

**PUBLIC NOTICE AND AGENDA  
KEWAUNEE COUNTY BOARD PUBLIC HEARING  
AND COUNTY BOARD SESSION 2016**

**AMENDED**

**MONTH OF: OCTOBER**

**DATE: October 18, 2016**

**TIME: 5:00 PM**

**PLACE: County Board Room**

**Administration Center**

**810 Lincoln St, Kewaunee, WI**

- 1. Public Hearing on Proposed 2017 Budget at 5:00 PM**
  - a. Call to Order – Chairman Robert Weidner**
  - b. Written Comments Read by Clerk**
  - c. Hear Public Comments**
  - d. Adjourn**
- 2. Call to Order (County Board Session)**
- 3. Pledge of Allegiance and Prayer**
- 4. Roll Call**
- 5. Approve County Board Agenda**
- 6. Approve Previous County Board Minutes**
- 7. Citizen's Input (maximum 3 minutes per appearance, 20 minutes total per meeting)**
- 8. Recognition**
  - a. Kewaunee County Highway Dept – Dale Jandrain (by Robert Weidner)**
  - b. Kewaunee County Human Services – Denise Harmann (by Bob Mattice)**
- 9. Appointments**
  - a. Kewaunee County Board of Adjustments – Brian Paplham**
  - b. Local Emergency Planning Committee – Sara Krouse**
- 10. Annual Reports and Other Reports to the Board as Requested by the County Board or Committee:**
  - a. Kewaunee County Administrator – Scott Feldt**

11. **Committee Reports:**
  - a. Highway / Solid Waste Committee
  - b. Personnel, Advisory & Legislative Committee
  - c. Health Committee, **Vets & Child Support**
  - d. Extension, Education & Zoning Committee
  - e. Land & Water Conservation Committee
  - f. Law Enforcement Committee
  - g. Finance and Public Property Committee
  - h. Human Services Committee
  - i. Promotion and Recreation Committee
  - j. Revolving Loan Fund Committee
  - k. Bay Lake Regional Planning Commission
  - l. **Groundwater Task Force**
  
12. **First Reading of Ordinance (vote to be taken at the next County Board meeting)**
  - a. None
  
13. **Recess, if necessary**
  
14. **Consideration of Meeting Resolutions:**
  - a. Resolution Requesting the WI DNR to Immediately Initiate A Water Quality/Aquatic Life Survey of the East Twin River (84000) and Unnamed Tributaries (3000211, 3000212 and 3000213) to the East Twin River in Kewaunee County
  - b. HIPPA Policies
  - c. Resolution in Support of Increased Funding in the Children and Family Aids Allocation
  - d. Drug Endangered Children Program
  
15. **Consideration of Ordinance read at previous County Board Meeting**
  - a. None
  
16. **Communications:**
  - a. Resolutions from other Counties
  - b. Kewaunee County Events
  
17. **Chairman Comments**
  
18. **Set meeting date for next County Board Meeting**
  - a. November 10, 2016 and December 20, 2016 both at 5:00 p.m. (previously scheduled)
  - b. January 17, 2017 at 6:00 p.m. (proposed)
  
19. **Adjourn**

**/s/Robert Weidner**  
**Kewaunee County Board Chairman**

**/s/Jamie Annoye**  
**Kewaunee County Clerk**

*Persons with disabilities needing special accommodations to attend or participate should contact the County Clerk's Office at (920) 388-7133 at least 24 hours prior to the meeting so that accommodations may be arranged.*

**SEPTEMBER SESSION  
KEWAUNEE COUNTY ADMINISTRATION CENTER  
SEPTEMBER 20, 2016**

The meeting of the Kewaunee County Board of Supervisors was called to order by the Kewaunee County Chairman, Robert Weidner, on September 20, 2016 at 6:10 PM.

The Pledge of Allegiance was recited, followed by prayer.

Roll Call: Supervisors Benes, Cravillion, Dobbins, Doell, Jahnke, Haske, Kirchman, Luft, Mastalir, Paape, Paider, Rasmussen, Romdenne, Shillin, Sinkula, Teske, Thomas, Wagner and Weidner (19) were present. Supervisor Page1 was excused.

Supervisors Paider moved and Haske seconded to approve the County Board agenda. Supervisors Cravillion moved and Jahnke seconded to approve the previous County Board minutes. Motion carried.

**Citizens Input:**

Chuck Romenesko spoke regarding opposition to the Zoning Ordinance regarding setback issues

**APPOINTMENT**

Pursuant to Wis. Stats. 59.54 (8), I hereby make the following appointments to the "Local Emergency Planning Committee."

<b>Classification</b>	<b>Term (9/12/2016 - 9/12/18)</b>
Elected Local Official (group 1)	Kaye Shillin Pat Benes
Law (group 2)	Matt Joski John Massart
Emergency Management (group 2)	Tracy Nollenberg Terri Marcusen
Fire (group 2)	Greg Hlinak
Transportation (group 2)	Todd Every
Environmental (group 2)	David Allen
Community Groups (group 4)	Jack Novak - Rotary Club Joy Krieger - Chamber
Print Media (group 3)	Kewaunee Star News Designated Reporter
Facility Operators (group 5)	Green Bay Water Utility - Tom Landwehr Luxemburg Water Utility - Rick Simonar Algoma Utility - Peter Haack Agropur Inc - Ted Winkelman Kewaunee Power Station - Ted Maloney Kewaunee Water Utility - Matt Murphy
Public Health (group 2)	Cindy Kinnard

Robert Weidner, Kewaunee County Board Chairman

**APPOINTMENT**

Pursuant to Wisconsin Act 314, I hereby make the following appointments to the Kewaunee County Land Information Council

**TFRM**

July 1, 2016 – June 30, 2018

<u>CLASSIFICATION</u>	<u>NAME</u>
County Board	John Page1
Real Property Lister/Land Information	Steve Hanson
Realtor	Jack Novak
Public Safety	Sheriff Matt Joski
Surveyor	Kip Inman
Register of Deeds	Janet Wolf
County Treasurer	Michelle Dax
Citizen Member	Brian Dax
Other Members	Dave Myers - Promotion & Recreation Director Chris VanErem - Jail Administrator Glenn Selner, Zoning Administrator Tracy Nollenberg, Emergency Mgmt. Director Todd Every, Highway Commissioner Davina Bonness - County Conservationist Scott Feldt - County Administrator Ross Loining - Information Technology Director

Sincerely,  
Scott Feldt, Kewaunee County Administrator

Supervisors Wagner moved and Romdenne seconded for confirmation of the two above appointments. Motion carried.

**ANNUAL REPORTS**  
Kewaunee County UW Extension Staff  
Kewaunee County Register in Probate – Juliet Schleis  
Kewaunee County Human Services – Bob Mattice

**REPORT**  
Kewaunee County Administrator – Scott Feldt

**Committee Reports:**

Highway/Solid Waste Committee - Supervisor Kirchman  
Personnel, Advisory & Legislative Committee – Supervisor Weidner  
Health and Vets Committee – Supervisor Paape  
University Extension & Zoning Committee - Supervisor Romdenne  
Land & Water Conservation Committee – Supervisor Wagner for Supervisor Pagel  
Law Enforcement & Emergency Management Committee – Chairman Sinkula  
Finance & Public Property Committee - Supervisor Luft  
Human Services Committee – Supervisor Shillin  
Promotion & Recreation Committee – No minutes received  
Groundwater Task Force Committee – No minutes received  
Bay-Lake Regional Planning – No meeting  
Revolving Loan Fund Committee – No meeting

**First Reading of Ordinances:**

None

The Board recessed at 7:16 PM and reconvened at 7:26 PM.

**Consideration of Resolutions:**

None

**Consideration of Ordinances (Read at Previous Board Meeting)**

**ORDINANCE NO. 177-09-2016**  
**KEWAUNEE COUNTY SHORELAND ZONING ORDINANCE**

**THE KEWAUNEE COUNTY BOARD OF SUPERVISORS DO HEREBY ORDAIN AS FOLLOWS:**

**STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authorization in Wis. Stat. §59.692 to implement Wis. Stats. §§59.692 and 281.31.

**NOW, THEREFORE, BE IT RESOLVED,** by the Kewaunee County Board of Supervisors, duly assembled this 20<sup>th</sup> day of September 2016, that the Board hereby adopts the Kewaunee County Shoreland Zoning Ordinance, as set forth in the attachment hereto.

**FURTHER,** the attached Kewaunee County Shoreland Zoning Ordinance supersedes and repeals all prior Kewaunee County Shoreland Zoning Ordinances including Kewaunee County Ordinance 104-1-69.

**EFFECTIVE DATE.** This ordinance shall take effect October 1, 2016.

Respectfully Submitted,  
Extension Education & Zoning Committee  
PAAPE, PAIDER, ROMDENNE, WAGNER

Chapter 16

Kewaunee County Shoreland Zoning Ordinance

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16.01	Title, Finding of Fact, Purpose and Intent, And Statutory Authorization
16.02	Definitions
16.03	General Provisions
16.04	Shoreland Zoning District Boundaries
16.05	Shoreland-Wetland District
16.06	Recreational-Residential District
16.07	General Purpose District
16.08	Land Division Review, Planned Unit Development, And Sanitary Regulations
16.09	Minimum Lot Size
16.10	Setbacks
16.11	Impervious Surface Standards
16.12	Vegetation
16.13	Filling, Grading, Lagooning, Dredging, Ditching, Excavating
16.14	Nonconforming Uses And Structures
16.15	Mitigation
16.16	Administrative Provisions
16.17	Changes And Amendments
16.18	Enforcement And Penalties
16.19	Effective Date

APPENDIX A ATTACHED

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16.01 Title, Finding Of Fact, Purpose And Intent, And Statutory Authorization.

- (1) Title. Kewaunee County Shoreland Zoning Ordinance.
- (2) Finding Of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Kewaunee County will adversely affect the public health, safety, convenience, general welfare, and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to 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 structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Kewaunee County, Wisconsin.
- (3) Purpose And Intent. (NR 115.01) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:
  - (a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
    1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
    2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
    3. Controlling filling and grading to prevent soil erosion problems.
    4. Limiting impervious surfaces to control runoff which carries pollutants.
  - (b) Protect spawning grounds, fish and aquatic life through:
    1. Preserving wetlands and other fish and aquatic habitat.
    2. Regulating pollution sources.
    3. Controlling shoreland alterations, dredging, and lagooning.
  - (c) Control building sites, placement of structures and land uses through:
    1. Prohibiting certain uses detrimental to the shoreland-wetlands.
    2. Setting minimum lot sizes and widths.
    3. Setting minimum building setbacks from waterways.
    4. Setting the maximum height of near shore structures.
  - (d) Preserve and restore shoreland vegetation and natural scenic beauty through:
    1. Restricting the removal of natural shoreland cover.
    2. Preventing shoreline encroachment by structures.
    3. Controlling shoreland excavation and other earth moving activities.
    4. Regulating the use and placement of boathouses and other structures.
- (4) Statutory Authorization. This ordinance is adopted pursuant to the authorization in s. 59.692, Wis. Stats., to implement ss. 59.692 and 281.31, Wis. Stats.

16.02 Definitions. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. The following terms used in this ordinance mean:

- (1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- (2) "Accessory structure" means a detached subordinate structure which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
- (3) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls, or any combination of these structural parts.
- (4) "Building" means a structure.
- (5) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.
- (6) "County Zoning Agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.9769(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.
- (7) "Department" (NR 115.03(3)) means the Department of Natural Resources.
- (8) "Development" (NR 115.03(5)) means any artificial change to improved or unimproved real estate, including but not limited to: the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials.
- (9) "Disabled" means having a physical or mental impairment that substantially limits one or more major life activities.
- (10) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (11) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
- (12) "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood as shown on the county's official floodplain zoning maps. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a 1% chance that the regional flood may occur.  
  
NOTE: "Floodway" is defined in s. NR 116.03(22) to mean "the channel of a river or stream, and those portions of the floodplain adjoining the channel required to carry the regional flood discharge."
- (13) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports)-a single horizontal plane bounded by the furthest portion of the structure projected to natural grade.

**NOTE:** For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05(1)(g)5.

- (14) "Generally accepted forestry management practices" (NR 1.25(2)(b)) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (15) "Habitable rooms" means any room or portion thereof used or designed for living, sleeping, eating or cooking, or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.
- (16) "Habitable structure" means any structure or portion thereof used or designed for human habitation.
- (17) "Human habitation" means the use of a structure for living for any period of time for activities such as sleeping, eating or cooking, or combinations thereof.
- (18) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54) or sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.
- (19) "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
- (20) "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.
- (21) "Lot of record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.
- (22) "Maintenance and repair" (NR 115.05(1)(g)4.) includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways, and the application of waterproof coatings to foundations.
- (23) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- (24) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d) and 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692(1)(b), Wis. Stats., and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
  - (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river, and such lands that were not navigable streams before ditching.
  - (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (25) "Ordinary high-water mark" or "OHWM" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (26) "Principal structure" means a structure that is designed for human habitation and includes sanitary and food preparation facilities whether such structure is attached to another structure or stands alone.
- (27) "Recreational vehicle" means any camping trailer, truck camper, houseboat, boat, or motor home.
- (28) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (29) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (30) "Shore bluff" means the lakeward edge of land, generally greater than 10 feet high, that is high enough to contain complex, multiple layers of soil and groundwater.
- (31) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (32) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
- (33) "Shoreland-wetland district" (NR 115.03(9)) means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
- (34) "Special exception (conditional use)" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
- (35) "Structure" (s. 59.692(1)(e), Wis. Stats.) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.
- (36) "Substandard lots" means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot.

- (37) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- (38) "Variance" means an authorization granted by the board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (39) "Wetlands" (NR 115.03(13)) means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

16.03 General Provisions.

- (1) Areas To Be Regulated. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Kewaunee County which are:
- (a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. (NR 115.03(8)) Lakes, ponds, or flowages in Kewaunee County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following website: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps. **This shall be designated as the Recreational-Residential District.**
  - (b) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)) Rivers and streams in Kewaunee County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps, or other existing county floodplain zoning maps shall be used to delineate floodplain areas. **This shall be designated as the General Purpose District.**
  - (c) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law; all cities, villages, towns, counties, and when s. 13.48(13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under local shoreland ordinances. The construction, reconstruction, maintenance, or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Wis. Stats., applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Wis. Stats.
  - (d) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. **The county may work with surveyors with regard to s. 59.692(1h).**
  - (e) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not apply to:
    1. Lands adjacent to farm drainage ditches if:
      - a. Such lands are not adjacent to a natural navigable stream or river.
      - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
    2. Lands adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (2) Shoreland-Wetland Maps. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at: <http://dnrm.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>
- (3) Compliance. (NR 115.04) The use of any land, the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and water disposal facilities; the filling, grading, lagooning, dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders, and contractors are responsible for compliance with the terms of this ordinance.
- (4) Municipalities And State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.
- (5) Abrogation And Greater Restrictions. (s. 59.692(5) Wis. Stats.) **The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.**
- (a) (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.
  - (b) (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
  - (c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
  - (d) The following provisions of the Kewaunee County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.
  - (e) (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in s. 16.01(3) of this ordinance.
  - (f) (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
    1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
    2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
  - (g) (s. 59.692(7), Wis. Stats.) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.
    1. A "facility" means any property or equipment of a public utility, as defined in s. 196.05(5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

- (6) Interpretation. (59.69(13)) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (7) Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

16.04 Shoreland Zoning District Boundaries. The shorelands of Kewaunee County are hereby divided in the following districts:

- (1) Shoreland-Wetland District.
- (2) Recreational-Residential District.
- (3) General Purpose District.

