115.21 are implemented and maintained.

SECTION 17. NR 115.15 is created to read:

NR 115.15 Height requirements. To protect and preserve the wildlife habitat and natural scenic beauty of lake and riverine environments, after the effective date of this rule [revisor insert date], a county may not permit the construction or placement of a structure on a lot within 300 feet of the ordinary high-water mark of a lake or stream unless the structure height does not exceed 35 feet. A county may create specific standards for height that apply to zoning districts for commercial, agricultural or industrial development within the shoreland zone provide those standards are incorporated into the county's shoreland zoning ordinance.

SECTION 18. NR 115.17 is created to read:

NR 115.17 Shoreland vegetation and buffers. (1) GENERAL. (a) *Vegetation removal criteria.* Any vegetation removal in the shoreland zone shall be governed by sound forestry and soil conservation practices, consideration of the effects on water quality and shall be designed and implemented in a manner to minimize erosion, sedimentation and impairment of near-shore aquatic, wetland, and upland wildlife habitat, and natural scenic beauty.

(b) *Vegetation management.* A county shall adopt standards for vegetation management, including the pruning of vegetation, if necessary, in the primary and secondary shoreland buffer and in the access corridor that will minimize erosion and destruction of natural scenic beauty and will provide visual screening from the water of dwellings, parking areas and other structures.

(2) PRIMARY SHORELAND BUFFERS. Except as provided in subs. (4) to (10), property owners shall preserve or establish, and maintain, a primary shoreland buffer of native shoreland vegetation in the area that extends a minimum of 35 feet inland from the ordinary high water mark of navigable waters under the following circumstances:

(a) When a new principal structure is being constructed;

(b) When primary buffer restoration or maintenance is selected to meet the requirements of s. NR115. 21 for any reconstruction, expansion, structural alteration, replacement, or relocation of any proposed structure that does not meet the minimum setback standards in s. NR 115.13 or the impervious surface standards in s. NR 115.19;

(c) When required by a county's ordinance.

Note: Section 23.24 (3)(a), Stats., provides that no person may introduce a nonnative aquatic plant into the waters of the state without an aquatic plant management permit issued by the department. Property owners should avoid planting nonnative plant species in the shoreland buffer area that may spread to nearby wetlands or waterways, such as reed canary grass.

Note: The Wisconsin Natural Resources Conservation Service Standard for Shoreland Habitat, Code 643A, and its companion Wisconsin Biology Technical Note 1: Shoreland Habitat, provide specific criteria for the establishment of native vegetation for the improvement of fish and wildlife habitat, water quality and bank stability.

(c) *Access and viewing corridor.* Access and viewing corridors may extend through the primary shoreland buffer to the waterfront and shall be maintained in ground layer vegetation in order to provide pedestrian access to the waterfront, provided that the total width of the corridors on a lot does not exceed the following amounts:

1. When a new principal structure is being constructed, or when required under s. NR 115.21,

lots 200 feet or less wide at the ordinary high water mark may have a total width of an access and viewing corridor or corridors that may not exceed 40 feet or 30% of the lot's width at the ordinary high water mark, whichever is less.

2. When a new principal structure is being constructed, or when required under s. NR 115.21, lots which are more than 200 feet wide at the ordinary high water mark are allowed a total width of an access and viewing corridor or corridors that may not exceed 200 feet or 20% of the lot's width at the ordinary high water mark, whichever is less.

(d) Removal. Vegetation may not be removed from the primary shoreland buffer except in access and viewing corridors. The removal of exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation posing an imminent safety hazard is allowed. Any vegetation removed under this paragraph shall be replaced by planting comparable species of native vegetation in the same area.

(3) SECONDARY SHORELAND BUFFER. Except as provided in subs. (4) to (10), property owners shall preserve or establish, and maintain, a secondary shoreland buffer of native or nonnative, non invasive, ground layer vegetation, including trees and shrubs, under the following circumstances:

(a) when a new principal structure is being constructed;

(b) when secondary buffer restoration or maintenance is selected to meet the requirements of NR115. 21 for any reconstruction, expansion, structural alteration, replacement, or relocation of any proposed structure that does not meet the minimum setback standards in s. NR 115.13 or the impervious surface standards in s. NR 115.19;

(c) when required by a county's ordinance.

