

**JOURNAL OF THE MEETING OF THE
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

November 7, 2017

Pursuant to Wis. Stat. § 59.11, the November 7, 2017 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on November 3, 2017 at 2:30 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 22 Supervisors present; Absent: 3, Supervisors Abler, Hilbelink, Weggeman.

Supervisor Winkel moved for approval of the October 24, 2017 and October 31, 2017 Journals, which were distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATIONS – NONE

PUBLIC ADDRESS

Jay Hoogstra, N6133 Resource Drive, Sheboygan Falls – Five-Year Capital Plan.

LETTERS AND COMMUNICATIONS

The Clerk presented a resolution from the Outagamie County Board of Supervisors relating to mining safeguards. By Chairperson referred to the Planning, Resources, Agriculture and Extension Committee.

The Clerk presented a resolution from the Door County Board of Supervisors opposing the Aquila Resources Back Forty Mine project in Michigan. By Chairperson received for information.

The Clerk presented a resolution from the Door County Board of Supervisors opposing the elimination of the J-1 Visa program. By Chairperson referred to the Executive Committee.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne recognized Finance Director Wendy Charnon and her staff for Sheboygan County receiving the Certificate of Achievement for Excellence in Financial Reporting for a fourth consecutive year. Mr. Payne provided an update on the new Transportation Complex, and also encouraged everyone to think about how much our veterans have done for our country and to give thanks.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding Resolution No. 14 (2017/18) **Approving Restated Sewage Treatment Agreement with City of Plymouth** recommending adoption.

Supervisor Goehring moved to adopt the resolution. The motion was seconded by Supervisor Uraynar and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding Ordinance No. 07 (2017/18) **Amending Provisions of the Floodplain Zoning Ordinance** recommending enactment.

Supervisor Goehring moved to enact the ordinance. Supervisor Koch seconded the motion which carried on unanimous roll call vote of the board.

Supervisor Bauer left the meeting at 6:28 p.m.

The Clerk read the report of the Health & Human Services Committee regarding **Ordinance No. 06 (2017/18) Repealing Prohibition on Feeding Deer** recommending filing with the Clerk.

Supervisor Epping moved to enact the ordinance. The motion was seconded by Supervisor Hoffmann and defeated on roll call vote of the board of Ayes: 8, Supervisors Epping, Glavan, Hoffmann, Koch, Marthenze, Ogea, Wegner, and Winkel; Noes: 13; Absent: 4, Supervisors Abler, Bauer, Hilbelink, and Weggeman.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 16 (2017/18) Re: Approving Borrowing in Excess of Budget Control Policy.

Vice-Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.07(b) this document is before the board for immediate action.

Supervisor Winkel moved to adopt the resolution. The motion was seconded by Supervisor Te Stroete and carried on roll call vote of the board of Ayes: 20; Noes: 1, Supervisor Uraynar; Absent: 4, Supervisors Abler, Bauer, Hilbelink, and Weggeman.

Resolution No. 17 (2017/18) Re: Approving 2018 Budget. Vice Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.06(a)(6) & (9) this document is before the board for immediate action.

Supervisor Te Stroete moved to adopt the resolution. Supervisor Goehring seconded the motion.

Supervisor Winkel moved to amend the resolution. In the Five Year Capital Plan portion of the Budget, reduce the Transportation Complex 2018 budgeted amount (Project #2960) from \$10,137,053 to \$9,637,053 or a reduction of \$500,000, together with a \$500,000 reduction in bonding for the Transportation Complex from \$7,180,000 to \$6,680,000, and the resulting column and line recalculations in the plan, as reflected on Exhibit A; and,

In the corresponding line item format of the Budget, reduce line #540002 (Capital Projects Expense) by \$500,000 and reduce line #610000 (Capital Projects Other Financing) by \$500,000, together with the resulting column and line recalculations. The motion was seconded by Supervisor Te Stroete and the amendment carried on unanimous roll call vote of the board.

Resolution No. 17 was adopted as amended on roll call vote of the board of Ayes: 20; Noes: 1, Supervisor Uraynar; Absent: 4, Supervisors Abler, Bauer, Hilbelink, and Weggeman.