16.05 Shoreland-Wetland District.

- (1) Designation. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
- (a) Locating Shoreland-Wetland Boundaries. (NR 115.04(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.
- (2) Purpose. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- (3) Permitted Uses. (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws.
- (a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under s. 16.05(3)(a) or (b).
1. Hiking, fishing, trapping, hunting, swimming, and boating.
  2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
  3. The pasturing of livestock.
  4. The cultivation of agricultural crops.
  5. The practice of silviculture, including the planting, thinning, and harvesting of timber.
  6. The construction or maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
  3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
  4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  5. The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- (c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - a. The road cannot, as a practical matter, be located outside the wetland.
    - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 16.05(5)(b).
    - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - d. Road construction activities are carried out in the immediate area of the roadbed only.
  2. The construction or maintenance of nonresidential buildings, provided that:
    - a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.
    - b. The building cannot, as a practical matter, be located outside the wetland.
    - c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area.
    - d. Only limited filling or excavating necessary to provide structural support for the building is authorized.
  3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, public boat launching ramps, and attendant access roads, provided that:
    - a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable.
    - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in s. 16.05(3)(a)1.-6.
    - c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission, and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines, provided that:
    - a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
    - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 16.05(5)(b).
- (4) **Prohibited Uses.** (NR 115.04(4)) Any use not listed in s. 16.05(3)(a), (b) or (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with s. 16.05(5) of this ordinance and s. 59.69(5)(e), Wis. Stats.
- (5) **Rezoning Of Lands In The Shoreland-Wetland District.** (NR 115.04(2))
- (a) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
    1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland.
    2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing.
    3. A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board.
    4. Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
  - (b) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
    1. Storm and flood water storage capacity.
    2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
    3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.
    4. Shoreline protection against soil erosion.
    5. Fish spawning, breeding, nursery or feeding grounds.
    6. Wildlife habitat.
    7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following website:  
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
  - (c) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in s. 16.05(5)(b) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30 day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692 (6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

#### 16.06 **Recreational-Residential District.**

- (1) **Designation.** This district includes all shorelands under s. 16.03(1)(a) which are adjacent to lakes, ponds, or flowages excluding those shorelands in the Shoreland-Wetland District.
- (2) **Purpose.** The purpose of the Recreation-Residential District is to protect waters by providing for safe and orderly shoreland development. Recreational-residential shorelands are particularly suited for residential and recreational uses. In this district residential, recreational, and conservancy uses are permitted, and a limited number of commercial uses serving recreational uses serving recreational needs are allowed as special exceptions. These uses are consistent with maximum recreational use of the water and its shorelands. All permitted uses or special exceptions are subject to the general provisions of this ordinance and all other applicable laws and regulations. **Uses not identified as Permitted Uses or Special Exceptions are prohibited in the Recreational-Residential District.**
- (3) **Permitted Uses.**
  - (a) Any use permitted under s. 16.05(3).
  - (b) Year-round single-family dwellings for owner occupancy, rent, or lease.
  - (c) Seasonal single-family dwellings for owner occupancy, rent, or lease.
  - (d) **Any existing non-conforming agricultural use.**
- (4) **Special Exceptions.**
  - (a) Hotels, resorts (including 2 or more seasonal single-family dwellings for rent or lease), motels, restaurants, dinner clubs, taverns, and other private clubs.
  - (b) **Short-term rental units/tourist rooming units.**
  - (c) Institutions of philanthropic or educational nature.
  - (d) Gift and specialty shops customarily found in recreational areas.
  - (e) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, forest industries.
  - (f) **Places of Worship.**

#### 16.07 **General Purpose District.**

- (1) **Designation.** This district includes all shorelands subject to regulation under s. 16.03(1) which have not been addressed and are adjacent to any solid or intermittent blue lines on USGS Topographic Maps on the shoreland zoning maps listed in s. 16.03(2), excluding those shorelands in the Shoreland-Wetland District.
- (2) **Purpose.** Areas other than those contained in the Shoreland-Wetland District and the Recreational-Residential District are potentially suited to a wide range of uses including industrial, commercial, agricultural, residential, forestry, and recreational uses. Selecting prospective locations for these uses and designating specific zones for each of them along navigable waters will require detailed county-wide comprehensive planning. Until such planning is undertaken and more detailed amendments to this ordinance can be enacted, a General Purpose District shall be used to allow a wide range of uses subject to the general provisions of this ordinance which are designed to further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses.

- (3) Permitted Uses. Commercial, agricultural, residential, forestry, recreational uses, and signs in accordance with s. 16.10(7)(c) are permitted, provided that they comply with the general provisions of this ordinance.
- (4) Special Exceptions.
  - (a) Industrial uses may be permitted upon issuance of a special exception permit by the board of adjustment as provided in s. 16.16(4).

**16.08 Land Division Review, Planned Unit Development, And Sanitary Regulations.**

- (1) Land Division Review. (NR 115.05(2)) The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5 year period. In such review the following factors shall be considered:
  - (a) Hazards to the health, safety or welfare of future residents.
  - (b) Proper relationship to adjoining areas.
  - (c) Public access to navigable waters, as required by law.
  - (d) Adequate storm water drainage facilities.
  - (e) Conformity to state law and administrative code provisions.
- (2) Planned Unit Development (PUD). (NR 115.05(1)(a)4.)
  - (a) Purpose. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lots sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
  - (b) Requirements for Planned Residential Unit Development. The county board may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
    - 1. Area. The area proposed for the Planned Residential Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on navigable water.
    - 2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of s. 16.09(2) and (3) shall be a non-riparian lot.
    - 3. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of Planned Residential Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in s. 16.12(2) shall apply and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
- (3) Procedure For Establishing A Planned Residential Unit Development District. The procedure for establishing a Planned Residential Unit Development district shall be as follows:
  - (a) Petition. A petition setting forth all of the facts required in s. 16.08(2) shall be submitted to the county clerk with sufficient copies to provide for distribution by the clerk as required by s. 16.08(3)(b).
  - (b) Review and Hearing. The petition shall be submitted to the county zoning agency established as required by s. 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in s. 16.16(6) of this ordinance.
 

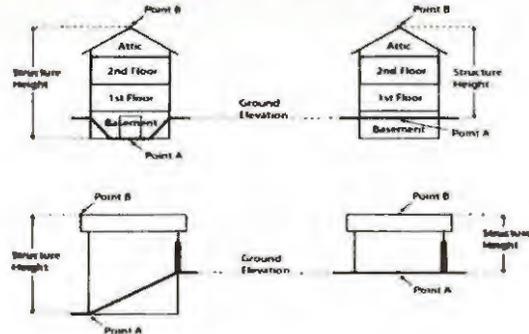
The county zoning agency's report to the county board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.
  - (c) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in s. 16.08(2). If the petition is granted in whole or part, the county board shall attach such written conditions to the approval as are required by and consistent with s. 16.08(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone, and open space requirements.
  - (d) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of s. 16.08(2) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.
- (4) Sanitary Regulations. (NR 115.05(3)) Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.
  - (a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
  - (b) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be require to comply with ch. SPS 383, after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

**16.09 Minimum Lot Size.**

- (1) Purpose. (NR 115.05(1)(a)) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.
- (2) Sewered Lots. (NR 115.05(1)(a)1.) The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet at the ordinary high-water mark.
- (3) Unsewered Lots. (NR 115.05(1)(a)2.) The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet at the ordinary high-water mark.
- (4) Substandard Lots. (NR 115.05(1)(a)3.) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
  - (a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
  - (b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
  - (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.

NOTE: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

- (5) **Other Substandard Lots.** Except for lots which meet the requirements of s. 16.10(5), a building permit for the improvement of a lot having lesser dimensions than those stated in s. 16.09(2) and (3) shall be issued only if a variance is granted by the board of adjustment.
- (6) **Height.** (NR 115.05(1)f) To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.
- (a) Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.
- (b) Height for structure outside of the 75 foot shoreland setback, to protect and preserve wildlife habitat and natural scenic beauty, a county may not permit any construction that result in a structure taller than 35 feet.



#### 16.10 Setbacks.

- (1) **Building Setbacks.** (NR 115.051(1)(b)) Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.
- (2) **Side Yard Setback For Lots Not Served By Public Sanitary Sewer.** There shall be a side yard for each main building. The minimum width of one main side yard shall be 10 feet. The minimum combined width for both main side yards shall be 25 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.
- (3) **Side Yard Setback For Lots Served By Public Sanitary Sewer.** The minimum width of one main side yard shall be 8 feet. The minimum combined width of both main side yards shall be 20 feet. There shall be a side yard of 4 feet for accessory structures excluding fences.
- (4) **Highway Setbacks.** For the purpose of determining the distance that buildings and other structures shall be set back from streets and highways, the highways of the county are divided into the following classes:
- (a) **Class A Highways.**
- All state and federal highways are designated as Class A Highways.
  - The setback from Class A Highways shall be 110 feet from the center line of a highway.
- (b) **Class B Highways.**
- All county trunks are hereby designated as Class B Highways. For the purpose of this ordinance, any road shall be considered a county trunk after it has been placed on the county trunk system by the county board and approved by the Division of Highways.
  - The setback from Class B Highways shall be 75 feet from the center line of such highway.
- (c) **Class C Highways.**
- All town roads, public streets, and highways not otherwise classified are designated Class C Highways.
  - The setback from Class C Highways shall be 63 feet from the center line of such highway.
- (5) **Shoreland Structures.** (NR 115.05(1)(b)1.) Unless exempt under s. 16.10(6) and (7) or reduced under s. 16.10(8), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.
- (a) **Exempt Structures.** (NR 115.05(1)(b)1m) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in s. 16.10(5):
- Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
    - The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
    - Boathouses shall be designed and constructed solely for the storage of boats and related equipment
    - One boathouse is permitted on a lot as an accessory structure.
    - Boathouses shall be constructed in conformity with local floodplain zoning standards.
    - Boathouses shall not exceed one story and 500 sq. ft. in floor area. Height of side wall can be no higher than 10 feet.
    - The roof of a boathouse may be used as a deck provided that:
      - The boathouse has a flat roof.
      - The roof has no side walls or screens.
      - The roof may have a railing that meets the Department of Safety and Professional Services standards.
    - Earth toned color shall be required for all exterior surfaces of a boathouse.
    - The main door shall face the water.
    - Patio doors, fireplaces, and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
  - Open sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats.
    - The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
    - The floor area of all the structures in the shoreland setback area will not exceed 200 sq. ft.
    - The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
    - The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
    - An enforceable agreement must be filed with the Register of Deeds prior to construction acknowledging the limitations on vegetation.
  - 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.
  - Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with ch. SPS 383, 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.

5. Devices or systems used to treat runoff from impervious surfaces.
6. Walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline may according to the following standards:
  - a. The walkway or stairway shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public roads.
  - b. The structure shall be located entirely within the access and viewing corridor.
  - c. The structure shall be no more than 60 inches wide.
  - d. Open railings not exceeding 42 inches in height are permitted only where required by safety concerns.
  - e. Canopies, roofs, and closed railings/walls on such structures are prohibited.
  - f. Stairways shall be supported on piles or footings rather than being excavated from erodible soils on steep slopes or bluff faces.
  - g. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 sq. ft. in area.
- (b) *Existing Exempt Structures.* Existing exempt structures that were legally constructed may be maintained, repaired, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

NOTE: Section 59.692(1k)(a)2m prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in s. 16.10(7). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

- (6) Reduced Principal Structure Setback. (s.59.692(1n)) A setback less than the 75 feet required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
  - (a) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the 2 existing principal structures are set back from the ordinary high-water mark provided all of the following are met:
    1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
    2. Both of the existing principal structures are located within 250 feet of the proposed principal structure.
    3. Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
    4. The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.
- (7) Other Shoreland Requirements:
  - (a) *Fences.*
    1. Beyond the building setback area, fences may be installed. They shall not exceed 4 feet in height in the shore yard side and shall not exceed 6 feet in height in the side yard and rear yard. They can be of chain link, split rail, or solid wood construction.
    2. They are located entirely on the owner's property and are maintained by the owner.
    3. Fencing of agricultural and other open space lands shall comply with the provisions of Wis. Stats. Ch. 90.
  - (b) *Travel Trailers or Recreational Vehicles.*
    1. Travel trailers and recreational vehicles are permitted in the Recreational-Residential District and General Purpose District. They may be parked on the owners property provided there is not permanent habitation or business use conducted.
    2. Conditions and Restrictions:
      - a. The recreational unit must have a valid registration.
      - b. Only 1 recreational unit per lot in Recreational-Residential District, no more than 3 recreational units in General Purpose District.
      - c. Sanitary waste shall be provided by:
        - i. Connection to an approved PDWTS, or
        - ii. Self-contained holding tank with disposal at an approved sanitary dump station, or
        - iii. A portable toilet.
      - d. The recreational units must meet all setback requirements for structures in the ordinance.
      - e. The maximum length of time a recreational unit may remain on the property is 120 calendar days in any given year.
  - (c) *Signs.* Signs of the following type, size, and location shall be setback 75 feet from the ordinary high-water mark and should not exceed 32 sq. ft. in gross area. No sign shall be located, erected, moved, extended, enlarged, or structurally altered until a zoning/building permit has been issued.
    1. Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location with the County. Such signs shall not be more than 32 sq. ft. in gross area. There shall not be more than two such signs relating to any one use in the approaching directions along any highway. The sign shall not be within 300 feet of an existing residence and may not be placed within 20 feet of the right of way of the highway.
    2. Signs attached to commercial and industrial buildings advertising a business conducted or service available on the premises shall not exceed 32 sq. ft. in gross area and not be higher than 4 feet above the top of the roof line.
    3. On premise signs, advertising a public or semi-public use shall not exceed 32 sq. ft. in gross area and may not be placed within 20 feet of the right of way of the highway.
    4. Signs advertising a customary home occupation, sale, or rent of property shall not exceed 12 sq. ft. in gross area. These signs shall not require a permit.
    5. Larger signs or a greater number of signs may be permitted upon the issuance of a special exception permit by the board of adjustment.
    6. Conditions and restrictions:
      - a. Signs shall not be designed and installed to imitate or simulate any highway marker, signal, or traffic control sign.
      - b. Signs shall not have any flashing, rotating lights, or animated parts.
      - c. Lighted signs shall not have any light emitted directly onto the roadway. No sign light bulb or lens cover shall be directly visible from the roadway.
      - d. Signs shall not be attached to trees, fence posts, fences, or utility structures and shall not be painted on a rock or other natural object.
      - e. Signs shall be kept in a good state of repair.
  - (d) *Accessory Structures.* Any permanent, roofed structure serving as an accessory use if attached to the principal building by an enclosed structure shall be considered a part of the principal building. If an accessory structure is not attached to the principal building as specified above, it shall conform to the setback and other dimensional requirements for accessory buildings within the zoning district. Accessory uses are not permitted until their principal structure is present or under construction. However, the board of adjustment may permit accessory use to be located on a lot prior to the principal structure as special exception in accordance with s. 16.16(4) provided that the applicant provide a site plan, a time schedule for the construction of the principal use, and other information required under s. 16.16(4).
  - (e) Structures which require authorization or permits from the Department of Natural Resources pursuant to Wis. Stats. chs. 30 and 31 or which are to be located below the ordinary high-water mark namely bridges, dams, culverts, piers, wharves, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county, and local regulations.
- (8) Bluff Setback For Lots That Abut On Lake Michigan.
  - (a) *Finding of Fact.* Lake Michigan possesses unique ecological characteristics, water level fluctuations, and erosion hazards not found on other surface waters in Kewaunee County. Storms and record high Great Lake water levels have caused shoreline erosion, flooding, and property damage that have posed a threat to the health, safety, and general welfare of Kewaunee County; therefore, setbacks from Lake Michigan shall be increased from that for inland waters and Green Bay.

- (b) **Required Minimum Setback.** The minimum setback for all buildings and structures, except piers, boat hoists, docks, and boathouses which may require a lesser setback shall be set back at least 75 feet from the edge of the bluff where the shore bluff height is 10 feet or less and 125 feet from the edge of the bluff where the shore bluff height is greater than 10 feet. Docks and piers must be behind the principal building setback line.
- (c) **Reduced Building Setback-Variance.** The board of adjustment, pursuant to s. 16.16(5) of this ordinance, may approve a modification of the setback to no less than 75 feet upon submittal of acceptable engineering studies prepared by a licensed or certified engineer documenting the recession rate and the stable slope distance for the property. The recession rate is the horizontal distance the bank bluff edge is expected to recede from the ordinary high-water mark during the useful life of the structure, and the stable slope distance is the horizontal distance necessary for the bluff face to recede to a stable slope.
- (9) **Floodplain Structures.** (NR 115.05(1)(b)2.) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the Kewaunee County Floodplain Ordinance.

#### 16.11 Impervious Surface Standards.

- (1) **Purpose.** (NR 115.05(1)(e)) Establish impervious surface standards to protect water quality, fish and wildlife habitat, and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
- (2) **Calculation Of Percentage Of Impervious Surface.** (NR 115.05(1)(e)1.) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in s. 16.11(6) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- (3) **Impervious Surface Standard.** (NR 115.05(1)(e)2.) Except as allowed in s. 16.11(4) – (6), allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- (4) **Impervious Surface Standard For Highly Developed Shorelines.** (NR 115.05(1)(e)2m.) The county, at its discretion, may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial, or business land uses for lands that meets one of the following standards:
- The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
  - After conducting a hearing and receiving approval by the Department of Natural Resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet one of the following criteria:
    - The majority of the lots are developed with more than 30% of impervious surface area.
    - Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.
      - Property along the Bay of Green Bay in Kewaunee County between the Brown County line and Door County line, within 300 ft. of the ordinary high-water mark. Town of Red River, part of sections 5, 6, 7, and 18. See Appendix A.
    - The majority of the lots are less than 20,000 sq. ft. in area.
- (5) **Maximum Impervious Surface.** (NR 115.05(1)(e)3.) A property may exceed the impervious surface standard under s. 16.11(3) or (4) provided the following standards are met:
- For properties where the impervious surface standard applies under s. 16.11(3), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
  - For properties on shorelands where the impervious surface standard for highly developed shorelines applies under s. 16.11(4), a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial, or business land uses, a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
  - For properties that exceed the standard under s. 16.11(3) or s. 16.11(4) but do not exceed the maximum standard under s. 16.11(5)(a) or (b), a permit can be issued for development with a mitigation plan that meets the standards found in s. 16.15(1).
- (6) **Treated Impervious Surfaces.** (NR 115.05(1)(e)3m. and s.59.692(1k)(a)1.e.) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under s. 16.11(2).
- The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems.
  - The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (7) **Existing Impervious Surfaces.** (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in s. 16.11(3) or the maximum impervious surface standard in s. 16.11(5), the property owner may do any of the following:
- Maintain and repair the existing impervious surfaces.
  - Replace existing impervious surfaces with similar surfaces within the existing building envelope.
  - Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance and the impervious surface meets the applicable setback requirements in s. Wis. Adm. Code NR 115.05(1)(b).