(4) AGRICULTURAL PRACTICES AND FARM DRAINAGE DITCHES. (a) Land used for non-structural agricultural practices is exempt from the shoreland buffer requirements in subs. (2) and (3).

Note: The department plans to develop standards for agricultural buffers in the shorelands of navigable bodies of water as part of the process to revise ch. NR 151.

(5) FOREST MANAGEMENT ACTIVITIES. Forest management activities are exempt from the shoreland buffer requirements in subs. (2) and (3) if the property owner, or an agent or contractor of the owner, implements the voluntary forestry best management practices found in "Wisconsin's Forestry Best Management Practices for Water Quality", PUB FR-093 2003, published by the department in March 1995 and reprinted in May 2003.

Note: Copies of "Wisconsin's Forestry Best Management Practices for Water Quality", PUB FR-093 2003, are available for inspection at the offices of the Department of Natural Resources and the Revisor of Statutes. Copies may be obtained from the Wisconsin Department of Natural Resources, Division of Forestry, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707-7921. Property owners may seek advice on implementation of Forestry "BMPs" from county foresters and foresters employed by the department.

(6) NATURAL AREAS MANAGEMENT ACTIVITIES. Natural areas management activities are exempt from the shoreland buffer requirements in subs. (2) and (3) if carried out consistent with a department-approved management plan, or with a management plan that is approved by the county. Management plans shall promote the purposes in s. NR 115.01 (2) and shall be filed with the county.

(7) DAM AND LEVEE MAINTENANCE ACTIVITIES. Dam and levee maintenance activities are exempt from the shoreland buffer requirements in subs. (2) and (3) if carried out consistent with the requirements of s. 31.18, Stats. Earthen dam and levee embankments shall be maintained with ground layer vegetation, such as turf grass.

(8) UTILITY MAINTENANCE ACTIVITIES. Utility maintenance activities are exempt from the shoreland buffer requirements in subs. (2) and (3) if carried out consistent with the safe operation of public utilities and if ground layer vegetation is preserved and maintained, or established and maintained.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(9) **ROAD INTERSECTION AND DRIVEWAY MAINTENANCE ACTIVITIES.** Roadway intersection and driveway line-of-sight maintenance activities are exempt from the shoreland buffer requirements in subs. (2) and (3) if necessary to maintain required lines-of-sight, provided that ground layer vegetation is preserved and maintained, or established and maintained, and if the activities are carried out consistent with ss. 66.1037 and 82.03 (5)(b), Stats.

(10) **TEMPORARY ACCESS.** If it is necessary for construction equipment to access the primary or secondary buffer areas, the viewing and access corridor shall be used for temporary access to a project site for construction equipment. If additional access is necessary due to unique property features, activities that provide temporary access to a project site for construction equipment are exempt from the shoreland buffer requirements in subs. (2) and (3) if no other feasible location is available for the equipment to access the project site and if the county approves a revegetation and erosion control plan that is developed, implemented and maintained to address erosion control issues and to restore the ground, shrub and tree layers of vegetation in the areas disturbed by the temporary access.

SECTION 19. NR 115.19 is created to read:

NR 115.19 Impervious surface standard for new and existing construction (1) **GENERAL.** Whenever the construction of impervious surfaces in the shoreland zone is proposed, a county shall require property owners to address the impact of those surfaces with the use of best management practices to promote infiltration, control erosion and sedimentation into and preserve shore cover on navigable waters of the state. The county's shoreland zoning ordinance shall require compliance with this section.

Note: The department maintains a list of technical standards that it has determined adequate and effective for designing best management practices to achieve the objectives of NR115.19 (1). Contact the department storm water program in the Bureau of Watershed Management to obtain a copy of this list.

(2) **IMPERVIOUS SURFACE STANDARD.** The construction, reconstruction, expansion, structural alteration, replacement, or relocation of a structure shall comply with the appropriate standards in subs. (3) to (6).

(3) **LOTS WITH NEW PRINCIPAL STRUCTURES.** On a lot where a new principal structure is proposed the requirements in pars. (a) and (b) shall be met:

(a)1. The total area of impervious surfaces, including those areas exempted or permitted under s. NR 115.13 (2) to (4), may not exceed 10% of the entire lot area within 300 feet of the ordinary high water mark; or.

2. The total area of impervious surfaces, including those areas exempted or permitted under s. NR 115.13 (2) to (4), may not exceed 20% of the lot area within 300 feet of the ordinary high water mark if the requirements in s. NR 115.21 are met.