Resolution No. 18 (2017/18) Re: Levying and Apportioning the Tax. Vice-Chairperson Marthenze announced that pursuant to County Code of Ordinances Section 5.06(a)(6) & 9 this document is before the board for immediate action.

Supervisor Winkel moved to adopt the resolution. The motion was seconded by Supervisor Koch and carried on unanimous roll call vote of the board.

Resolution No. 19 (2017/18) Re: Authorizing the Issuance and Sale of \$7,180,000 General Obligation Promissory Notes referred to the Executive Committee

Ordinance No. 08 (2017/18) Re: Amending Sections 72.15 and 72.32(43) of the Sheboygan County Shoreland Ordinance regarding Lake Michigan Setback referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 7:06 p.m. The next scheduled meeting is Tuesday, December 19, 2017 at 6:00 p.m.

RESOLUTION NO.: 77—2017-18

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The mining industry can potentially provide benefits to communities which it affects,
2 including job creation, new tax revenue, and economic development.

3
4 However, if sufficient safeguards are not implemented, mining projects also have the
5 potential to negatively impact the natural resources, public health, cultural heritage, and
6 certain economic aspects of those communities and Wisconsin as a whole. If a mine is
7 located near a body of water, discharges from that mine into the water could negatively
8 impact habitats for species of special concern. Such a mine could also create the risk of
9 long-term leaching of acid-producing wastes into groundwater and the nearby waterbody.
10 The hazardous wastes generated by the mine could degrade water quality and present risks
11 to human health and the surrounding environment. Potential economic losses could
12 include reduction in property values and loss of tourism revenue. Due to its impact on the
13 land itself, a mine could also result in the irreversible loss of significant cultural resources
14 in Wisconsin, including Native American gravesites and other areas of historical
15 significance.

16
17 Those responsible for a mining project can mitigate the potential negative impacts of a
18 mine by ensuring the implementation of sufficient safeguards, including approved
19 reclamation plans, groundwater monitoring, and other solid-waste-management measures.

20
21 This resolution opposes any mining project which does not implement sufficient
22 safeguards to mitigate the potential negative impacts of the mining project on the natural
23 resources, public health, cultural heritage, and economy of Wisconsin.

24
25 NOW THEREFORE, the undersigned members of the Agriculture, Extension Education, Land
26 Conservation & Zoning Committee recommend adoption of the following resolution.

27 BE IT RESOLVED, that the Outagamie County Board of Supervisors opposes any mining
28 project which does not implement sufficient safeguards to mitigate the potential negative impacts of the
29 mining project on the natural resources, public health, cultural heritage, and economy of Wisconsin, and

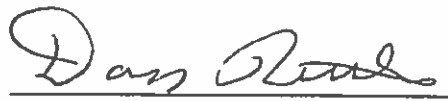
30 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
31 of this resolution to the Outagamie County Land Conservationist and the Outagamie County Lobbyist
32 for distribution to the Governor, the Wisconsin State Legislature and all Wisconsin counties.

33 Dated this 24th day of October 2017

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Respectfully Submitted,

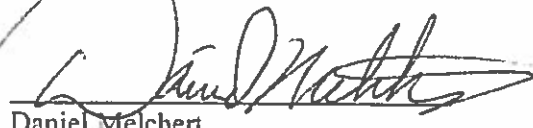
AGRICULTURE, EXTENSION
EDUCATION, ZONING & LAND
CONSERVATION COMMITTEE



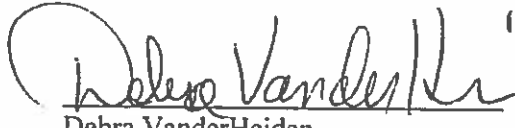
Daniel Rettler



Keith Suprise



Daniel Melchert



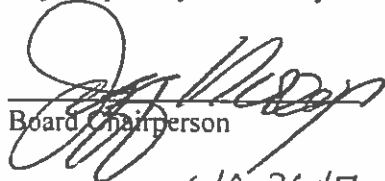
Debra VanderHeiden



BJ O'Connor-Schevers

Duly and officially adopted by the County Board on: October 24, 2017

Signed:



Board Chairperson



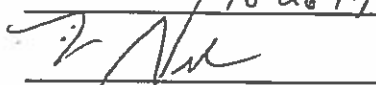
County Clerk

Approved:

10 26 17

Vetoed: _____

Signed:



County Executive



**IN OPPOSITION TO THE PROPOSED SB 395 AND AB 499 RELATING
TO THE REGULATION OF NONFERROUS METALLIC MINING**

DOOR COUNTY

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

1 **WHEREAS**, Proposed 2017 Senate Bill 395 ("SB 395") and 2017 Assembly Bill 499 ("AB 499") make a
2 number of changes to laws relating to nonferrous metallic mineral prospecting and mining.

3
4 **WHEREAS**, current law provides that the Wisconsin Department of Natural Resources ("DNR") "...may
5 not issue a permit under s. 293.49 for the purpose of the mining of a sulfide ore body until all of the following
6 conditions are satisfied:

7
8 (a) *The department determines, based on information provided by an applicant for a permit under s.
9 293.49 and verified by the department, that a mining operation has operated in a sulfide ore body
10 which, together with the host nonferrous rock, has a net acid generating potential in the United States
11 or Canada for at least 10 years without the pollution of groundwater or surface water from acid
12 drainage at the tailings site or at the mine site or from the release of heavy metals.*

13
14 (b) *The department determines, based on information provided by an applicant for a permit under s.
15 293.49 and verified by the department, that a mining operation that operated in a sulfide ore body
16 which, together with the host nonferrous rock, has a net acid generating potential in the United States
17 or Canada has been closed for at least 10 years without the pollution of groundwater or surface water
18 from acid drainage at the tailings site or at the mine site or from the release of heavy metals.*

19
20 SB 395 and AB 499 would eliminate these conditions.

21
22 **WHEREAS**, under current law, a nonferrous prospecting or mining permit applicant must obtain a high
23 capacity well approval if the applicant will withdraw groundwater or dewater mines at a rate and capacity of
24 more than 100,000 gallons each day. The DNR is prohibited from issuing this approval if the withdrawal or
25 dewatering will result in the unreasonable detriment of public or private water supplies or the unreasonable
26 detriment of public rights in the waters of the state. [s. 293.65 (3), Stats.]. SB 395 and AB 499 would remove
27 this prohibition.

28
29 **WHEREAS**, Under current law, groundwater standards apply from the land surface down through all
30 saturated geological formations. SB 395 and AB 499 provide that, in context of nonferrous mining or
31 prospecting, groundwater contamination enforcement standards do not apply below the depth in the
32 Precambrian bedrock below which the groundwater is not reasonably capable of being used for human
33 consumption and is not hydrologically connected to other sources of groundwater that are suitable for human
34 consumption.

35
36 **WHEREAS**, Under current law, a person may apply to the DNR for a license or permit to engage in
37 exploration for, prospecting for, or mining of nonferrous metallic minerals. SB 395 and AB 499 create a
38 separate activity termed "bulk sampling" of nonferrous metallic minerals (which is defined as excavating in a
39 potential mining site by removing less than 10,000 tons of material to assess the material or gather data to
40 support a mining application) and a streamlined approval process with less scrutiny, opportunity for public
41 comment, oversight and control.

42
43 **WHEREAS**, SB 395 and AB 499 makes various changes to the permit application, review and hearing
44 processes related to nonferrous metallic mineral prospecting and mining, which will result in less scrutiny,
45 opportunity for public comment, accountability, oversight and control.



DOOR COUNTY

Resolution No. 2017-68

IN OPPOSITION TO THE PROPOSED SB 395 AND AB 499 RELATING TO THE REGULATION OF NONFERROUS METALLIC MINING

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
MOELLER			
NEINAS			
ROBILLARD			
SCHULTZ			
SITTE			
SOHNS			
VIRLEE			
VLIES WOTACHEK			
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WHEREAS, the potential impacts of certain nonferrous metallic mineral exploration and mining include: long term leaching of acid-producing wastes into groundwater and adjacent surface waters; this degradation of water quality presents risks to human health and the environment; and potential economic losses (e.g., reduction of property values and loss of tourism revenue).