NOTE: This section of the ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. Maintenance, reconstruction, relocation, and expansion of existing structures must comply with other provisions in the county shoreland ordinance.

#### 16.12 Vegetation.

- (1) **Purpose.** (NR 115.05(1)(c)) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments, and nutrients.
- (2) **Activities Allowed In A Vegetative Buffer Zone.** (NR 115.05(1)(c)2.) To protect water quality, fish and wildlife habitat, natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:
- The county may allow routine maintenance of vegetation.
  - The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.

- (c) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- (d) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (e) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the water body, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

NOTE: Section 59.692(1f)(a) prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a county's shoreland mitigation standards the establishment or expansion of the vegetative buffer may remain an option.

- (3) Cutting More Than 35 Feet Inland. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

#### 16.13 Filling, Grading, Lagooning, Dredging, Ditching, Excavating.

- (1) General Standards. (NR 115.05(1)(d)) Filling, grading, lagooning, dredging, ditching, and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat, and natural scenic beauty.
  - (a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
  - (b) Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of s. 16.05(3)(b) and (c) of this ordinance.
  - (c) All applicable federal, state, and local authority is obtained in addition to a permit under this ordinance.
  - (d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.
- (2) Permit Required. Except as provided in s. 16.13(3), a permit is required:
  - (a) For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of navigable water and which has surface drainage toward the water and on which there is either:
    1. Any filling or grading on slopes of more than 20%.
    2. Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
    3. Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
  - (b) Special Exceptions. A special exception permit shall be required for the following:
    1. For any filling, grading, and excavating of any area within the shoreland district which is within 300 feet horizontal distance of navigable water and on which there is:
      - a. Filling, grading, and excavating greater than 5,000 sq. ft.
    2. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
  - (c) Conditions. In granting a permit under s. 16.13(2), the county shall attach the following conditions, where appropriate, in addition to those provisions specified in s. 16.16(4), that:
    1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
    2. Temporary ground cover, such as mulch or jute netting, shall be used and permanent vegetative cover shall be established.
    3. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
    4. Lagoons shall be constructed to avoid fish trap conditions.
    5. Fill shall be stabilized according to accepted engineering standards.
    6. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
    7. Channels or artificial watercourses shall be constructed with side slopes of 2 units horizontal distance to 1 unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
    8. In shoreland areas with no floodplain mapped, a minimum 35 ft. no fill area is required from the ordinary high-water mark. If floodplain analysis is submitted and approved by the Department, the 35 foot no fill area may be reduced.
- (3) Soil Conservation Practices And Agricultural Drainage Maintenance.
  - (a) Soil conservation practices such as tiles terraces, runoff diversions, and grassed waterways used for erosion control shall not require a permit under s. 16.13(2) when designed and constructed to Natural Resources Conservation Service technical standards.
  - (b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
    1. The maintenance dredging of farm drainage ditches is limited to re-establishing the original ditch cross section unless a special exception permit under s. 16.13(2)(b) is obtained.
    2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade).
    3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.

#### 16.14 Nonconforming Uses And Structures.

- (1) Discontinued Nonconforming Use. (NR 115.05(1)(g)3.) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure, or property shall conform to this ordinance.
- (2) Maintenance, Repair, Replacement Or Vertical Expansion Of Nonconforming Structures. (s. 59.692(1k)(a)1.b. and d.) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

NOTE: Section 59.692 (1k)(a)1.b. and d.) prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in s. 16.14(4). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

NOTE: NR 115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structure. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

- (3) **Lateral Expansion Of Nonconforming Principal Structure Within The Setback.** (NR 115.05(1)(g)5.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per s. 16.10(5), (6), (7), and (8) may be expanded laterally, provided that all of the following requirements are met:
- (a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
  - (b) The existing principal structure is at least 35 feet from the ordinary high-water mark.
  - (c) Lateral expansions are limited to a maximum of 200 sq. ft. over the life of the structure. No portion of the expansion may be closer to the ordinary high-water mark than the closest point of the existing principal structure.
  - (d) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s. 16.15.
  - (e) All other provisions of the shoreland ordinance shall be met.
- (4) **Expansion Of A Nonconforming Principal Structure Beyond Setback.** (NR 115.05(1)(g)5m.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under s. 16.10(5), (6), (7), and (8), may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per s. 16.10(5), (6), (7), and (8) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph but may be required per s. 16.11.
- (5) **Relocation Of Nonconforming Principal Structure.** (NR 115.05(1)(g)6.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per s. 16.10(5), (6), (7), and (8) may be relocated on the property provided all of the following requirements are met:
- (a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
  - (b) The existing principal structure is at least 35 feet from the ordinary high-water mark.
  - (c) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
  - (d) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per s. 16.10(5).
  - (e) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s. 16.15 and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner by the date under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
  - (f) All other provisions of the shoreland ordinance shall be met.
- (6) **Maintenance, Repair, Replacement Or Vertical Expansion Of Structures That Were Authorized By Variance.** (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
- NOTE: Section 59.692(1k)(a)2 prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in s. 16.14(6). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.
- (7) **Wet Boathouses.** The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Wis. Stats.

#### 16.15 Mitigation

- (1) **General Standards.** (s. 59.692(1v), Wis. Stats., NR 115.05 (1)(e)3.,(g)5.,(g)6.) When the county issues a permit requiring mitigation under ss. 16.10(5), 16.10(6), 16.11(5), 16.14(3), and 16.14(5), the property owner must submit a mitigation plan application that is reviewed and approved by the county. The application shall include the following:
- (a) A site plan that describes the proposed mitigation measures:
    - 1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
    - 2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.
  - (b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
    - 1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
- (2) **Mitigation Options.**
- (a) Vegetative buffer required as mitigation under open sided provision (s. 16.10(5)(a)2.d.). The property owner shall choose and implement two (2) of the following:
    - 1. Restoration of native primary vegetative buffer to county vegetative buffer standards per s. 16.15(4).
    - 2. The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.
    - 3. Stormwater management practices (e.g., rain gardens, water diversions of overland flow).
  - (b) Horizontal expansion of principal structure located between 35 and 75 feet from the ordinary high-water mark and which is less than 35 feet in height (s. 16.14(3)).
    - 1. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.
    - 2. The property owner shall choose and implement two (2) of the following:
      - a. Restoration of native primary vegetative buffer to county vegetative buffer standards per s. 16.15(4).
      - b. The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.
      - c. Stormwater management practices (e.g., rain gardens, water diversions of overland flow).
  - (c) Replacement or relocation of principal structure located between 35 and 75 feet from the ordinary high-water mark and which is less than 35 feet in height.

1. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.
2. The property owner shall choose and implement two (2) of the following:
  - a. Restoration of native primary vegetative buffer to county vegetative buffer standards per s. 16.15(4).
  - b. The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.
  - c. Stormwater management practices (e.g., rain gardens, water diversions of overland flow).
- (d) Impervious surface area greater than 15% and/or less than or equal to 30%, and greater than 30% for highly developed shorelands (s. 16.11(3) and (4)).
  1. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage that is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.
  2. The property owner shall choose and implement two (2) of the following:
    - a. Restoration of native primary vegetative buffer to county vegetative buffer standards per s. 16.15(4).
    - b. The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.
    - c. Stormwater management practices (e.g., rain gardens, water diversions of overland flow).
- (3) **Implementation Schedule.** The approved Shoreland Buffer Restoration Site Plan must be started within 1 year from the issue date of the applicable permit. All plantings and any other activities in the Shoreland Buffer Restoration Site Plan must be completed within 2 years of the permit issue date.
- (4) **Establishment Of A Vegetation Buffer Zone.**
  - (a) The owner(s) or their agent must submit a plan that will be implemented by the owner of the property to establish, preserve, enhance, and/or restore a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. The plan must be approved by the County Zoning Office.
  - (b) For the plan to be approved:
    1. It must be binding on the owner, his/her heirs, successors, and assignees, and must authorize entrance onto the property by zoning staff for inspections to assure compliance with the plan.
    2. The agreement shall be written and recordable on forms provided by the County Zoning Office and recorded with the Register of Deeds. This also applies to preservation of an existing natural buffer.
    3. Failure to comply with the plan and/or subsequent removal of vegetation from the vegetative buffer zone will cause the County Zoning Office to revoke the special zoning permit and order the removal of any structure(s) authorized by a special zoning permit.
  - (c) To be considered for approval a plan to establish, preserve, enhance, and/or restore a vegetative buffer zone shall, at a minimum, contain:
    1. A binding agreement with the owner, his/her heirs, successors, and assignees, must authorize entrance onto the property by zoning staff for inspections to assure compliance with the plan. The agreement shall be written and recordable on forms provided by the County Zoning Office and recorded with the Register of Deeds. This also applies to preservation of an existing natural buffer.
    2. A description of how the landowner intends to carry out the project, including methods, materials, and equipment to be used.
    3. A proposed schedule and sequence of work activities.
    4. The names, descriptions, and densities of native species to be utilized in the restoration work, including ground cover, shrubs, and tree layers.
    5. A description of the site before the project begins and a description of the proposed site once the buffer is completed.
    6. The erosion control measures that will be used during construction of the permitted structure and vegetative buffer zone to control sediment, runoff, and protect water quality.
  - (d) To be considered for approval a plan to establish, preserve, enhance, and/or restore an existing native vegetative buffer zone shall, at a minimum, contain:
    1. A description of how the homeowner intends to maintain the buffer including "no mow" plans.
    2. There shall be supplemental plantings of native species every 100 sq. ft. which at a minimum will result in the following:
      - a. One (1) tree (minimum 3 species).
      - b. Two (2) shrubs (minimum 4 species), and
      - c. Seventy (70) plugs of ground cover or approved seed mix.
    3. Removal of non-native species (e.g. purple loosestrife).
    4. The erosion control measures that will be used during construction of the permitted structure and any disturbance in the vegetative buffer zone due to planting or removal of non-natives to control sediment, runoff, and protect water quality.
  - (e) The plan must be implemented, the vegetative buffer planted, and the vegetation must be in a viable, growing condition for at least one growing season before a special zoning permit to build a structure is granted.
  - (f) A shoreland grading (earth disturbance) permit may be required to implement a vegetative buffer zone plan.
  - (g) Removal of the shoreyard structure will not relinquish the recorded agreement or permit the removal, destruction, degradation, and/or reduction in size of the shoreland vegetative buffer.

#### 16.16 Administrative Provisions.

- (1) **Zoning Office.** There is hereby created the zoning office as authorized by s. 59.69, Wis. Stats., and a board of adjustment as authorized by s. 59.694, Wis. Stats. The appointment of a zoning administrator and such additional staff as the workload may require. The zoning office shall exercise the following duties and powers:
  - (a) Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
  - (b) Issue permits and inspect properties for compliance with this ordinance. A system of permits for new construction, development, reconstruction, structural alteration, or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator, unless prohibited by s. 59.692(1k), Wis. Stats.
  - (c) Keep records of all permits issued, inspections made, work approved, and other official actions.
  - (d) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. Provide copies of variances, special exceptions, and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate office of the Department.
  - (e) Have access to any structure or premises during regular work hours for the purpose of performing his/her duties. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
  - (f) Investigate and report violations of this ordinance to the appropriate county zoning committee and the district attorney or corporation counsel as necessary.
- (2) **Shoreland Permits.**
  - (a) *When required.* Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in s. 16.05(3)(a) and (b)), a shoreland permit shall be obtained from the zoning office before any new development, as defined in s. 16.02, or any change in the use of the existing building or structure, is initiated.
  - (b) *Application.* An application for a shoreland permit shall be made to the zoning administrator upon forms furnished by the county.
    1. Erosion control is required as per Best Management Practices.
  - (c) *Fees.* As established in the Kewaunee County Shoreland Zoning & Sanitary Fee Schedule.

- (d) *Expiration Of Permit.* Shoreland permits shall expire 24 months from date of issuance.
- (3) **Relaxation Of Standards For Persons With Disabilities Applies To All Shoreland Areas.** The zoning office may issue a shoreland permit to relax the standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility.
- (4) **Special Exception Permits.**
- (a) *Application For A Special Exception Permit.* Any use listed as a special exception permit in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a special exception permit has been granted by the board of adjustment.
- (b) *Standards Applicable To All Special Exceptions.* In passing upon a special exception permit, the board of adjustment shall evaluate the effect of the proposed use upon:
1. The maintenance of safe and healthful conditions.
  2. The prevention and control of water pollution including sedimentation.
  3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
  4. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
  5. The location of the site with respect to existing or future access roads.
  6. The need of the proposed use for a shoreland location.
  7. Its compatibility with uses on adjacent land.
  8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
  9. Location factors under which:
    - a. Domestic uses shall be generally preferred.
    - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
    - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (c) *Conditions Attached To Special Exceptions.* Upon consideration of the factors listed above, the board of adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and signs; and type of construction. To secure information upon which to base its determination, the board of adjustment may require the applicant to furnish, in addition to the information required for a shoreland permit, the following information:
1. A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology, and vegetative cover.
  2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
  3. Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.
  4. Specifications for areas of proposed filling, grading, lagooning, or dredging.
  5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (d) *Notice, Public Hearing, And Decision.* Before acting upon an application for a special exception permit, the board of adjustment shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the board, shall be given as a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The board shall state in writing the grounds for granting or refusing a special exception permit.
- (e) *Recording.* When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use, and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate district office of the Department within 10 days after it is granted or denied.
- (f) *Revocation.* Where the conditions of a special exception permit are violated, the special exception permit shall be revoked by the board of adjustment.
- (5) **Variances.**
- (a) *Decision.* The board of adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:
1. Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant.
  2. The hardship is due to special conditions unique to the property.
  3. Such variance is not contrary to the public interest.
- (b) *Notice, Hearing, And Decision.* Before acting on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place, and matters of concern, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.
- (6) **Board Of Adjustment.** The county executive shall appoint a board of adjustment consisting of five members under s. 59.694(3), Wis. Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by s. 59.694(3), Wis. Stats.
- (a) **Powers And Duties:**
1. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694(3), Wis. Stats.
  2. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.
  3. It shall hear and decide applications for special exception permits pursuant to s. 16.16(4).
  4. It may grant a variance from the dimensional standards of this ordinance pursuant to s. 16.16(5).
  5. In granting a special exception permit or variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.
- (b) *Appeals to the Board of Adjustment.* Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.
- (c) **Hearing Appeals And Applications For Variances And Special Exception Permits.**
1. The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time, and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.

2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.
3. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary, or modify the order, requirements, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
4. At the public hearing, any party may appear in person or by agent or by attorney.

(7) Fees. As established in the Kewaunee County Shoreland Zoning & Sanitary Fee Schedule.

16.17 Changes And Amendments. The county board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of s. 59.692, Wis. Stats., ch. NR 115, Wis. Adm. Code and s. 16.05(5) of this ordinance where applicable.

(1) Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.692, Wis. Stats.

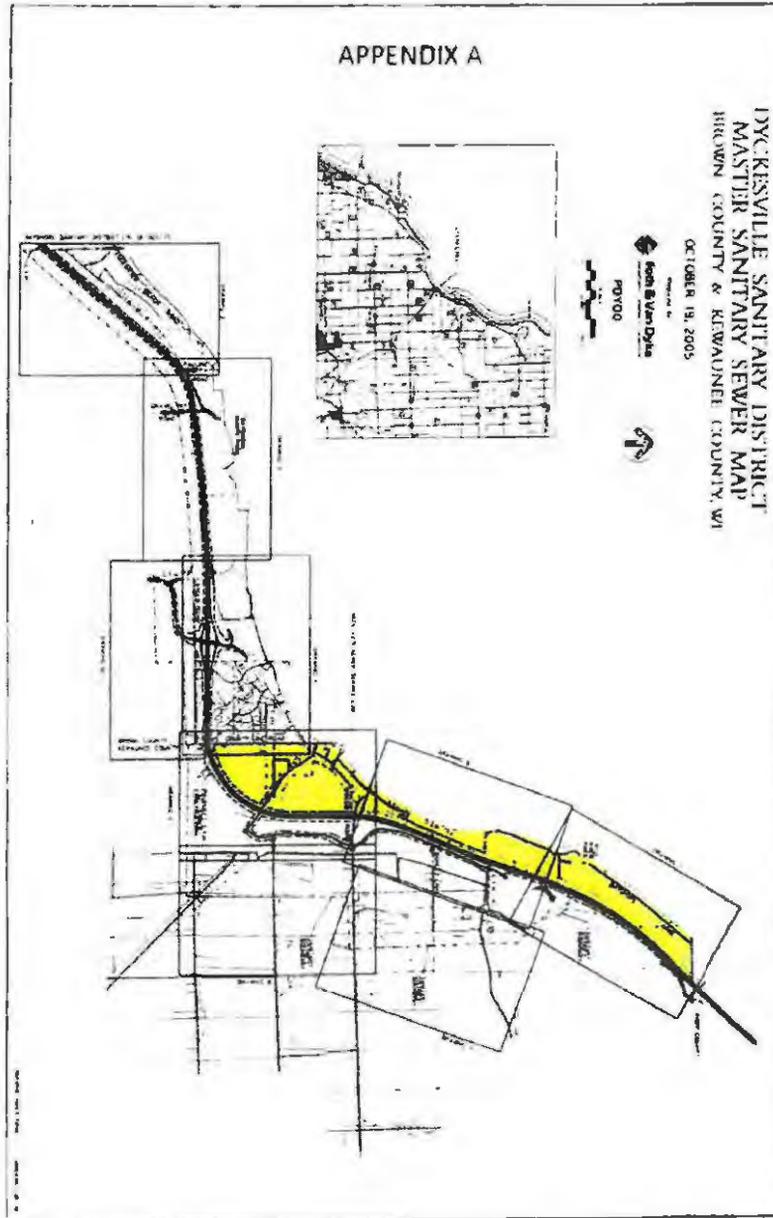
(2) Every petition for a text or map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be mailed to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing.