(b) Shared impervious surfaces, shall be divided proportionately among the properties within 300 feet of the ordinary high water mark which utilize the impervious surface.

(4) **LOTS WITH EXISTING PRINCIPAL STRUCTURES.** (a) On a lot with an existing principal structure, unlimited maintenance and repair of the structure is allowed. In a facility licensed under chs. HFS 178 or Comm 95, replacement of a mobile home or travel trailer on the same land surface area on an existing site pad is considered maintenance and repair.

(b) On a lot with an existing principal structure, the requirements in this paragraph shall be met:

1. The total area of impervious surfaces, including those areas exempted or permitted under s. NR 115.13 (2) to (4), may not exceed 15% of the lot area within 300 feet of the ordinary high water mark; or

2. If the requirements in section s. NR 115.21 are met, the total area of impervious surfaces, including those areas exempted or permitted under s. NR 115.13(2) to (4), may not exceed 20% of the lot area within 300 feet of the ordinary high water mark.

3. On a lot with an existing principal structure, shared impervious surfaces, shall be divided proportionately among the properties within 300 feet of the ordinary high water mark which utilize the impervious surface.

(c) On a lot with an existing principal structure, impervious surface expansions within the secondary buffer may be allowed if:

1. The expansion is in a compliant location as a result of a setback reduction process;
2. The expansion does not, along with existing impervious surfaces, exceed the impervious surface percentage cap of 20%; and
3. The requirements in s. NR 115.21 are met.

(d) No structural alterations or expansions to a principal structure entirely located within the secondary buffer may extend closer to the ordinary high water mark than the existing principal structure.

(e) Reconstruction or replacement of a principal structure is allowed within the secondary buffer provided there is not a compliant building location on the lot due to unique property features, the new structure covers the same land surface area as the existing structure, and the requirements in s. NR 115.21 are met.

(f) No impervious surface expansions to structures located wholly or partially within the primary buffer may be allowed.

(g) Principal structures within the primary buffer may be reconstructed if the requirements in s. 59.692(1s), Stats. are met.

(5) ENCLOSING EXISTING IMPERVIOUS SURFACES. Building upon or enclosing existing impervious surfaces is allowed provided the enclosure will not be within the primary buffer, construction is on an existing impervious surface, documentation that demonstrates the impervious surface existed prior to the effective date of this rule [revisor insert date] is provided and the requirements in s. NR 115.21 are met.

(6) REPLACING EXISTING IMPERVIOUS SURFACES. If existing development on a lot within 300 feet of the ordinary high water mark exceeds the applicable cap on impervious surfaces in s. NR115.19 (3) or

(4) on the date this rule becomes effective [revisor insert date], no increases of impervious surfaces shall be permitted. Replacement of impervious surfaces is allowed provided the surface or structure is in a compliant building location. If there is not a compliant building location due to unique property features the structure may be replaced if:

- (a) The original structure was not in the primary buffer, the replacement structure covers the same land surface area as the original, and the requirements in s. NR 115.21 are satisfied, or
- (b) The replacement structure is rebuilt at the most compliant location possible with the same land surface area as the original and the requirements in s. NR 115.21 are satisfied.

(7) RELOCATION OF EXISTING IMPERVIOUS SURFACES. Relocation of impervious surfaces is allowed if the following requirements are met:

- (a) The surface or structure is moved to a compliant building location or, if there is not a compliant building location due to unique property features, to the greatest setback possible from the ordinary high water mark;
- (b) The surface or structure is outside of the primary buffer;
- (c) The requirements in s. NR 115.21 are met; and
- (d) Soil permeability shall be restored to any area from which an impervious surface has been removed.

SECTION 20. NR 115.21 is created to read:

NR 115.21 Mitigation. (1) GENERAL. When construction, reconstruction, expansion, structural

alteration, replacement, or relocation of a structure is proposed, mitigation shall be required if the minimum setback standards in s. NR 115.13 or the impervious surface standards in s. NR 115.19 are not met. Mitigation may be required when the vegetative management requirements in s. NR 115.17(2) are not met.

(2) **PERFORMANCE STANDARD.** (a) When mitigation is required, the performance standard that must be met is to protect and enhance existing water quality and habitat while achieving natural scenic beauty. To protect, preserve and enhance water quality, through the use of technical standards developed or approved by the department, counties shall require property owners to contain or infiltrate the average annual rainfall to the maximum extent practicable, with the goal that the pre-development and post-development runoff volumes remaining the same.