WHEREAS, the Door County Board of Supervisors, by adoption of Resolution 2017-49 on July 25th 2017, expressed its opposing to the Aquila Resources, Inc. Back Forty mine project located adjacent to Marinette County and across the Menominee River in Michigan's Upper Peninsula.

NOW, THEREFORE, BE IT RESOLVED, that the Door County Board of Supervisors hereby expresses its opposition to 2017 Senate Bill 395 and 2017 Assembly Bill 499 and its support for existing laws and regulations including Chapter 293, Wisconsin Statutes and Chapter NR 130, Wisconsin Administrative Code.

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, to the Department of Natural Resources Interim Secretary Kurt Thiede, to legislators representing Door County, to the Wisconsin Counties Association and all Wisconsin Counties

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted Defeated

1st Fisher Defeated

2nd Halstead

Yes: _____ No: _____ Exc: _____

SUBMITTED BY: Land Conservation Committee

Ken Fisher
Ken Fisher, Chairman

John Neinas
John Neinas

Randy Halstead
Randy Halstead

Richard Virlee
Richard Virlee

Mike Vandenhouten

Reviewed by: _____ Corp. Counsel

Reviewed by: _____ Administrator

FISCAL IMPACT: There is no fiscal impact to County of Door or its annual budget associated with the adoption of this resolution.
MEJ

Certification:
I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 24th day of October, 2017 by the Door County Board of Supervisors.

Jill M. Lau
Jill M. Lau
County Clerk, Door County



DOOR COUNTY

Resolution No. 2017-64

**IN OPPOSITION TO THE ELIMINATION
OF THE J-1 VISA PROGRAM**

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
MOELLER			
NEINAS			
ROBILLARD			
SCHULTZ			
SITTE			
SOHNS			
VIRLEE			
VILIES WOTACHEK			
WAIT			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st Kohout Defeated

2nd Sohns

Yes: _____ No: _____ Exc: _____

Reviewed by:

[Signature], Corp. Counsel

Reviewed by:

[Signature], Administrator

FISCAL IMPACT: There is no fiscal impact to County of Door or its annual budget associated with the adoption of this resolution.
MEJ

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 24th day of October, 2017 by the Door County Board of Supervisors.

[Signature]
Jill M. Lau
County Clerk, Door County

1 WHEREAS, The J-1 visa program has a long track record of success,
2 providing an enriching exchange experience to a diverse pool of college
3 and university students from across the globe and;
4

5 WHEREAS, The program also plays an important role for local
6 communities across the United States and;
7

8 WHEREAS, Many businesses in Door County are dependent on the
9 program to meet their seasonal labor needs and;
10

11 WHEREAS, Many businesses in Door County already have a difficult time
12 filling positions and;
13

14 WHEREAS, An estimated 440 students lived and worked in Door
15 County this year, and;
16

17 WHEREAS, Potential economic losses including reduction in hours,
18 salaries, potential close of businesses and loss of tourism revenue could
19 result from the elimination of the program and;
20

21 WHEREAS, The program benefits local businesses and adds economic
22 and cultural value to Door County.
23

24 NOW, THEREFORE, BE IT RESOLVED, That the Door County Board
25 of Supervisors opposes the elimination or any reduction of the J-1 visa
26 program.
27

28 BE IT FURTHER RESOLVED, That the County Clerk is hereby directed
29 to transmit a copy of this Resolution to the Governor of the State of
30 Wisconsin, to all State legislators representing Door County constituents,
31 to all Federal legislators representing Door County constituents, to
32 Honorable Paul D. Ryan, Speaker, U.S. House of Representatives, to the
33 Wisconsin Counties Association and to all Wisconsin Counties.

SUBMITTED BY: LEGISLATIVE COMMITTEE

[Signature] [Signature]
Susan Kohout, Chairman David Enigl

[Signature] [Signature]
Helen Bacon Steve Sohns

[Signature]
Roy Englebert