(3) A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

16.18 Enforcement And Penalties. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.97(11), Wis. Stats. As appropriate, the Kewaunee County Uniform Citation Ordinance shall apply to the enforcement of this ordinance.

16.19 Effective Date. This ordinance, upon passage and publication by the County Board of Supervisors of Kewaunee County, Wisconsin, shall be effective in all of the unincorporated areas within Kewaunee County.

APPENDIX A ATTACHED



Supervisor Romdenne asked for a motion to amend the Ordinance to read, *Required Minimum Setback*. The minimum setback for all buildings and structures shall be at least 75 feet from the edge of the bluff where the shore bluff height is 10 feet or less and 125 feet from the edge of the bluff where the shore bluff height is greater than 10 feet. Buildings and structures required to be set back 125 feet from the edge of the bluff may have an attached or adjoining deck, patio or both provided any attached or adjoining deck or patio is set back at least 100 feet from the edge of the bluff. Supervisor Paape seconded the amendment. Roll call vote for the amendment: 19 ayes, 0 nays. Motion carried.

Supervisors Wagner moved and Paider seconded for adoption of the amended ordinance. Roll call vote: 19 ayes, 0 nays. Motion carried.

**ORDINANCE NO. 178-09-2016**

**KEWAUNEE COUNTY SALES AND USE TAX ORDINANCE**

**THE KEWAUNEE COUNTY BOARD OF SUPERVISORS DO HEREBY ORDAIN AS FOLLOWS:**

**STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authorization of subchapter V of chapter 77 of the Wisconsin Statutes.

**NOW, THEREFORE, BE IT RESOLVED,** by the Kewaunee County Board of Supervisors, duly assembled this 20<sup>th</sup> day of September 2016, that the Board hereby adopts the Kewaunee County Sales and Use Tax Ordinance, as set forth in the attachment hereto.

**EFFECTIVE DATE.** This ordinance shall become effective April 1, 2017.

Respectfully Submitted,  
Finance & Public Property Committee  
HASKE, LUFT, MASTALIR, RASMUSSEN, ROMDENNE

## Chapter 35 County Sales and Use Tax Ordinance

- 
- 35.01 Authority
  - 35.02 Purpose
  - 35.03 County Sales and Use Tax
  - 35.04 Sales and Use Tax Rate
  - 35.05 Surplus Sales and Use Tax Collection
  - 35.06 Conformity to State Laws
  - 35.07 Effective Date
  - 35.08 Sunset
  - 35.09 Notice to the Secretary of Revenue
- 

- 35.01 Authority. This ordinance is enacted under the authority of subchapter V of chapter 77 of the Wisconsin Statutes, and acts amendatory thereto.
- 35.02 Purpose. The sole purpose of enacting this ordinance is to utilize revenues from the county sales and use tax to reduce the property tax levy.
- 35.03 County Sales and Use Tax. Pursuant to, and in strict conformity with, the provisions of subchapter V of chapter 77 of the Wisconsin Statutes, Kewaunee County does hereby elect to impose a county sales and use tax in the manner and to the extent permitted by subchapter V of chapter 77 of the Wisconsin Statutes.
- 35.04 Sales and Use Tax Rate. The sales and use tax imposed by this ordinance shall be at the rate of 0.5%.
- 35.05 Surplus Sales and Use Tax Collection. Sales and use tax collections in excess of budget forecasts shall be used to increase Kewaunee County fund balances and may not be appropriated for any other purpose in the year they are collected.
- 35.06 Conformity To State Laws. It is the express intent of Kewaunee County that the construction, application, and administration of this ordinance to all persons in all situations shall conform to the laws of the State of Wisconsin in all respects, and it shall be so construed, applied and administered.
- 35.07 Effective Date. This ordinance shall become effective April 1, 2017
- 35.08 Sunset. The Kewaunee County Sales and Use Tax shall sunset and be repealed effective December 31, 2021.
- 35.09 Notice to the Secretary of Revenue. The Kewaunee County Clerk is directed to provide the secretary of revenue a certified copy of this ordinance at least 120 days prior to its effective date. The Kewaunee County Clerk is likewise directed to provide a certified copy of this ordinance at least 120 days prior to its repeal on December 31, 2021.

Supervisors Jahnke proposed a motion to amend Ordinance Line #8 and change the effective date to July 1, 2017, Rasmussen seconded the amendment. Roll call vote: 4 ayes (Cravillion, Doell, Jahnke, Rasmussen), 15 nays. Motion failed.

Supervisors Haske moved and Mastalir seconded for adoption. Roll call vote: 15 ayes, 4 nays (Cravillion, Jahnke, Rasmussen, Shillin). Motion carried.

#### Communications:

- Matt Joski shared a letter from a couple that thanked officers Karnan and Jandrain from the Sheriff's Dept for their assistance
- Resolutions from other counties (1)
- Kewaunee County Events:
  - Information session for veterans on September 29 from 9:00 a.m. – 11:00 a.m. and 1:00 p.m. – 3:00 p.m.
  - KCEDC Tour of the County on October 19<sup>th</sup>
  - WCA Annual Conference in Milwaukee on September 25-27
  - DATCAP possibly reducing funding

#### Chairman's Comments:

- Discourage out of county library usage
- Propose a funding of an employee appreciation event

Supervisors Paape moved and Benes seconded to adjourn. Motion carried.

Board adjourned at 7:53 p.m.

\_\_\_\_\_  
Robert Weidner, Kewaunee County Board Chairman

\_\_\_\_\_  
Jamie Annoye, Kewaunee County Clerk

CERTIFICATION  
STATE OF WISCONSIN:

SS

COUNTY OF KEWAUNEE:

I, Jamie Annoye, County Clerk in and for Kewaunee County, Wisconsin do hereby certify that the following is a true and correct copy of the minutes of the meeting of the Kewaunee County Board of Supervisors held in regular Board Chambers at the Administration Center in Kewaunee on September 20, 2016.

\_\_\_\_\_  
Jamie Annoye, Kewaunee County Clerk



## KEWAUNEE COUNTY ADMINISTRATOR'S OFFICE

*Scott Feldt*  
County Administrator

October 18, 2016

### BOARD OF ADJUSTMENTS FOR SHORELAND AND FLOOD PLAIN ZONING

Honorable Members of the Kewaunee County Board:

Pursuant to Section 18.5 of the Kewaunee County Ordinance No. 104-1-69 and Section 59.99(2) Wisconsin Statutes, I hereby make the following appointments to the Board of Adjustments for Shoreland and Flood Plain Zoning Ordinance:

**Term October 18, 2016 to June 30, 2017**

Brian Paplham  
N6811 County Road D  
Algoma, WI 54201

Respectfully submitted,

Scott Feldt  
Kewaunee County Administrator

Kewaunee County  
810 Lincoln Street  
Kewaunee, WI 54216

PHONE (920) 388-7164  
FAX (920) 388-7101  
WEB SITE <http://www.kewauneeco.org>

# KEWAUNEE COUNTY BOARD OF SUPERVISORS



**Robert Weidner-Chairman**

**Linda Sinkula-Vice-Chairman**

---

October 18, 2016

Honorable Members of the Kewaunee County Board:

Pursuant to Wis. Stats. 59.54 (8), I hereby make the following appointments to the "Local Emergency Planning Committee."

**Classification**

**Term (10/18/2016 - 9/12/18)**

Elected Local Official (group 1)

Kaye Shillin  
Pat Benes

Law (group 2)

Matt Joski  
John Massart

Emergency Management (group 2)

Tracy Nollenberg  
Terri Marcusen

Fire (group 2)

Greg Hlinak

Transportation (group 2)

Todd Every

Environmental (group 2)

David Allen

Community Groups (group 4)

Jack Novak - Rotary Club  
Sara Krouse - Chamber

Print Media (group 3)

Kewaunee Star News Designated Reporter

Facility Operators (group 5)

Green Bay Water Utility - Tom Landwehr  
Luxemburg Water Utility - Rick Simonar  
Algoma Utility - Peter Haack  
Agropur Inc - Ted Winkelman  
Kewaunee Power Station - Ted Maloney  
Kewaunee Water Utility - Matt Murphy

Public Health (group 2)

Cindy Kinnard

Respectfully submitted,

Robert Weidner, Kewaunee County Chairman



## RESOLUTION NO.

A RESOLUTION REQUESTING THE WISCONSIN DNR TO IMMEDIATELY INITIATE A WATER QUALITY/AQUATIC LIFE SURVEY OF THE EAST TWIN RIVER (84000) AND UNNAMED TRIBUTARIES (3000211, 3000212 AND 3000213) TO THE EAST TWIN RIVER IN KEWAUNEE COUNTY

### TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

1 **WHEREAS**, the East Twin River from its headwaters to State Highway 29 is classified as a Cold  
2 Water Community – Class I Trout and Exceptional Resource Waters; and  
3

4 **WHEREAS**, the East Twin River from State Highway 29 to County Highway J is classified as a  
5 Cold Water Community – Class II Trout Waters; and  
6

7 **WHEREAS**, the unnamed tributaries of the East Twin River are classified as Fish and Aquatic  
8 Life Communities; and  
9

10 **WHEREAS**, these high quality fisheries have long-standing importance to both the citizens and  
11 visitors of Kewaunee County and contribute significantly to the quality of life of many Kewaunee  
12 County stakeholders; and  
13

14 **WHEREAS**, the last full survey of the East Twin River watershed conducted by DNR personnel,  
15 (Mary Gansberg and Steve Hogler) in 2011 and 2012 indicated that the Unnamed Tributary  
16 clearly exceeded the threshold for Phosphorus impairment at two locations by between 5.5 and  
17 7 times the threshold limit; and  
18

19 **WHEREAS**, the 2011-2012 Gansberg/Hogler study states, *“Analysis of the water chemistry and  
20 fisheries surveys confirm what was suspected previously – the fish and aquatic life use of the  
21 upper reaches of the East Twin River and the Unnamed Tributary are not meeting Phosphorus  
22 water quality standards.”*; and  
23

24 **WHEREAS**, the 2011-2012 Gansberg/Hogler study further states, *“We recommend that the  
25 entire section of the East Twin River that is currently classified as Cold-Class II Trout Water  
26 (starting at Highway 29 down to County Highway B), be included on the 2014 impaired waters  
27 list for Phosphorus.”* *“This listing is supported by “poor” fish F-IBI’s in 2011 at two locations.”*  
28 *“We also recommend additional monitoring between County Highway F in Ellisville down to  
29 State Highway 29 to assess possible biological impairment since total Phosphorus levels are  
30 high at Townline Road.”*; and  
31

1 **WHEREAS**, the 2011-2012 Gansberg/Hogler study further states, *"We also recommend that the*  
2 *entire length of the Unnamed Tributary (starting at the west most crossing on Cherneyville Road*  
3 *down to the stream mouth just south of State Highway 29) be included on this 2014 impaired*  
4 *waters list for Phosphorus."* *"This listing is supported by "poor" fish F-IBI's and "poor"*  
5 *macroinvertebrate HBI and M-IBI results in 2008."*; and

6  
7 **WHEREAS**, there is a strong concern of increased chloride from a manufacturing facility that is  
8 flowing into what is already considered an impaired East Twin River watershed that was once a  
9 Class I or Class II (Exceptional) Trout waters; and

10  
11 **WHEREAS**, the flow rates of the East Twin River and its tributaries are known to vary with daily  
12 and seasonal weather events and cycles, and further it is known that this variation can greatly  
13 influence the concentration of phosphorus, chloride and other discharges from the newly  
14 expanded manufacturing facility or other sources, it is therefore unclear that the minimum  
15 dilution rates for all the effluent materials from the nearby manufacturing plant or other sources  
16 as established by the DNR are being met on a consistent basis; and

17  
18 **WHEREAS**, no elected officials representing the citizens of Kewaunee County were involved in  
19 the DNR's decision to add additional contaminants to an already impaired "Exceptional"  
20 waterway; and

21  
22 **WHEREAS**, anecdotal evidence from Kewaunee County citizens residing for many years  
23 adjacent to the East Twin River consistently point to greatly diminished aquatic life; and

24  
25 **WHEREAS**, the aquatic health of the East Twin River and Unnamed Tributaries is clearly at risk  
26 based upon the DNR's own reports; and

27  
28 **WHEREAS**, the quality of life of those living near or visiting the East Twin River and the  
29 Unnamed Tributaries appears to have been significantly reduced both prior to and following the  
30 recent issuance of the manufacturing facility's new 2016 WPDES permit and that this new  
31 permit grants a very significant increase in contaminants harmful to aquatic life into a valued  
32 Kewaunee County water resource.

33  
34 **NOW, THEREFORE, BE IT RESOLVED**, by the Kewaunee County Board of Supervisors duly  
35 assembled this 18<sup>th</sup> day of October 2016, that the Board requests the Wisconsin DNR conduct  
36 an immediate and full water quality and aquatic life survey of the East Twin River (84000) and  
37 Unnamed Tributaries (3000211, 3000212 and 3000313) to the East Twin River in Kewaunee  
38 County to determine the impact of the new and increased level of contaminants flowing from a  
39 nearby manufacturing plant or other sources on this once Exceptional trout fishery.

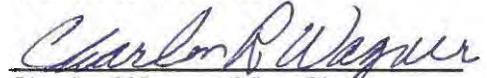
40  
41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Clerk forward a copy of this  
42 Resolution to the Wisconsin Department of Natural Resources, the Natural Resources Board,  
43 the Wisconsin Department of Health Services, the Wisconsin Department of Agriculture, Trade  
44 and Consumer Protection, the U.S. Environmental Protection Agency, the United States

- 1 Department of Agriculture - Natural Resources Conservation Service, Sen. Ron Johnson, Sen.
- 2 Tammy Baldwin, and Rep. Reid Ribble, Sen. Frank Lasee, and Rep. Joel Kitchens.

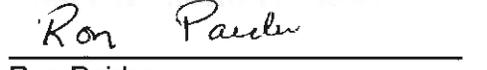
Respectfully Submitted,

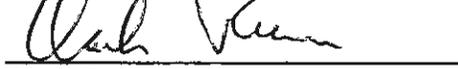
**LAND AND WATER CONSERVATION COMMITTEE**

  
 \_\_\_\_\_  
 John T. Pagel, Chair

  
 \_\_\_\_\_  
 Charles Wagner, Vice Chair

  
 \_\_\_\_\_  
 Lee Luft, Secretary

  
 \_\_\_\_\_  
 Ron Paider

  
 \_\_\_\_\_  
 Clark Reimer

**APPROVED AS TO FORM**  
 Jeffrey R. Wisnicky  
 Corporation Counsel

FISCAL IMPACT STATEMENT:  
 \_\_\_\_\_

	Y E S	N O	A B S E N T	A B S T A I N
Benes, P				
Cravillion, D.				
Dobbins, M.				
Doell, D.				
Haske, V.				
Jahnke, S.				
Kirchman, L.				
Luft, L.				
Mastair, J.				
Paape, G.				
Pagel, J.				
Paider, R.				
Rasmussen, C.				
Romdenne, T.				
Shillin, K.				
Sinkula, L.				
Teske, L.				
Thomas, D.				
Wagner, C.				
Weidner, R.				
TOTALS				



**RESOLUTION NO.**

**HIPAA POLICIES**

**TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:**

- 1 **WHEREAS**, the Personnel, Advisory and Legislative Committee has considered and hereby  
 2 recommends approving the Kewaunee County HIPAA Privacy Policy and the Kewaunee County  
 3 HIPAA Security Policy.  
 4  
 5 **WHEREAS**, a complete copy of the HIPAA Policies are available for inspection at the County  
 6 Clerk's Office.  
 7  
 8 **NOW THEREFORE, BE IT RESOLVED** by the Kewaunee County Board of Supervisors duly  
 9 assembled this 18<sup>th</sup> day of October 2016, that the Board approves the Kewaunee County HIPAA  
 10 Privacy Policy and the Kewaunee County HIPAA Security Policy.