Note: If a stormwater management plan has been approved pursuant to ch. NR 216 and the plan meets the standards in this section, the implementation and maintenance of that plan may serve as all or a portion of the mitigation required in this section.

(b) To protect, preserve and enhance wildlife habitat, in the primary buffer one of the following must be met:

1. Natural shoreland habitat is maintained.
2. If natural habitat has been altered from natural conditions, it must be restored or enhanced and maintained to represent area plant communities or other natural features.

Note: Maintained is meant to include existing natural shorelines that already offer protection including rock outcrops, pine forests or sand dunes.

(c) To protect, preserve and enhance natural scenic beauty, shoreland vegetation or other natural features shall be maintained, or restored, through the monitoring and enforcement of the water quality, habitat and county specific visual standards that achieve the purposes of this chapter.

Note: The department may identify technical standards that exist or are specifically developed by qualified groups or organizations as adequate and effective to implement the performance standards in this subsection.

(3) **PROPORTIONALITY.** County ordinances shall include a mitigation system which requires mitigation that is proportional to the anticipated impacts of the project.

Note: For example, habitat mitigation may consist of a no mow area in the primary buffer or may require an entire restoration depending on the anticipated impacts of the requested project.

SECTION 21. NR 115.23 is created to read:

NR 115.23 Land disturbing construction activities. Counties shall have a permitting system for land disturbing construction activities to minimize erosion and sedimentation. Counties may exempt any land disturbing construction activity for which a permit has been granted by the department under ch. 30, Stats., or ch. NR 216 from the county zoning permit requirement, if the department-issued permit is filed with the county as specified in the county's shoreland zoning ordinance. Counties may also act as an agent of the department, utilizing a county permit to simultaneously grant state approval, if a memorandum of agreement has been developed and approved by the department and the implementing county.

Note: Land disturbing activities must also satisfy the requirements of ch. 30, Stats., chs. NR 151 and 216, and other state and federal laws, where applicable, including those erosion control measures required in the Uniform Dwelling Code (Comm 21.125), the commercial construction site erosion control standards in the Wisconsin Commercial Building Code (Comm 61.115) and the storm water and

clearwater plumbing system requirements in the Uniform Plumbing Code. (Comm 82.36 and 82.365)

SECTION 22. NR 115.25 is created to read:

NR 115.25 Adoption of administrative and enforcement provisions. The shoreland ordinance adopted by each county shall provide for all of the following:

(1) The appointment of a zoning administrator, or staff person with the duties of a zoning administrator, and additional staff as the workload may require. The zoning administrator, or other zoning staff with appropriate training, may make the initial determination regarding the navigability of a body of water or the location of the ordinary high water mark for navigable waters of the county. The zoning administrator may contact the appropriate regional office of the department to request an official determination of navigability of or the location of the ordinary high water mark by department staff.

(2) The creation of a county zoning agency, as authorized by s. 59.69, Stats., a board of adjustment, as authorized by s. 59.694, Stats., and a county planning agency, as defined in s. 236.02 (1), Stats., and required by s. 59.692 (3), Stats.

(3) A system of zoning permits and fees for all new development, construction, replacement, reconstruction, expansion, structural alteration and relocation of buildings and other structures and other activities as required by this chapter. This system shall include a plan to coordinate with other county offices and town governments to ensure that landowners in unincorporated areas of the county are informed about the requirements of the county shoreland zoning ordinance when they apply for building permits and sanitary permits. All applications shall be required to include a site diagram drawn to scale that shows, at a minimum: the setback from the ordinary high water mark of all structures on the lot, any proposed vegetative cutting or removal, and the location and size of all existing and proposed impervious surfaces. A copy of all approved permit applications shall be required to be filed in the office of the county zoning agency. All county shoreland zoning ordinances shall provide that permits shall expire if construction has not commenced by a time limit established in the county ordinance.

(4) Regular inspection of permitted work in progress to insure conformity of structures and other activities with the requirements of the county shoreland zoning ordinance.

(5) A variance procedure which authorizes the appropriate local decision making body to grant a variance from the terms of the ordinance in accordance with s. 59.694 (7)(c), Stats.