Respectfully Submitted,

**PERSONNEL, ADVISORY AND LEGISLATIVE COMMITTEE**

_____	_____
Robert A. Weidner, Chair	Thomas J. Romdenne
_____	_____
Kaye Shillin	Linda Sinkula
_____	_____
John T. Pagel	Scott Jahnke
_____	_____
Larry Kirchman	Gerald Paape
_____	
John E. Mastalir	

**APPROVED AS TO FORM**  
 Jeffrey R. Wisnicky  
 Corporation Counsel

FISCAL IMPACT STATEMENT:  
 \_\_\_\_\_

	Y E S	N O	A B S E N T	A B S T A I N
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Haske, V.				
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Mastalir, J.				
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Paider, R.				
Rasmussen, C.				
Romdenne, T.				
Shillin, K.				
Sinkula, L.				
Teske, L.				
Thomas, D.				
Wagner, C.				
Weidner, R.				
TOTALS				



**RESOLUTION NO.**

**RESOLUTION IN SUPPORT OF INCREASED FUNDING IN THE CHILDREN AND FAMILY AIDS ALLOCATION**

**TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:**

1 **WHEREAS**, the Department of Children and Families provides funding to counties through the  
2 Children and Family Aids allocation for the provision of child abuse and neglect services,  
3 including prevention, investigation, treatment, and out-of-home placement costs; and  
4

5 **WHEREAS**, base funding for child welfare services has not increased since the Department of  
6 Children and Families was created in 2009; and  
7

8 **WHEREAS**, over the past few years, the child welfare workload has increased in all counties  
9 across the state; and  
10

11 **WHEREAS**, the number of child protective services (CPS) referrals has increased by 30 percent  
12 since 2007 – from 55,895 referrals in 2007 to 72,698 in 2014; and  
13

14 **WHEREAS**, the number of children in out-of-home care has increased from 7,653 in 2011 to  
15 8,258 in 2015; and  
16

17 **WHEREAS**, the number of screened-in CPS reports has increased from 18,706 in 2011 to  
18 20,384 in 2015; and  
19

20 **WHEREAS**, the number of Children in Need of Protection and Services (CHIPS) petitions filed  
21 with the court has increased 12.5 percent from 2008 to 2015; and  
22

23 **WHEREAS**, counties are struggling to recruit and retain child welfare workers; and  
24

25 **WHEREAS**, the stress of increasing caseloads is taking its toll on CPS workers, causing many  
26 experienced child welfare workers to leave the profession; and  
27

28 **WHEREAS**, the leading cause of these increases is the use of heroin, opiates, and  
29 methamphetamines; and  
30

31 **WHEREAS**, it is critical that counties have the resources necessary to ensure the safety of  
32 children in every corner of the state; and  
33

1 **WHEREAS**, counties are struggling to identify resources to increase child welfare staff,  
 2 especially given the significant overmatch counties already put in the human services system.  
 3  
 4 **NOW, THEREFORE, BE IT RESOLVED**, by the Kewaunee County Board of Supervisors duly  
 5 assembled this 18<sup>th</sup> day of October 2016, that Board does hereby requests that the State of  
 6 Wisconsin, in its 2017-19 state biennial budget, increase funding to counties in the Children and  
 7 Family Aids Allocation to assist counties in serving the increasing number of children and  
 8 families in the child welfare system; and  
 9  
 10 **BE IT FURTHER RESOLVED** that the Clerk send a copy of this resolution to Governor Scott  
 11 Walker, Department of Children and Families Secretary Eloise Anderson, Department of  
 12 Administration Secretary Scott Neitzel, area legislators, and the Wisconsin Counties  
 13 Association.

Respectfully Submitted,

**HUMAN SERVICES COMMITTEE**

_____	_____
Kaye Shillin, Chair	Mary Ellen Dobbins
_____	_____
Virginia Haske	Lee Luft
_____	_____
Linda J. Teske	Donna Thomas

Citizen Members:  
 Mark Buchanan  
 Shirley Kirchman  
 Mary Ann Szydel  
 Rose Quinlan  
 Paul Ravet

**APPROVED AS TO FORM**  
 Jeffrey R. Wisnicky  
 Corporation Counsel

FISCAL IMPACT STATEMENT:  
 \_\_\_\_\_  
 \_\_\_\_\_

	Y E S	N O	A B S E N T	A B S T A I N
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Paape, G.				
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Paider, R.				
Rasmussen, C.				
Romdenne, T.				
Shillin, K.				
Sinkula, L.				
Teske, L.				
Thomas, D.				
Wagner, C.				
Weidner, R.				
TOTALS				



**RESOLUTION NO.**

**DRUG ENDANGERED CHILDREN PROGRAM**

**TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:**

1 **WHEREAS**, the purpose of the Drug Endangered Children Program is to work collaboratively across  
 2 several disciplines to intervene on behalf of children exposed to drug-endangered environments or other  
 3 unsafe environments. DEC team members will cooperate with each other so that parents/caretakers are  
 4 vigorously and effectively prosecuted for child endangerment/abuse/neglect in addition to charges  
 5 resulting from their illegal activities; and  
 6  
 7 **WHEREAS**, DEC team members will strive to be diligent in the protection of endangered children and  
 8 will coordinate with the necessary treatment and after-care providers for all family members so they all  
 9 have an opportunity to live a safe and abuse-free life; and  
 10  
 11 **WHEREAS**, the Personnel, Advisory and Legislative Committee has considered and hereby  
 12 recommends approving the Kewaunee County Drug Endangered Children Program attached hereto.  
 13  
 14 **NOW THEREFORE, BE IT RESOLVED** by the Kewaunee County Board of Supervisors duly assembled  
 15 this 18<sup>th</sup> day of October 2016, that the Board approves the Kewaunee County Drug Endangered Children  
 16 Program.

Respectfully Submitted,

**PERSONNEL, ADVISORY AND LEGISLATIVE COMMITTEE**

_____	_____
Robert A. Weidner, Chair	Thomas J. Romdenne
_____	_____
Kaye Shillin	Linda Sinkula
_____	_____
John T. Pagel	Scott Jahnke
_____	_____
Larry Kirchman	Gerald Paape
_____	_____
John E. Mastalir	

**APPROVED AS TO FORM**  
 Jeffrey R. Wisnicky  
 Corporation Counsel

FISCAL IMPACT STATEMENT:  
 \_\_\_\_\_

	Y E S	N O	A B S E N T	A B S T A I N
Benes, P				
Cravillion, D.				
Dobbins, M.				
Doell, D.				
Haske, V.				
Jahnke, S.				
Kirchman, L.				
Luft, L.				
Mastalir, J.				
Paape, G.				
Pagel, J.				
Paider, R.				
Rasmussen, C.				
Romdenne, T.				
Shillin, K.				
Sinkula, L.				
Teske, L.				
Thomas, D.				
Wagner, C.				
Weidner, R.				
<b>TOTALS</b>				

# **Memorandum of Understanding and Protocol For Drug Endangered/Endangered Children**

The following Memorandum of Understanding (MOU) between the listed parties is being executed to create an understanding of responsibility for the effective application of the Drug Endangered/Endangered Children (DEC) Protocol. The parties listed agree to fulfill their role and perform duties assigned to them as explained in the attached protocol.

The term of this MOU and Protocol is ongoing with annual reviews.

There will be a semiannual meeting for the members involved. The meetings will be in fall to prepare for the school year and in the spring to debrief on how the program is working and how it can be improved.

## **DRUG ENDANGERED/ENDANGERED CHILD DEFINITION**

- *Any child, born or unborn, at risk of neglect, sexual abuse, physical abuse, emotional abuse, or mental harm by the parent's or caregiver's behavior, use, distribution, transfer or manufacture of any controlled substance or the parent's or caregiver's failure to protect the child from the exposure to the use, distribution, transfer or manufacture of any controlled substance.*

## **MISSION**

The purpose of the DEC Team is to collaboratively intervene on behalf of children who have been exposed to drug-endangered environments or are unsafe in their environments. DEC team members will cooperate with each other so that parents/caretakers are vigorously and effectively prosecuted for child endangerment/abuse/neglect in addition to charges resulting from their illegal activities.

We will be diligent in the protection of these children and will coordinate with the necessary treatment and after-care providers for all family members so they all have an opportunity to live a safe and abuse-free life.

## **INTRODUCTION**

This protocol details the collaboration between: *Kewaunee County Human Services, Kewaunee County Public Health, Kewaunee County Sheriff's Office, Kewaunee County District Attorney's Office, City of Algoma Police Department, City of Kewaunee Police*

***Department, Village of Luxemburg Police Department, Circuit Court of Kewaunee County, Wisconsin Department of Corrections Division of Community Corrections***

The continuing concern of abuse and neglect has forced us to respond more effectively and improve our response in harmful environments. We have pooled our expertise to become a collaborative effort, better educate ourselves, and are determined to utilize all possible options to protect children from future harm of unsafe environments.

The foundation of our focus is to protect children living in abusive or dangerous environments and to recognize that abusing drugs in the presence of children is child abuse/neglect. Exposing children to surroundings where drugs are used or sold is also an abusive and hazardous environment; and lack of attention and supervision where caretakers are under the impairment of drugs is neglect. These are all examples of child endangerment/abuse/neglect. We will investigate and prosecute to our fullest extent possible in cases where neglect/endangerment is evident.

We understand that other incidents where children are affected by their parents conduct affect their children in many ways. If we can intervene and assist children in dealing with their situations, we will be helping them cope with their situations. If we wait too long to assist these children we are not doing the best job we can.

Our primary goals are: to minimize the re-victimization of drug-exposed and endangered children; to improve their health and safety by providing treatment and appropriate services to the family; and to develop a multi-disciplinary team maximizing our ability to respond to this devastating problem.

**POLICY STATEMENT**

The Kewaunee County DEC Team acknowledges that drug endangered/ endangered environments constitute an environmental and human health hazard. To safely address the negative impact on environment, human health, and welfare the members of the Kewaunee County DEC Team shall adhere to the following standard operating procedure:

- Using a multi-agency, multi-disciplinary approach
- maximizing the collaboration between agencies
- quickly and thoroughly evaluating the needs of the endangered children
- providing access to treatment for the physical and psychosocial needs of the child
- filing charges of child endangerment/neglect in addition to drug charges whenever possible
- educating the community regarding the negative impact of drugs and the harmful effects of traumatic environments on children
- providing a safe, secure environment for the child to reside

## **DEC TEAM ORGANIZATION**

The comprehensive multi-agency response to an incident of DEC may consist of the following members:

- Kewaunee County Department of Human Services Child Protective Services
- Kewaunee County Public Health
- District Attorney's Office
- Department of Corrections
- Kewaunee County Sheriff's Department
- City of Algoma Police Department
- City of Kewaunee Police Department
- Village of Luxemburg Police Department
- Kewaunee School District
- Algoma School District
- Luxemburg – Casco School District

## **DEC TEAM RESPONSE**

- A DEC Team is formed whenever assistance is required by *Kewaunee County Human Services, Kewaunee County Public Health, Kewaunee County District Attorney's Office, Kewaunee County Sheriff's Department, City of Algoma Police Department, City of Kewaunee Police Department, Village of Luxemburg Police Department, Circuit Court of Kewaunee County, Wisconsin Department of Corrections Division of Community Corrections, Kewaunee School District, Algoma School District, Luxemburg Casco School District* as they anticipate, have knowledge of, or discover that a child is present in a drug endangered or endangered environment.
- The DEC Team Leader will contact the appropriate representatives or their designated back-ups at the earliest point possible. Some incidents may not require participation from all team members.
- If possible a meeting will be scheduled and information will be shared, tasks assigned (records search, locate potential placement, assign social worker) and a tentative timeline for future events will be set. If immediate intervention is necessary, information will be shared in the most expedient manner, most typically by telephone.
- Be mindful of the need for cooperation and collaboration in an effort to minimize the number of interviews and to fully share as much information with other team members as possible.

## **LAW ENFORCEMENT PROCEDURES**

**Kewaunee County Sheriff's Department  
Algoma Police Department  
Kewaunee Police Department  
Luxemburg Police Department**

It is the responsibility of law enforcement to:

- Gain lawful access to the drug-endangered/endangered environments, including obtaining a search warrant if necessary. Documented consent should be obtained even if access is voluntary.
- Investigate the drug-related issue and gather evidence for any potential child abuse/neglect concern.
- Take evidentiary pictures at the drug-abusing or endangered environment. Pictures should focus on the impact of the drug-endangering/endangered environment relative to the child. A medical exam can also be requested if there are no urgent/emergent concerns and there is suspicion of neglect/abuse.
- Be mindful of the need for cooperation and collaboration in an effort to minimize the number of interviews and to fully share as much information with other team members as possible.
- Detail both drug and child endangerment evidence in written reports. The reports are used by the District Attorney to determine filing child endangerment charges, drug charges, as well as juvenile court action.
- Identify children as a DEC case and as a victim in written report.

**Identify Cases that children could benefit from intervention.**

- One or both parents are arrested when a child is present.
- Children are present during a search warrant.
- Children reside where a search warrant is executed.
- An officer is aware that a child may be affected by family members' interaction with law enforcement.
- A child witnessed a traumatic event (i.e. physical assault, sexual assault, etc)
- Child or their immediate family is a victim of a violent crime.
- A child is involved in a serious incident that has the potential to traumatize them.

**After investigating an incident involving an abused or neglected child**

- Inform the Kewaunee County Human Services Department and forward all future reports to them.
- Notify either
  - Chief of Police
  - Operations Lieutenant
  - Chief Deputy

- The Chief of Police, Operations Lieutenant or Chief Deputy will notify the child's school or other appropriate agency/agencies so that the child can be offered assistance with dealing with issues that might be troubling him/her.
  - A Handle with care notice can be filled out to document what parties were notified and what information was released to them. (see attached Handle with Care Notice)

## **PROBATION/PAROLE PROCEDURES**

### **Kewaunee County Probation and Parole**

The Department of Corrections agrees to work collaboratively with all entities involved with the Drug Endangered/Endangered Children program. This will include, but is not limited to providing information, (subject to rules, policies and laws of confidentiality), monitoring offenders homes per standards of supervision, attending court hearings as necessary and providing ongoing supervision to all Department of Corrections offenders involved.

Supervision of an offender will include:

- Alcohol and drug testing per DOC policies and procedures
- Referrals to appropriate resources and follow through with compliance
- Completing offender contacts in the probation office, offender home, work or school as per DOC policy
- Maintaining collateral contacts, including members of the DEC team
- Expectations that offender will comply with CHIPS orders
- Conducting Probation Review Hearings as deemed necessary by the agent/Court/prosecutor
- Be based on Evidenced Based Practices

The Probation/Parole office in Kewaunee County agrees to:

- Establish a contact person to communicate directly with the DEC Team regarding suspected endangerment of a child
- Remain knowledgeable about indicators of possible drug endangered/endangered environments
- Remain knowledgeable of warning signs associated with drug endangered/endangered children
- Report all suspected abuse or neglect issues immediately to authorities (police/human services)
- Cooperate with procedures established by the DEC Team within the guidelines of DOC policies/procedures

## **PUBLIC HEALTH PROCEDURES**

### **Kewaunee County Public Health Department**

It is the responsibility of the Kewaunee County Public Health Department to:

- Establish a contact person to communicate directly with the DEC Team Leader regarding suspected endangerment of a child. Contacts will be: Cindy Kinnard, RN at 388-7175 or 255-7748, or Cynthia Farrell, RN at 388-7161.
- Work with other DEC team members to provide public awareness related to drug use and abuse in Kewaunee County.
- Be knowledgeable of indicators of a possible drug endangered/endangered environment. Know what to look for when conducting home visits with children and families.
- Be knowledgeable of warning signs associated with drug endangered/endangered children.
- Accept referrals from any DEC team member regarding any pregnancy concerns and/or child development concerns for further evaluation, education, and general supportive services.

Report immediately to the Kewaunee County Human Service Department or law enforcement, if at any time during the course of their professional duties, it is believed that a child is at risk of abuse or neglect related to the DEC criteria.

## **DHS PROCEDURES**

### **Kewaunee County Child Protective Services**

The primary purpose of Child Protective Services (CPS) within the DEC structure is to protect children and facilitate their placement and safety. CPS must also collaborate with and assist law enforcement in evidence collection and sharing of information as well as be available to present evidence in Juvenile Court as well as in Criminal Court. CPS will also work with the DEC team to assess at risk families and offer services.

CPS will receive reports of children in high risk environments and will respond accordingly. CPS will provide immediate response to law enforcement when responding to high risk environments where children are or could be present. If the presence of children at a dangerous environment is known ahead of time to law enforcement, CPS should be contacted to provide collateral information and make arrangements to provide for the safety of the children. Pertinent evidence as it relates to the children and the environment should be freely shared between law enforcement, CPS and the prosecutor.

CPS will make any final decisions as to whether or not children should be taken into Temporary Physical Custody and placed with a licensed provider or if children should be placed with a relative following criminal and child abuse and neglect record checks. CPS should not release children removed from dangerous environments to relatives of the suspects without first thoroughly checking for criminal and child abuse histories. This

will reduce the overall risk of the children returning to environments that are unsafe. Law enforcement will take the lead in checking criminal history. CPS will be responsible for checking for a child neglect or abuse history. This information will be communicated to the placing staff person and/or supervisor. These checks will ensure that the relative or adult taking custody of the children has not been involved in the illicit drug trade, violent crimes, crimes against children or any other criminal activity that may pose a hazard to the children in placement. Following criminal and child abuse record checks, CPS must, prior to placement of the children with a relative, physically view the relative's home environment. Once record checks and the home environment have been determined safe then relative or like kin placement may occur. If record checks present concern placement will be made with a licensed provider.

When necessary, CPS workers will coordinate forensic interviews of children. Forensic interviews will be done by the child advocacy center or law enforcement with CPS assistance. Interviews should be video recorded and completed according to the Stepwise format.

CPS workers are responsible for ensuring any necessary non-emergent medical care for endangered children. This includes emergency medical evaluations and follows up with the child's primary care provider and/or forensic medical evaluations at the Child Advocacy Center. Any emergent medical needs will be handled by emergency medical and first responders.