(6) A conditional use or special exception procedure for uses presenting special conditions. A county may not substitute a conditional use permit process for the variance process in situations where a variance is necessary because the use or activity is prohibited or is not allowed because specific standards are not satisfied.

(7) The county shall keep a complete record in the form of written minutes, a tape recording, transcript or other appropriate electronic methods of all proceedings before the board of adjustment or the county planning and zoning committee related to proposed variances, conditional uses or special exception permits, and shall retain these records in compliance with s. 19.21 and ch. 59, Stats.

(8) Written notice and a copy of all application forms and attachments submitted by the applicant shall be sent to the appropriate regional office of the department by the county at least 10 business days prior to all hearings on proposed variances, conditional uses, appeals for map or text interpretations, and map or text amendments, and the county shall submit to the same office of the department copies of decisions on variances, conditional uses, appeals for map or text interpretations, and map or text amendments within 10 business days after they are granted or denied.

(9) Mapped zoning use districts and the recording, on an official copy of the map, of all use district boundary amendments. As updated Wisconsin wetland inventory maps become available, a county shall adopt the updated maps for shoreland-wetland zoning districts within 6 months of final completion of the map. The boundaries of the shoreland zone and the location of navigable waters are not required to be mapped if described in the text of the ordinance.

(10) The establishment of appropriate penalties for violations of the requirements of the ordinance, including at a minimum forfeitures of not less than \$10 and not more than \$1,000 per

violation, or twice the amount of any permit fee that the violator did not, but should have, paid, whichever is more. Each day of continued violation is a separate offense. Compliance with the ordinance shall also be enforceable as provided in s. 59.69 (11), Stats.

(11) The prosecution of violations of the ordinance.

(12) The procedure that is to be followed to process applications from persons who claim to be disabled and who are requesting that they be allowed to take action that would otherwise be prohibited under the shoreland zoning ordinance because of their disability. In order to allow a disabled person who is entitled to reasonable accommodations under the Americans with Disabilities Act, the federal Fair Housing Act or the Wisconsin Open Housing Law to take action that would otherwise violate the requirements of the county's shoreland zoning ordinance, a county shall issue a special administrative permit to the disabled person. All structures constructed for use by the disabled shall be located, designed, constructed and maintained to minimize runoff to navigable waters and avoid any adverse impact on fish and wildlife habitat and natural scenic beauty. A county may not issue variances to disabled persons unless the statutory variance criteria in s. 59.694 (7)(c), Stats., are satisfied for the lot or structure in question.

Note: The Americans with Disabilities Act ("ADA"), 42 USC 12101 to 12213, requires states and local units of government to take action to avoid discriminating against disabled persons in their employment practices, in public accommodations and in all programs, activities and services provided by the governmental entity. The federal Fair Housing Act, 42 USC 3601 to 3631, and the Wisconsin Open Housing Law, s. 106.50, Stats., require local governments to make "reasonable accommodations" in the application of zoning ordinances in order to provide equal opportunity to housing to disabled persons. However, the issuance of a variance is not the appropriate mechanism for granting "reasonable accommodations" that are required because of a person's disabilities because, under Wisconsin law, variances can only be granted based on the unique characteristics of the property.

SECTION 23. NR 115.27 is created to read:

NR 115.27 Department duties. (1) ASSISTANCE TO COUNTIES. The department shall provide advice and assistance to a county in the development, adoption, administration and enforcement of their shoreland zoning ordinances, consistent with the shoreland protection objectives found in s. 281.31, Stats.

(2) REVIEW AND APPROVAL OF SHORELAND ZONING ORDINANCES. (a) Compliance with the requirements of s. 59.692, Stats., will be determined by the department by comparing the shoreland zoning ordinance that has been enacted by a county with the minimum standards for shoreland regulation contained in this chapter. The department shall issue a certificate of compliance when a county has, in the opinion of the department, complied with s. 59.692, Stats., and this chapter.

(b) The department shall periodically reevaluate shoreland zoning ordinances to ascertain their continuing compliance with this chapter. A county shall keep its shoreland zoning ordinance current, effective and workable to retain its status of compliance.

(c) The department shall review and approve all proposed shoreland zoning ordinance amendments, including amendments to shoreland wetland zoning districts pursuant to s. NR 115.07 (5), to ensure the proposed ordinance will retain its status of compliance with s. 59.692, Stats., and this chapter. Ordinance amendments shall be sent to department's central office in Madison at P.O. Box 7921, Madison, WI 53707-7921.