CPS workers will work with law enforcement to follow the handle with care policy. CPS workers, law enforcement and school personnel will then work collaboratively to share information and follow trauma informed care procedures for addressing the exceptional needs of endangered children.

## **HUMAN SERVICES DEPARTMENT PROCEDURES**

The social worker responding from the Kewaunee County Human Services Department shall:

- Be knowledgeable about and have access to the Medical Protocol for Children Found in Methamphetamines Laboratories. [See appendix A]
- All children exposed to drug-abusing/endangered environments will receive a medical examination due to possible exposure and potential likelihood of abuse and neglect.
- If necessary notify a medical professional a DEC case is enroute for exam.
- Request that copies of the completed medical forms and lab results are forwarded to the Kewaunee County Human Services Department assigned initial assessment worker.

- Be mindful of the need for cooperation and collaboration in an effort to minimize the number of interviews and to fully share as much information with other team members as possible.

**Placement Procedures.** The assigned social worker will follow the standards as set forth by WI Statute, State standards, and County policy when a child is taken into custody.

**The Kewaunee County School Districts acknowledge:**

- Children and youth are more than their behavior. We are committed to serving the whole child, and to considering the physical, emotional, developmental, cultural, and spiritual aspects that contribute to a child's experience and way of interacting with the world.
- Families need to be involved in decision-making and treatment planning. It is our responsibility to build relationships with families, hear their concerns, learn from them, and support their strengths.
- Some children, youth and families are particularly vulnerable due to living in poverty and high crime neighborhoods. We are committed to promoting prevention and community safety through the ongoing partnerships with municipalities, community organizations and neighborhood groups to strengthen the communities in which children, youth and families live. At the same time, we will support children and youth in learning about responsibility and accountability for their actions.
- Traumatic experiences and the effects of poverty have a significant impact on children, youth and families. We understand the differences in how girls and boys experience and cope with trauma. We will create a trauma-informed system with policies, practices and programs that acknowledge the unique risks, strengths, differences and developmental needs of children, youth and families.
- We are committed to interagency collaboration and partnership to develop a continuum of appropriate and effective services, including prevention, early intervention, and treatment. We will focus on identifying the strengths of children, youth and families; serving their needs at the earliest point in time and in the least restrictive environment; and providing outreach and services in their home communities.
- We will use research-based principles and promising practices to effectively intervene with children, youth and families. We will invest in services that show positive outcomes and will evaluate programs for effectiveness.

The Kewaunee County School Districts (Algoma, Kewaunee, Luxemburg-Casco) are responsible for the following:

- All Staff Members in the Algoma, Kewaunee, and Luxemburg-Casco school districts will sign a confidentiality agreement to ensure that information obtained will be disseminated only to appropriate school personnel and law

enforcement carries an appropriate warning, regarding the reliability, confidentiality and control of further dissemination.

- Establish a contact person for each school to communicate directly with CPS or law enforcement regarding but not limited to allowable information about suspected trauma and/or endangerment of a child (i.e. drug related crimes, domestic violence, assault, child abuse/neglect, arrest or incarceration of parent/guardian/household member, public endangerment, detention of child by law enforcement or CPS) in order for school personnel to be aware of external stressors in the student's life that may become a trauma event which will need immediate services for trauma informed care.

#### Algoma School District

- Primary:  
Nick Cochart, *Superintendent/High School Principal*  
(920) 487-7001 x2303  
[ncochart@alghs.k12.wi.us](mailto:ncochart@alghs.k12.wi.us)
- Secondary:  
PK-6th Grade  
Angie Kinjerski, *Counselor*  
(920) 487-7001 x1202  
[akinjerski@alghs.k12.wi.us](mailto:akinjerski@alghs.k12.wi.us)  
  
7th-12th Grade  
Kasie Holloway, *Counselor*  
(920) 487-7001 x2306  
[kholloway@alghs.k12.wi.us](mailto:kholloway@alghs.k12.wi.us)

#### Kewaunee School District

- Primary  
Karen Tremel, *Superintendent/Director of Special Education*  
(920) 255-0516  
[ktremel@kewaunee.k12.wi.us](mailto:ktremel@kewaunee.k12.wi.us)
- Secondary  
PK-8th Grade  
Tami Prucha, *Counselor*  
(920) 388-2458 x361  
[tprucha@kewaunee.k12.wi.us](mailto:tprucha@kewaunee.k12.wi.us)  
  
9th-12th Grade  
Steve Meyer, *Counselor*

(920) 388-2951 x454  
[smeyer@kewaunee.k12.wi.us](mailto:smeyer@kewaunee.k12.wi.us)

Luxemburg-Casco School District

- Primary  
Glenn Schlender, *Superintendent*  
(920) 845-2391 x103  
[gschlender@luxcasco.k12.wi.us](mailto:gschlender@luxcasco.k12.wi.us)
  
- Secondary  
Parish Webster, *Counselor*  
(920) 845-2315 x 204  
[pwebster@luxcasco.k12.wi.us](mailto:pwebster@luxcasco.k12.wi.us)

The school districts will provide the following trainings:

1. For Staff-in order to recognize children at-risk:
  - Drug Endangered Child Trainings
  - Trauma Informed Care Trainings
  - Mandated Reporting
2. For Students:
  - Drug Awareness
  - Mental Health/Coping Strategies Training
3. School personnel will provide LE and/or CPS with information about truancy, grades, or any other school information which will assist in an assessment of the child's well-being

If at any time during the course of their professional duties it is believed that a child is at risk of abuse or neglect related to DEC criteria, those concerns will be immediately reported to law enforcement or the Kewaunee County Department of Human Services.

**PROSECUTION**

The District Attorney will review all matters with an identified child victim of a drug-endangered/ endangered environment. If appropriate, the District Attorney's office will file any and all charges. CHIPS petitions will be filed, if needed, by Kewaunee County Corporation Counsel.

**PROSECUTION PROCEDURES**

Kewaunee County Corporation Counsel/District Attorney

It is the responsibility of the Corporation Counsel/District Attorney to:

- Be knowledgeable of the Children’s Code, the Juvenile Justice Code, the Wisconsin Controlled Substances Act, Fourth Amendment Search and Seizure, and all related law and procedure to assist investigative efforts into endangered children.
- Be available to DEC team members for consultation on a 24/7 basis.
- Be knowledgeable in the full array of legal tools available to assist endangered children including criminal prosecution, CHIPS, JIPS, delinquency, mental health, guardianship and all other legal actions or special proceedings.
- Work expeditiously as possible to bring any legal actions to finality as soon as reasonably possible.
- Attend DEC training and provide training to DEC team members.
- Work collaboratively with DEC team members.
- Act in the best interest of children while strictly observing the legal and ethical duties as the representation of the interests of the public.

**Potential Charges:**

**941.30(2) Second Degree Recklessly Endangering Safety (Class G felony)**

1. Defendant endangered safety of another human.
2. Defendant endangered safety of another human by criminal reckless conduct.

“criminally reckless” means:

1. conducted created a risk of death/great bodily harm; and
2. risk of death/great bodily harm was unreasonable and substantial; and
3. Defendant aware his/her conduct created unreasonable/substantial risk of death/great bodily harm

**941.30(1) First Degree Recklessly Endangering Safety (Class F Felony) - Add following element**

3. Circumstances of defendant’s conduct showed utter disregard for human life.

**948.21 Neglecting a Child**

1. The child was under the age of 18 years.
2. The defendant was a person responsible for the welfare of the child.

3. The defendant intentionally contributes to the neglect of the child.

Penalties:

- Class A misdemeanor
- Class H Felony if bodily harm results
- Class F Felony if great bodily harm results
- Class D Felony if death results

**948.03 Physical Abuse of a Child (Class H Felony)**

1. The defendant caused bodily harm to a person.
2. The defendant intentionally caused the harm.
3. The person injured was under the age of 18 years at the time of the offense.

**948.04 Causing Mental Harm to a Child**

1. Exercising temporary or permanent control of a child, under 18 years old.
2. Causes mental harm to that child.
3. Harm caused by conduct which demonstrates substantial disregard for the mental well-being of the child.

**(2) Causing Mental Harm to a Child (Class F Felony)**

1. A person responsible for the child's welfare has knowledge that another person has caused, is causing or will cause mental harm to that child.
2. The person is physically and emotionally capable of taking action which will prevent the harm.
3. The person fails to take that action and the failure to act exposes the child to an unreasonable risk of mental harm by the other person or facilitates the mental harm to the child that is caused by the other person.

**Definitions:**

**939.22(4)-Bodily Harm.** Physical pain or injury, illness, or any impairment of physical condition.

**939.22(14)-Great Bodily Harm.** Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of and bodily member or organ or other serious bodily injury

**939.23(3)-Intentionally.** "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result."

In addition, except provided in sub (6), the actor must have knowledge of those facts which are necessary to make his or her conduct criminal and which are set forth after the work "intentionally." Sub (6) provides that "criminal intent does not require proof of knowledge of the age of a minor even though age is a material element in the crime in question."

## **DEBRIEFING**

The DEC Team will communicate with appropriate team members and involved parties at regularly scheduled meetings or as soon as possible to discuss the following:

- Did the team respond in a timely manner?
- Were all the appropriate team members involved?
- What areas continue to need improvement?
- What is the status of the evidence/lab test?
- What is the status of investigation or criminal case?
- Are there any other families we need to staff?

Appropriate team members should include District Attorney, Corporation Counsel, responding law enforcement officers, responding Child Protective Services workers, and Department of Health and Human Services Service Unit Manager.

## **COMMUNITY EDUCATION**

Having an educated community as to the abusive and neglectful nature of drug endangered/endangered environments on children will be one of our greatest allies as we pursue the protection of children. Therefore, community education will be a priority in any and all venues.

**IN WITNESS THEREOF**, this Agreement has been executed on the date as specified and the persons so executing the Agreement represent by their signature that they have full authority to do so.

FOR THE KEWAUNEE SCHOOL DISTRICT

FOR THE LUXEMBURG-CASCO  
SCHOOL DISTRICT

\_\_\_\_\_  
Karen Treml, Superintendent

Date: \_\_\_\_\_

\_\_\_\_\_  
Glenn Schlender, Superintendent

Date: \_\_\_\_\_

FOR THE ALGOMA SCHOOL DISTRICT

FOR THE KEWAUNEE COUNTY  
SHERIFF'S DEPARTMENT

\_\_\_\_\_  
Nick Cochart, Superintendent

Date: \_\_\_\_\_

\_\_\_\_\_  
Matt Joski, Sheriff

Date: \_\_\_\_\_

FOR THE CITY ALGOMA POLICE  
DEPARTMENT

FOR THE CITY OF KEWAUNEE POLICE  
DEPARTMENT

\_\_\_\_\_  
David Cornelius, Chief Deputy

Date: \_\_\_\_\_

\_\_\_\_\_  
Frank Salentine, Police Chief

Date: \_\_\_\_\_

FOR THE VILLAGE OF LUXEMBURG  
POLICE DEPARTMENT

FOR THE KEWAUNEE COUNTY  
DEPARTMENT OF HUMAN SERVICES

\_\_\_\_\_  
John Massart, Police Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert Mattice, Director

Date: \_\_\_\_\_

DEPARTMENT OF CORRECTIONS

FOR THE KEWAUNEE COUNTY  
DEPARTMENT OF PUBLIC HEALTH

\_\_\_\_\_  
Chelsea Place, Kewaunee Field Supervisor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Cindy Kinnard, Director  
Date: \_\_\_\_\_

KEWAUNEE COUNTY DISTRICT ATTORNEY

KEWAUNEE COUNTY CORPORATION  
COUNSEL

\_\_\_\_\_  
Andrew P. Naze, District Attorney  
Date: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey R. Wisnicky, Corp. Counsel  
Date: \_\_\_\_\_

# Highway/Landfill Committee Minutes

**September 1, 2016**

The Highway Committee meeting was called to order at 8:45 AM by Chairman Larry Kirchman. Members present included: Larry Kirchman, Gary Faape, Tom Romdenne, John Mastalir, and Pat Benes. Also present was Highway Commissioner Todd Every and Recording Secretary Jenny Salentine.

**Adoption of Agenda & Approval of Minutes:** Gary Faape made a motion to adopt today's Agenda and approve the August 18<sup>th</sup> Highway Committee minutes. Second by Tom Romdenne. Motion carried unanimously.

**Public Comments:** None

**Reports:**

Patrol Superintendent Joe Dax did not attend today's meeting. Commissioner Every had the following to report on Joe's behalf:

- ❖ We have been working exclusively on CTH "D" & CTH "H"
- ❖ CTH "H" Updates:
  - Paving & centerline paint striping are both complete
  - The Road is open to traffic
  - Need to shoulder the road yet
- ❖ CTH "D" Updates:
  - Paving is complete
  - Currently we are painting the turn lanes
  - Need to shoulder the road yet
- ❖ CTH "K" Updates (From CTH "D" to STH "54"):
  - Finished up the over-lay
- ❖ We've completed a patch on Train Rd. for the Town of Casco
- ❖ We'll be hauling gravel to County Line Rd. in the Town of Red River & will be paving County Line Rd. as well.
- ❖ Upcoming September Work:
  - State DMA paving & ditching projects
  - State PBM crack filling project on STH "29"

Officer Manger Mary Meyer was unable to attend today's meeting. Mary will have updated reports from the Roads & Bridges Fund for our next meeting. The .5 FTE position has been filled by Michelle Larscheid who will begin her employment on September 12<sup>th</sup>.

Commissioner Todd Every had the following to report:

- ❖ September 29<sup>th</sup> meeting ~ "Just Fix It" campaign
  - Video will be available regarding the 2016 – 2017 State Budget
  - Commissioner Every will cover talking points about the budget
- ❖ Hand-Outs:
  - County Roads & Bridges Revenue & Expenditures – July 2016, prepared by Kewaunee County Finance Director, Paul Kunesh
  - Solid Waste Fund Revenue & Expenditures – July 2016, prepared by Kewaunee County Finance Director, Paul Kunesh
  - Solid Waste Tonnage & Charge Summary (by refuse) – January 1<sup>st</sup> – August 31<sup>st</sup>, 2016
  - Solid Waste Tonnage & Charge Summary (by refuse) August 1<sup>st</sup> – 31<sup>st</sup>, 2016
  - Solid Waste Tonnage & Charge Summary (by refuse) January 1<sup>st</sup> – August 31<sup>st</sup>, 2015 (to be used in comparison to the current year)
- ❖ Landfill: The monitory wells are taken care of. Light grading to do on borrow site & then to seed it.

**Review 2017 Highway Department Budgets:** A draft copy of the Preliminary 2017 Highway Dept. Budget was provided to all committee members. As requested from Administration, this budget was prepared with a 0% increase. This budget also reflects no fund balance transfer as previously approved by the Highway and Solid Waste Committee. Transportation Aids are estimated at the 2016 level, 2017 estimates have not been sent out yet from the DOT. We do not have any bridge construction projects scheduled in 2017. Winter Maintenance remains the same. Please remember, this is a net zero impact to the budget. Motion to approve the Preliminary 2017 Highway Dept. Budget made by Gary Faape, second by Tom Romdenne. All in favor. Motion carried unanimously.

**Discuss Village of Luxemburg Main Street Project Request:** Commissioner Every provided the following updates: County Administrator Scott Feldt has offered a payment of \$80,000.00 to the Village of Luxemburg. This was offered instead of offering a credit to be used for future work. The Village of Luxemburg has stated this offer will be brought to the full Village Board for discussion. The next Village of Luxemburg Board Meeting is scheduled for Tuesday, September 13<sup>th</sup>.

**Discuss Landfill Fee Schedule:** Commissioner Every prepared a spreadsheet showing Landfill Cost Comparisons as of September 1<sup>st</sup>, 2016 with the following counties: Kewaunee, Brown (transfer site), Outagamie, Winnebago, Oconto, Mar-Oco., Shawano, Marathon, Lincoln, and Advanced Disposal Sturgeon Bay. The committee reviewed the chart and a brief discussion followed. No action taken at this time.

**Update on Local Bridge Replacement Projects:** All bridges are in the report preparation and preliminary design phases. All projects are still on schedule.

St. Peter's Rd. Bridge in Carlton Town: The Town decided not to widen the bridge.

CTH "J" Bridge: Summer 2017 Construction

CTH "BB" Bridge: Summer 2018 Construction

CTH "E" Bridge: Summer 2019 Construction

CTH "S" Bridge: Summer 2019 Construction. Also, we are waiting to hear from City of Algoma officials about which side of the bridge they prefer the sidewalk will be.

Committee Member Tom Romdenne asked if there's a policy about bridge replacement. Commissioner Every stated there is no written policy in regards to bridge replacement. New bridge designs are completed using the latest engineering design standards.

**Approve & Sign Vouchers:** Highway Vouchers paid by check: \$544,501.84. Highway Vouchers paid by credit card: \$3,924.31. Solid Waste Vouchers paid by check: \$23,698.23. Solid Waste Vouchers paid by credit card: \$232.78. Motion to approve vouchers as presented made by Tom Romdenne. Second by Gary Paape. All in favor. Motion carried unanimously.