(d) Once a county ordinance has been revised or amended, the department shall review the ordinance and notify the county of approval or denial of the ordinance. The county shoreland zoning ordinance shall meet or exceed the standards of this chapter before the department issues a certificate of compliance. A county must have a department approved shoreland zoning ordinance to be considered in compliance with the requirements of s. 59.692, Stats.

(3) DETERMINATION OF ORDINANCE NONCOMPLIANCE. (a) A county that has a shoreland zoning ordinance that does not meet the minimum standards contained in this chapter shall be deemed to be in noncompliance with the requirements of s. 59.692, Stats.

(b) If a county fails to modify its ordinance to meet the minimum standards in this chapter within 2 years after the effective date of this rule [revisor insert date], the department shall adopt a superseding ordinance amendment for the county, after notice and hearing, pursuant to s. 59.692 (6), Stats. All costs for action by the department shall be borne by the noncompliant county. The department may grant an extension of time to modify an ordinance if the department determines the extension is in the public interest.

(c) If a county fails to modify its ordinance to meet the minimum standards in this chapter within 6 months after a notification of noncompliance is sent to the county for ordinance amendments other than in (b), the department shall adopt a superseding ordinance amendment for the county, after notice and hearing, pursuant to s. 59.692 (6), Stats. All costs for action by the department shall be borne by the noncompliant county. The department may grant an extension of time to modify an ordinance if the department determines the extension is in the public interest.

(4) MONITORING OF ZONING DECISIONS. It is the responsibility of the department, to aid in the fulfillment of the state’s role as trustee of its navigable waters, to monitor the administration and enforcement of shoreland zoning ordinances. In so doing, the department:

(a) Shall review decisions granting conditional uses, variances and appeals to ensure compliance with the county shoreland zoning ordinance and this chapter.

(b) May appeal the actions of county zoning officials to county boards of adjustment, under s. 59.694 (4), Stats.

(c) May seek certiorari review of the decisions of boards of adjustment, under s. 59.694 (10), Stats.

SECTION 24. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

SECTION 25. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

No. 10f -- **ORDINANCE REGARDING: TO AMEND SCHEDULE A, TO SECTION 340.0003 OF THE BROWN COUNTY CODE ENTITLED “SPEED LIMITS”**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The Brown County Board of Supervisors does ordain as follows.

Section 1: A traffic and engineering investigation having been made on the following described highway, the maximum permissible speed at which vehicles may be operated on said highway, which speed herewith established as reasonable and safe pursuant to Section 349.11, Wisconsin Statutes, shall be as set forth within, and upon the erection of standard signs giving notices thereof.

Section 2: Schedule A to Section 340.0003 of the Brown County Code entitled "Speed Limits" is hereby amended to include as follows:

**SCHEDULE A
SPEED LIMITS**
(A part of Section 340.003)

County Trunk Highway CE, Town of Holland:

Current: Thirty-five miles per hour from its intersection with County Trunk Highway D, in the unincorporated place known as Holland, westerly for a distance of 0.43 of a mile.

Revise To: Thirty-five miles per hour from its intersection with County Trunk Highway D, in the unincorporated place known as Holland, westerly for a distance of 0.56 of a mile.

Section 3: This ordinance shall take effect upon passage and publication. Adopted this 18th day of July 2007.

Fiscal Impact: Not Applicable

Respectfully Submitted,
PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Warpinski and seconded by Supervisor Van Deurzen "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Tom Hinz, County Executive	Date: 7/23/2007
Approved by: _____ \s\ Darlene K. Marcelle, County Clerk	Date: 7/24/2007
Approved by: _____ \s\ Thomas Lund, Board Chairman	Date: 7/25/2007

No. 10g -- RESOLUTION REGARDING: REGRADING THE SALARY RANGE FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Director of Public Safety Communications position is vacant; and

WHEREAS, the current salary range is \$70,805 to \$84,545 in Pay Grade 26 of the Classification

& Compensation Plan; and

WHEREAS, the market has changed, and based on the current market, to be competitive and to attract qualified candidates, and based on benchmark information, the Director of Public Safety Communications salary range should be in Pay Grade 30, with a salary range of \$81,544 - \$97,368 effective July 18, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the salary pay grade for the position of Director of Public Safety Communications be moved to Pay Grade 30 of the Classification and Compensation Plan effective July 18, 2007.