**Approve Travel Requests:**

1. Fall Commissioner Training, October 17 - 18 in Wausau (one employee to attend)
2. WISDOT and CHEMS Pro Annual Highway Training, October 13-14 in Wisc. Dells (3 employees to attend)

Motion to approve both travel requests made by Tom Romdenne. Second by Pat Benes. All in favor. Motion carried unanimously.

**Any other business as allowed by law:** Committee Member Pat Benes reviewed discussions he had with the Town of Pierce regarding the culvert replacement on 12<sup>th</sup> Road and CTH "KK", mowing concerns in the Town of Casco, and winter maintenance in the Town of Casco.

The committee inquired how many car killed deer pick-ups we've made for the townships since the new contract was put into play on March 1<sup>st</sup>. We average about 3-5 from Town Roads each month. From March thru August we've picked up a total of 20 car killed deer on Town roads.

**Next Meeting Dates:**

- ❖ Thursday, September 22<sup>nd</sup> @ 8:45 AM
- ❖ Thursday, October 6<sup>th</sup> @ 8:45 AM
- ❖ Wednesday, October 19<sup>th</sup> @ 8:45 AM

**Adjournment:** Motion made to adjourn today's meeting by Pat Benes. Second by John Mastalir. All in favor. Motion carried. Meeting adjourned at 10:48 PM.

Respectfully submitted:

  
Jenny Salentine, Recording Secretary

# Highway/Landfill Committee Minutes

**September 22, 2016**

The Highway Committee meeting was called to order at 8:45 AM by Chairman Larry Kirchman. Members present included: Larry Kirchman, Gary Paape, Tom Romdenne, John Mastalir, and Pat Benes. Also present was Highway Commissioner Todd Every, Office Manager Mary Meyer, and Recording Secretary Jenny Salentine. Guests at today's meeting include: County Board Chairman Bob Weidner, County Board Members Lee Luft & Mary Ellen Dobbins, Janice Mueller, Jan Dart, Bruce Charles, John Pabich, Cathy Pabich, James Barlow, Lee Dachelet, Jeff Wiswell, Mike Decur, Sara Robertson, Michelle Seidl, and Kevin Schmidt.

**Adoption of Agenda & Approval of Minutes:** Gary Paape made a motion to adopt today's Agenda and approve the September 1<sup>st</sup> Highway Committee minutes. Second by Tom Romdenne. Motion carried unanimously.

**Public Comments:** All Public Comments were related to the CTH "S" Bridge within the City of Algoma.

John Pabich spoke in favor of a 2<sup>nd</sup> sidewalk on the CTH "S" Bridge. He mentioned it would enhance tourism, it's a safety issue, and feels additional revenue would be generated over the next years declining the \$32,000.00 cost.

Jeff Wiswell, City of Algoma Administrator, began by saying he understands the role of being an alderman & county board member. Mr. Wiswell stated we need to continue moving the County forward. He feels it simply doesn't make sense to go from a 2 sidewalk bridge back to a 1 sidewalk bridge. Mr. Wiswell concluded saying he "urges the members of the committee to do the right thing".

James Barlow, Algoma City Alderman, encouraged the committee to take the comments already made by other individuals into consideration. Mr. Barlow added the City has businesses on both sides of the bridge. \$32,000.00 may seem like a lot of money, but is it really? Mr. Barlow suggested the addition of the 2<sup>nd</sup> sidewalk may be a wise place to spend some of the increased revenue from the recently approved increased sale tax. Mr. Barlow finished with adding the City has a lot of pedestrian traffic.

County Board Member Lee Luft spoke in favor of a 2<sup>nd</sup> sidewalk as well. He feels the 2<sup>nd</sup> sidewalk will encourage tourism. Mr. Luft stated the Federal recommendation is a minimum, that doesn't mean we can't do more. Mr. Luft added, if the bridge lasts 50 – 60 years, the additional \$32,000 cost would be only \$500 per year.

County Board Member Mary Ellen Dobbins spoke about safety concerns for school children crossing the bridge.

## **Reports:**

Patrol Superintendent Joe Dax did not attend today's meeting. Commissioner Every had the following to report on Joe's behalf:

- ❖ Ditch mowing: 2<sup>nd</sup> cut in the Towns of Ahnapee, Carlton, & Red River
- ❖ CTH "H" is complete
- ❖ CTH "D" – Shouldering is complete
- ❖ CTH "K" – Shouldering is complete
- ❖ We've started the FBM Project on STH "29" from the Brown County Line to CTH C
- ❖ Top Soil, seed, and mulch needs to be placed on CTH "H" & CTH "D"

If the paving budget allows, we'd like to do additional overlays.

Officer Manger Mary Meyer had the following to report:

- ❖ Our last billing cycle ran July 24<sup>th</sup> thru August 20<sup>th</sup>
- ❖ Hand-outs: Roads & Bridges Budget Report January 1 thru August 20<sup>th</sup>
- ❖ Mary will have more costs on CTH "D", "H", & "K" for our next meeting
- ❖ Our new .5 FTE Account Clerk II position has been filled by Michelle Larscheid

Commissioner Todd Every had the following to report:

- ❖ No changes to the Proposed Budgets for Highway or Solid Waste
- ❖ A reminder to all about the State Budget meeting regarding the "Just Fix It" Campaign will be Thursday, September 29<sup>th</sup> @ 7:00 PM in the County Board Room
- ❖ Hand-Outs:
  - WISDOT 2017 – 2019 Biennial Budget Proposal Summary

- 2016 Equipment Auction Summary
- Solid Waste: Account Aging Report – Receivables (as of Sept. 8<sup>th</sup>, 2016)
- ❖ The Well maintenance project is just about complete

Committee Member Pat Benes asked if we've begun putting together a spec list for replacing trucks. Commissioner Every provided a quick update.

Discuss possible reconsideration of sidewalk decision on the CTH "S" Bridge Project: Commissioner Every reviewed the timeline:

- ❖ 2014 ~ CTH "S" Bridge Project approved for replacement
- ❖ 2015 (early) ~ Selected Ayres & Assoc. for Design
- ❖ 2015 (late) ~ Scoping Meeting with Ayres Associates - The following items were indicated to be emphasized in the project:
  1. Keep the project on schedule
  2. Minimize the impacts to the adjacent properties
  3. Minimize extra costs above budget
- ❖ 2016 ~ Preliminary Layout
- ❖ 2016 (June) ~ Public Involvement Meeting in Algoma
- ❖ 2016 (July) ~ Highway Committee Decision to proceed w/ design specs for sidewalk on one side only and if two sidewalks were desired by the City of Algoma, then they should pay the local share of the increased costs.
- ❖ 2016 (July 26) ~ Received correspondence from Algoma City Mayor
- ❖ 2016 (August) ~ Highway Committee stood by their prior decision for 1 sidewalk & has requested the City of Algoma choose which side of the bridge to put the 1 sidewalk, also offered the City of Algoma, if they'd like a 2<sup>nd</sup> Sidewalk, if could be done at their expense

At this time, Committee Chairman Larry Kirchman explained why there are 2 items on the agenda pertaining to this topic per Jeff Wisnicky, Corporation Counsel. Committee Member Tom Romdenne stated the County currently does not have a policy about bridge replacement.

Tom Romdenne motioned to reconsider the Highway Committee's previous decision made at their July committee meeting regarding the CTH "S" Bridge project with sidewalk only on 1 side. Second by Gary Paape. Discussion Followed:

At this time, Chairman Kirchman spoke & complimented the City of Algoma on their crosswalk signage and how they have additional signage used for safety. Mr. Kirchman added the Highway Committee has voted twice to do 1 sidewalk & has offered the City of Algoma to choose which side they'd like the sidewalk. To provide a sidewalk on both sides means an increased project cost of \$160,000.00 to which 80% is paid by Federal, the County's cost would be \$32,000.00.

County Board Chairman Bob Weidner recapped a conversation he had w/ Mayor Schmitt on the Fiscal Topic. The City is very much in favor of 2 sidewalks, however, the City was asked to cost share the 2<sup>nd</sup> sidewalk & the City said NO. Mr. Weidner also added, the STH "42" Bridge in Kewaunee has only 1 sidewalk on 1 side of the bridge.

Committee Member Pat Benes commented he has heard very little from anyone on this subject.

At this time, Chairman Kirchman called for a roll-call vote from the Committee. A 'yes' Vote means you are in favor of reconsidering the sidewalk decision of only 1 sidewalk on 1 side of the bridge. A 'no' vote means you are not in favor of reconsidering the sidewalk decision. Votes are as follows:

- Pat Benes: NO
- Gary Paape: YES
- Larry Kirchman: NO
- John Mastalir: NO
- Tom Romdenne: YES

Motion FAILED.

Discuss City of Algoma request for sidewalk on CTH "S" Bridge Project: Because the motion failed in the agenda item immediately above, no further action was taken.

**Discuss Village of Luxemburg Main Street Project Request:** Commissioner Every recapped the history on this topic to include the first topic discussed was to offer the Village of Luxemburg a credit for future work, after that, a one-time payment was offered. However, now the Village of Luxemburg would like the County to pave equal amounts (square yards) on a future project on CTH "AB" within the village. In 5-10 years, the County would mill and pave an area equal to the area milled and paved by the Village in this project which is the county's maintenance responsibility. Administrator Feldt, Commissioner Every, and County Board Chair Weidner are agreeable to this solution.

The committee recommends Corporation Counsel, Jeff Wisnicky to draft an agreement. Motion made by Gary Paape to send the draft copy of an agreement between the County & Village of Luxemburg for future paving on CTH "AB" where the County would pave 2,975 feet. Second by John Mastalir. All in favor. Motion carried.

**Discuss Landfill Fee Schedule:** This will be discussed at a future meeting. No action taken.

**Review 2016 – 2017 LP Gas Proposals:** We received 2 bids. They are as follows:

Company	LP Quote	Terms	Additional Information
Country Visions	\$1.129 / gallon	Through April 2017	Not an adjustable price. Uninterrupted service to sites.
CHS Larsen Cooperative	\$ 0.82 / gallon	Sept. 22, 2016 through April 30, 2017	Keep Full or will call – 24/7

Motion made by Tom Romdenne to approve the CHS Larsen Cooperative Bid @ \$0.82 / gallon from Sept. 22, 2016 thru April 30, 2017. Second by Pat Benes. All in favor. Motion carried unanimously.

**Approve & Sign Vouchers:** Highway Vouchers paid by check: \$144,794.59. Highway Vouchers paid by credit card: \$7,347.63. Solid Waste Vouchers paid by check: \$2,839.00. Solid Waste Vouchers paid by credit card: \$1,853.24. Motion to approve vouchers as presented made by Tom Romdenne. Second by Gary Paape. All in favor. Motion carried unanimously.

**Approve Travel Requests:** None

**Any other business as allowed by law:** Committee Member Pat Benes inquired about the status of Hill Road in the Town of Montpelier. The Town has sent a letter to the County with its concerns regarding the hot mix asphalt material provided by the county on the project. Commissioner Every and Chairman Kirchman have a meeting set up with the Town Chairman to talk about the issue.

Commissioner Every stated we will be discussing this at our next committee meeting along with taking a project tour out to the site.

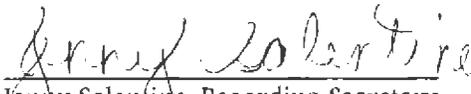
Committee Member Gary Paape inquired about future auction items to be listed on the WI Surplus Online Auction Site.

**Next Meeting Dates:**

- ❖ Thursday, October 6<sup>th</sup> @ 8:45 AM
- ❖ Wednesday, October 19<sup>th</sup> @ 8:45 AM
- ❖ Thursday, November 17<sup>th</sup> @ 8:45 AM

**Adjournment:** Motion made to adjourn today's meeting by Pat Benes. Second by Tom Romdenne. All in favor. Motion carried. Meeting adjourned at 10:52 PM.

Respectfully submitted:

  
 Jenny Salentire, Recording Secretary

Kewaunee County  
PERSONNEL, ADVISORY, AND LEGISLATIVE COMMITTEE MEETING

## Meeting Minutes

Date: Wednesday, October 12, 2016 / Time: 12:00 Noon / Training Room  
Kewaunee County HHS Center, 810 Lincoln Street, Kewaunee, WI 54216

Call to Order: The meeting was called to order at 12:02 p.m. by Bob Weidner.

Roll Call: Members present were Scott Jahnke, Larry Kirchman, John Mastalir, Gary Paape, John Pagel, Tom Romdenne, Kaye Shillin, Bob Weidner. Linda Sinkula was excused.

Others present: Jeff Wisnicky, Scott Feldt, Terri Albrecht

Approve October 12, 2016 Personnel Committee Meeting Agenda: Motion by John Pagel, second by Tom Romdenne to approve the October 12, 2016 agenda. Motion carried.

Approve September 15, 2016 Meeting Minutes: Motion by Gary Paape, second by Kaye Shillin to approve the September 15, 2016 meeting minutes. Motion carried.

Adoption of HIPAA Policy: Jeff Wisnicky introduced HIPAA Policy updates to the Personnel Committee last month and is looking for the committee to approve the policy at this time. If approved, this will go before the full County Board this month. Motion to approve by John Mastalir, second by Tom Romdenne. Motion carried.

Adoption of Drug Endangered Children Protocol: Jeff Wisnicky introduced Drug Endangered Children Protocol to the Personnel Committee last month and is looking for the committee to approve it at this time. Motion to approve by Gary Paape, second by Kaye Shillin. Motion carried.

Discussion and Possible Action – Pay Plan Proposal: Scott Feldt indicated copies of the pay plan proposal (version 2.3) were previously distributed to the Personnel Committee. Scott indicated he put together a pay scale that the Personnel Committee could adopt that would give clarification or uniformity of hourly wages of employees into 11 steps. Budgeted this year would be 1.63% (which includes a cost of living increase). Scott Feldt recommended that if an employee has an unsatisfactory performance evaluation that they would not move to the next step. The proposed pay plan does not include Teamster employees, radio operator/jailers, law enforcement command staff or elected officials. Scott Feldt explained that almost always Kewaunee County will pay less than counties around us, because we are smaller and have a smaller tax base. Scott Feldt informed the committee that he tried to balance so we have a fairly competitive wage though on the lower end and to create an environment that lets employees know their time is appreciated will help with employee satisfaction. Motion to approve the pay plan as presented by John Pagel, second by Larry Kirchman. Motion carried. Upon review with the committee members, Bob Weidner directed Scott Feldt to make a scaled down version of the pay plan with all positions to make as a resolution for the full County Board.

7a. Reconsideration of Employee Wage Request: Terri Albrecht explained that she provided the Personnel Committee with additional information to review from last month in order for the committee to see better comparables and be more informed. John Pagel explained that Terri has been in the LWCD for 42 years and the committee should consider doing something. Scott Feldt explained that if we do, that will have every employee more than 15 years in the position ask to move the step and we will lose the sustainability of the pay plan. Bob Weidner explained this is not a system to recognize merit. Bob Weidner asked the committee members if they wanted to reconsider this wage request. Based on the responses from the committee members, Bob then explained that the committee did not want to reconsider this wage request and that there was no action of the committee to change their previous action.

Other Matters Authorized by Law: Scott Feldt distributed the Personnel Report.

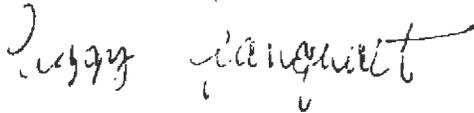
The committee had a short discussion regarding codification of county ordinances and will put the topic on the agenda next month for approval.

Public Comment: None.

Next Meeting: November 16, 2016 at noon.

Adjournment: Motion by Larry Kirchman, second by Tom Romdenne to adjourn the meeting. Motion carried. Adjourned at 1:25 p.m.

Submitted by:  
Peggy Jeanquart

A handwritten signature in cursive script that reads "Peggy Jeanquart". The signature is written in black ink and is positioned below the typed name.

**Agriculture & Extension Education Committee Meeting**  
**October 5, 2016**  
**3:00 P.M.**  
**Kewaunee County Administration Center**  
**Conference Room**

**Minutes**

1. Call to Order – Meeting called to order at 3:02 PM by Chair Tom Romdenne.
2. Roll Call – Gary Paape, Tom Romdenne, Chuck Wagner, Ron Paider, Aerica Bjurstrom, Jill Jorgensen, Claire Thompson
3. Approval of Agenda – Request to move Travel Approval to after approval of minutes made by Gary Paape, seconded by Chuck Wagner. Motion passed.
4. Review/Approval of Minutes – Motion to approve minutes made by Ron Paider, seconded by Chuck Wagner. Motion passed.
5. Approval – Travel. Claire asked to travel to Phoenix as an Activation Team Lead based on her work with the Live Well Algoma project. She will be at the conference November 21-24, 2016 and it will be funded by a grant. There will be no cost to the county. Motion to approve travel made by Chuck Wagner, seconded by Gary Paape. Motion passed.
6. Citizen Input - none
7. Educators Reports – Written. Highlights from the month were Agriculture Plastics Recycling dumpster pick up day, Taste of the County planning, and National Extension Leadership Development. See attached reports for more details.
8. Review 2017 Budget – The budget was amended with additional cuts after it was approved by the committee.
9. Overtime - none
10. Approval – Bills. Motion to approve bills made by chuck Wagner, seconded by Ron Paider. Motion passed.
11. Set/Confirm Future Committee Meeting Dates – Future dates  
November 2, 3 PM  
December 7, 3 PM
12. Adjourn – Motion to adjourn made by Gary Paape, seconded by Ron Paider. Meeting adjourned at 3:50 PM.