Respectfully submitted,
PUBLIC SAFETY COMMITTEE
EXECUTIVE COMMITTEE

A motion was made by Supervisor Kaye and seconded by Supervisor Van Deurzen **“to adopt”**. After discussion, a motion was made by Supervisor Vander Leest and seconded by Supervisor Haefs **“to hold Public Safety Communications Director raise for 60 days to understand the state budget impact on Brown County”**. Voice vote taken. Supervisors Scray and Vander Leest voted ayes and the rest of the Board voted nay. Motion defeated **“to refer for 60 days”**.

A motion was made by Supervisor Zima and seconded by Supervisor Kaye **“to adopt”**. Vote taken. Roll Call #10g(1):

Ayes: Warpinski, De Wane, Theisen, Krueger, Erickson, Kaye, Zima, Johnson, Dantine, La Violette, Van Deurzen, Fleck, Clancy, Hoeft, Lund, Fewell

Nays: Nicholson, Haefs, Evans, Vander Leest, Zeller, Kaster, Backmann, Zabel, Scray

Excused: De Cleene

Total Ayes: 16 Total Nays: 9 Excused: 1

Motion carried.

Approved by: \s\ Tom Hinz, County Executive Date: 7/23/2007

No. 10h -- RESOLUTION REGARDING: ALLOWING THE CRIMINAL JUSTICE COORDINATING BOARD TO USE THE AIM (ASSESS, INFORM & MEASURE) PROGRAM STATEMENT AS A BASE FOR AN RFI TO SEEK POTENTIAL VENDERS FOR THE SERVICES OUTLINED IN THE PROGRAM. RFI WOULD BE USED TO IDENTIFY COSTS ASSOCIATED WITH THE PROGRAM

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, escalating incarceration costs are a major hardship for Brown County residents, businesses and local units of government; and

WHEREAS, the Criminal Justice Coordinating Board is attempting to address those concerns; and

WHEREAS, the Board believes it is appropriate to seek potential vendors to assist in those

concerns; and

WHEREAS, an RFI is the appropriate venue to begin that process.

NOW THEREFORE, BE IT RESOLVED, that the Criminal Justice Coordinating Board use the AIM (Assess, Inform & Measure) Program Statement as a base for an RFI to seek potential vendors for the services outlined in the program and identify costs associated with the program.

Respectfully submitted,
CRIMINAL JUSTICE COORDINATING
BOARD
PUBLIC SAFETY COMMITTEE

Fiscal Impact: Not Applicable

A motion was made by Supervisor Kaye and seconded by Supervisor Clancy **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Tom Hinz, County Executive _____ Date: 7/23/2007

No. 11 -- SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

**No. 11a -- LATE COMMUNICATION:
FROM CHAIRMAN LUND REGARDING: REQUESTING A BREAKDOWN OF
THE CIRCUIT COURTS BUDGET INDICATING HOW MUCH REVENUE IS
RECEIVED ANNUALLY FROM THE STATE OF WISCONSIN TO COVER
EXPENSES AND HOW MUCH OF THE TOTAL ANNUAL EXPENDITURES
ARE FUNDED BY THE COUNTY.**

Refer to Public Safety Committee.

No. 12 -- BILLS OVER \$5,000 FOR PERIOD ENDING JULY 3, 2007

A motion was made by Supervisor Warpinski and seconded by Supervisor Erickson **“to pay the bills over \$5,000 for the period ending July 3, 2007”**. Voice vote taken. Motion carried unanimously to pay the bills over \$5,000.

No. 13 -- CLOSING ROLL CALL:

Present: Warpinski, De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, Zabel, Scray, Hoeft, Lund, Fewell
Excused: De Cleene
Total Present: 25 Total Excused: 1

No. 14 -- ADJOURNMENT TO WEDNESDAY, AUGUST 15, 2007 AT 7:00 P.M.,
LEGISLATIVE ROOM, #203, CITY HALL, 100 NORTH JEFFERSON STREET,
GREEN BAY, WISCONSIN.

A motion was made by Supervisor Warpinski and seconded by Supervisor Erickson “**to adjourn to the above date and time**”. Voice vote taken. Motion carried unanimously with no abstentions.

Meeting adjourned at 10:28 p.m.

\s/ DARLENE K. MARCELLE
Brown County Clerk