Respectfully Submitted,



Aerica Bjurstrom, October 7, 2016

**Aerica Bjurstrom**  
Agriculture Agent  
Prepared for October 5, 2016

**Corn Dry Down** – Each year UW-Extension holds corn silage dry down days free to the public with the help of sponsors. This year two dry down events were scheduled, one in Luxemburg and another in Sturgeon Bay. The Luxemburg site was held on September 6 and 96 samples were submitted. The Sturgeon Bay event was scheduled on September 13 and 22 more samples were submitted. Dairyland Laboratories from DePere was on hand with their NIR machine at the Luxemburg site which allowed farmers to wait a few minutes to get their results. Samples from the Door County site were submitted directly to the lab and results were returned the next day. While many local mills hold their own dry down events, the UW-Extension event still remains very popular and will continue to be held in the future.

**Joint Kewaunee/Door Ag & Extension Meeting** – Met with the Door County Ag & Extension committee at the Kewaunee County Fair Grounds with a follow-up tour at Junion Homestead Farm north of Luxemburg. Summaries of Kewaunee County and Door County Extension efforts were shared, and an update on the Peninsular Ag Research Station was also presented. Kewaunee County has added a new weather station at Parallel 44 in addition to the one at Hillside Apples in Casco. The tour portion of the meeting was a stop at a family dairy farm owned and operated by Tony and Peggy Knorn (and family). The Knorn's have utilized UW-Extension in various ways over the years. They have participated in a farm management team, utilized UW-Extension and University of Minnesota specialists, and cooperated in several UW-Extension programs such as Scissor Cutting and Rural Safety Day.

**Beef Cow/Calf Meetings** – As part of my appointment to the state Beef Team, I plan and carry out multiple beef cow/calf meetings throughout the summer at locations around Wisconsin. The meetings were planned for seven sites; Walworth, Dodge, Marinette, Marathon, Waushara, St. Croix, and Iowa. Speakers were the local agent presenting a program on branding and marketing and I arranged for a DATCP representative to be at each meeting to speak on laws and rules about selling meat direct from the farm. The meetings were well attended and approximately 225 people attended the seven locations. I plan to do the same meeting over winter if there is enough interest from producers.

**Ag Plastics Recycling** – I am working with a company called Revolution Plastics to get free plastics recycling dumpsters on as many farms as possible in Kewaunee and Door Counties. A dumpster pick up day is scheduled for October 3 at the Kewaunee County Fair Grounds. Revolution Plastics will pick up ag plastics from farms free of charge and depending on demand, will set up another delivery day this fall. This project will reduce the amount of plastic going to the landfill and being illegally burned.

**World Dairy Expo** – The UW-Extension Dairy Team has a booth at the World Dairy Expo each year. Approximately 15 dairy extension agents work at the booth and talk to visitors at the show. I am in charge of the booth display and another agent sets it up for the show. I also have the opportunity to work at the show and network and learn more about the newest technology available in dairy. Many Kewaunee County dairy producers show at and attend the five day event in Madison.

**Program Planning** – I am currently planning meetings for 2017. I won't be holding as many meetings in 2017 as I usually do because of Farm Technology Days, but I am planning impactful meetings with top quality speakers.

## Kewaunee County 4-H Youth Development Extension Update

Jill Jorgensen, 4-H Youth Development Agent

October 5, 2016

**National Extension Leadership Development Cohort:** As you may recall I was nominated and selected to represent UW-Extension as a 2016 NELD cohort participant. This cohort group is composed of 34 participants representing a variety of program areas from University Extension throughout the Midwest. The leadership experience is held throughout the year. The opportunity provides tools and experiences to apply and reflect on new effective leadership, organizational collaboration, change concepts, and strategies. In addition, we are working on strengthening competence in decision-making, building leadership capacity, improving effectiveness of Extension programming, enhancing personal effectiveness, and promoting lifelong learning.

In July I traveled with the cohort group to Minneapolis for the last leg of this educational leadership journey. This portion focused on critical thinking, leading the change, meaningful involvement, facilitation, mindfulness, reiterating some key concepts, and graduation from the program. As I have said before, this amazing experience has given me the opportunity to understand and expand my professional and personal leadership capabilities.

**Wisconsin State 4-H Horse Expo and other statewide horse events:** Youth from Kewaunee County that participated in the Expo in educational events, showing, or both. This is an excellent opportunity for youth in the horse project to showcase their skills as riders and demonstrate their educational knowledge of horses through events such as horse judging, public speaking, and a variety of other activities.

This was a great year for Kewaunee County youth in both the educational and showing competitions. Kewaunee County youth teams dominated in a number of educational contests. They received top ten awards in senior horse judging, the junior horse judging, junior team problems, and senior team problems. Several other individuals earned grands, reserves, and top ten award in many other horse educational projects. In the riding classes, youth participants received a number of reserve champion and top ten awards. A senior demonstration team that won grand champion in their division will be representing Wisconsin at the National level speaking and demonstration contest held at Quarter Horse Congress in Ohio this November.

**Heart of Leadership Training Receives National Award:** As you may recall, last year, I worked with state specialists from WI and MN to create the Heart of Leadership training that was 1 portion of a 3 part leadership training series. Specialists from other states created other parts of the training. In addition, I worked with a 4-H volunteer and teen member from Kewaunee County that were featured in the Heart of Leadership training. During the last year, the training was offered throughout the Midwest as a volunteer leader and staff training and was well received. Over 1,325 volunteers and staff from 241 sites participated in at least one of the sessions. The series received a regional and national award that will be presented this October.

**Re-Enrollments:** We are working with the 4-H club to re-enroll 4-H members for 2017. Families will continue to enroll online through the 4-H Online Enrollment system. This allows families to have easier access to their information to readily make any needed changes. We work with members and leaders to be successful in completing their enrollments and provide meetings as necessary to make sure everyone can enroll.

Re-enrolling members will need to be enrolled by October 31<sup>st</sup> to be able to show at the 2017 Kewaunee County Fair. New members are able to enroll throughout the year. However, new members need to enroll by February 1<sup>st</sup>, 2017 to be eligible to show at the 2017 Kewaunee County Fair.

### *Upcoming Events:*

**4-H Fall Fest Open House:** Preparations are being made for the annual 4-H Open House. The committee is meeting to prepare brochures, fliers, and letters to send to clubs and community members. The open house will be held on October 8, 2016 beginning at 1:00pm at the Kewaunee County Fairgrounds in Luxemburg. This is an opportunity for anyone who is interested in learning about 4-H to meet different clubs and their leaders, learn about different projects, make small projects, and find out more about the 4-H organization as a whole.



University of Wisconsin, U.S. Department of Agriculture and Wisconsin counties cooperating. UW-Extension provides equal opportunities in employment and programming including Title IX and ADA.

**Renee Koenig, Family Living Educator, UW-Extension Kewaunee County**

Activities report for October 5, 2016

**Strong Minds and Bodies Program** - In a collaborative effort with the Lakeshore ADRC, I co-presented the Strong Minds and Bodies program to the general public and Home and Community Educators (HCE). Kim JauquartFranzen presented the Ten Signs of Dementia and I presented Keeping Your Brain and Body Fit As You Age.

**National Presentation**– I presented at the National Extension Association of Family and Consumer Sciences conference in Big Sky, Montana in September. It was a professional development opportunity for me to share my work on the Home Alone video based training program.

**Strong Bones** - I teach Strong Bones exercise classes twice weekly to a group of men and women ages 55-85. In addition to instruction on physical activity, I share research about the benefits of exercise on maintaining mental abilities and staying active in our community.

**Health Literacy** –The Literacy Partners, Public Health Department and myself are teaming up to plan a Healthy Eating Family Fun Night. This is an opportunity for Latino families to learn about health and nutritional topics. The theme of our program this year is on healthy breakfast meals and family meal time.

**Farm Technology Days**- I continue to work with the Family Living Tent committee to plan the 2017 show. A huge amount of coordination and planning is necessary for the educational exhibits and stage performances, mercantile vendors, and opening ceremony.

**Trauma Informed Parenting** – I am working with the human services department to plan a series of parenting classes in October. The training is part of Wisconsin's comprehensive approach to address the needs of children, families and their communities. Adverse Childhood Experiences (ACEs) affect families and communities at all levels; this training will inform professionals and parents about the effects of trauma and provide resiliency skills and resources for families.

Kewaunee County Agriculture and Extension Committee  
Activities Report for September, 2016  
Claire Thompson, Community Development Educator  
Kewaunee County Cooperative Extension

Economic and Organizational Development:

- Completed research and facilitation efforts for Kewaunee County Sheriff's Department Fit for Duty initiative which will roll out on October 1 and may become a model for the County.
- Provided business planning education to one entrepreneur in Kewaunee County.
- Facilitation and planning assistance to the Kewaunee County Economic Development Organization Taste of the County event to be held in October.
- Commenced team leadership for the Live Algoma Community Team, including orientation and onboarding support for the Steering Committee and planning to attend the CHILA 4 conference Phoenix.
- Provided research and education support for Live Algoma Community Metrics projects in collaboration with EPIC and Bellin Health.
- Provided planning and facilitation to further the development of the Ahnapee Trail Head in Algoma as a follow up to the First Impressions project.
- Commenced development of a Needs Assessment for Nonprofit Organizations in the Door-Kewaunee Counties area in collaboration with Rob Burke, CNRED Educator in Door County.

Local Food System Economy:

- Completed facilitation and supervisory support to the Healthy Lunchroom initiative in Algoma as part of the Farm to School Initiative in place of Nutrition Coordinator position which was not re-hired.
- Wrapped up organizational support efforts to Living Lakes Heritage and the Farm Market Kitchen to help with wind-up process. Continued to assist processors with finding a new location. Thompson has been liaising between FMK processors and NWTC to ensure a smooth transition for businesses affected by the closing.
- Provided ongoing support to three entrepreneurs affected by the closing of the Farm Market Kitchen.
- Worked to update Local Food Producers master list as part of the Buy Local initiative and in cooperation with Door County.
- Ongoing participation in Farm Technology Days Food Committee.

Other:

- Participation in UWEX CRD Standards, Rank and Promotion Committee.
- Participated in Tenure Advisory Committee mentoring sessions for two UWEX CNRED faculty members.

Zoning Committee Meeting  
Kewaunee County Administration Committee Room  
October 5, 2016  
Minutes

Call to Order:

Chairman Tom Romdenne called the meeting to order at 3:52 P.M.

Roll Call:

Members included: Tom Romdenne, Gary Paape, Ron Paider, Chuck Wagner, and Glenn Selner, Kewaunee County Zoning Administrator.

Approval of Agenda:

A motion was made by Gary Paape and seconded by Chuck Wagner to approve the agenda.  
Motion carried.

Approval of Minutes:

A motion was made by Gary Paape and seconded by Chuck Wagner to approve the September 2016 minutes. Motion carried.

Department Report:

Glenn Selner and the committee discussed property owners who are delinquent in the pumping of their septic systems and of property owners who have failed to replace their failing septic systems. Chuck Wagner made a motion, seconded by Ron Paider, for Corporate Counsel to proceed with proper enforcement action. Motion carried.

Next Meeting Dates:

November 2, 2016 and December 7, 2016 at 3:45 P.M. Kewaunee County Administration Committee room.

Adjournment:

A motion was made by Chuck Wagner and seconded by Ron Paider to adjourn. Motion carried.  
Meeting adjourned at 4:30 P.M.

Respectfully submitted:

Andrea Schmidt, Recording Secretary



**Kewaunee County Land and Water Conservation Regularly Scheduled Committee Meeting**

**Kewaunee County Fairgrounds Office October 11 2016 9:00 AM**

**Minutes**

**1) Call to Order:** Meeting called to order at 9:00 AM by Chairman John Pagel

**2) Roll Call:** Committee Members present: John Pagel, Ron Paider, Lee Luft, Charles Wagner, & Clark Riemer

LWCD Staff present: County Conservationist, Davina Bonness; Kewaunee County Board Member Mary Ellen Dobbins & County Board Chairman Robert Weidner; Joe Johnson-NRCS; Aerica Bjurstrom - UWEX; Brian Maedtke-USDA

**3) Approval/Repair of Agenda:** Motion to approve the October 11<sup>th</sup> agenda was made by Ron Paider and seconded by Lee Luft. Committee vote was unanimous in favor of the motion.

**4) Approval/Repair of Meeting Minutes:** Motion to approve the September 13<sup>th</sup>, 2016 meeting minutes was made by Chuck Wagner and seconded by Ron Paider. Committee vote was unanimous in favor of the motion.

**5) Public Comments regarding the regularly scheduled Land and Water Conservation Meeting:**

There were 7 public comments that discussed AgroPur chloride discharges, the Resolution regarding the East Twin River, new sampling sites in the County's rivers, Mr Kaplan from EPA mentioned help was coming to the County - any updates?, and the fees to be discussed for farmers.

**6) Department Reports:**

a) *Animal Waste Storage Permits:*

*Larry Dax - Concrete Storage, TRM grant, \$1000.00 -- 118,000 gallons*

b) *Farmland Preservation/Standards and Prohibitions Walkovers:*

23 walk-overs were completed during September. Doing a Large Cafo - many hours to walk all cropland and headquarters, which is over 80% completed, will complete once corn is harvested. Full Compliance- 20; Compliance Schedule- 3; -Intermittent streams being worked through and Heavy erosion in lanes. 2017 NM plans are starting to arrive in the office, Erin has been helping CCA's get plans into the newest version of 590.

**Technical Project Updates:**

Paul Hanna - Barnyard / Roof Gutters approved - will be installed in 2016 as a TRM grant; MS in 2017

Steinhorst - permanent Feed Runoff Control System - collect leachate into current pit

James Tremel - 3 month stacking pad - approved - hopefully constructed in 2016

Larry Dax - concrete walled ms - TRM grant - install in 2016

c) *Conservation Plans for Approval: Glen Koenig; Glen Schlies*

d) *Notice of Non-Compliance Updates: None*

e) *LWCD Budget 2017 Overview: Budget mimics 2016 budget,*

*Changes were to no longer pay Glacierland membership dues b/c WI Land & Water dues increased. Lee Luft offered to help pay for this Glacierland membership personally.*

f) *Public Health & Groundwater Protection Ordinance*

Davina Bonness handed out 2 variance requests for spreading and/or stacking locations. The committee discussed each variance. All maps and descriptions will be kept at the Land & Water Conservation Department.

1. Motion to approve Tremel's Public Health & Groundwater Ordinance Stacking Variance Request was made by Lee Luft and seconded by Ron Paider. Committee vote was unanimous in favor of the motion.

2. Motion to approve Jauquet's Public Health & Groundwater Ordinance Stacking Variance Request was made by Chuck Wagner and seconded by Lee Luft. Committee vote was unanimous in favor of the motion.

**7) Cooperating Agency Reports:**

- a) **USDA Natural Resources Conservation Service (NRCS):** Joe Johnson explained general CRP signup was complete, cover crops are being checked for payments, and the TAG will be having another public meeting in Jan/Feb 2017.
- b) **Wildlife Damage Abatement & Claims Program (Brian Madtke)**
  - i) 2016 crop prices (action required)

Motion to approve to the 2016 crop prices was made by Ron Paiderand seconded by Chuck Wagner. Committee vote was unanimous in favor of the motion.

- ii) 2017 preliminary budget (action required)

Motion to approve to the 2017 preliminary budget was made by Chuck Wagner and seconded by Lee Luft. Committee vote was unanimous in favor of the motion.

- iii) **Enrollee update**— will discuss next month and also set 90% harvest dates

c). UWEX-Aerica discussed an Anaerobic Digester tour will be held on December 1<sup>st</sup>, for more information see their UWEX website; Midwest Manure Summit will be held on February 22 and 23 – more information to follow; and plastic dumpsters have been distributed throughout the county for plastic recycling.

**8).Other Matters to Discuss (if needed)**

- a) *Committee Vote (Action Required): Resolution Requesting the Wisconsin DNR to immediately Initiate a Water Quality/Aquatic Life Survey of the East Twin River (84000) and Unnamed Tributaries (3000211, 3000212 and 3000213) to the East Twin River in Kewaunee County.*

Motion to approve the above named Resolution and forward to Full County Board was made by Chuck Wagner and seconded by Ron Paider. Committee vote was unanimous in favor of the motion.

- b) *Discuss & Committee Vote: Proposed Fees for Walkover Inspections*

Committee held a discussion; there was no vote until legal counsel makes a ruling on potential conflict of interests.

- c) *Discuss & Committee Vote: Proposed Fees for Animal Waste Storage Facilities Inspections*

Committee held a discussion; there was no vote until legal counsel makes a ruling on potential conflict of interests.

- d) *Consider resolution from GWTF in support of the consensus and near- consensus recommendations made by the three Kewaunee County Workgroups*

Davina will draft a resolution with Corporation Counsel and bring back to LCC next month.

**9). Scheduling of Future Committee Meetings:** November 8<sup>th</sup> @ 9:00am ; December 13 @ 9:00am -- at 8:30am will be the public hearing for the Kewaunee County Comprehensive Plan, which includes the Farmland Preservation Plan update.

**10).Approval of Bills:**Motion to accept the October 11<sup>th</sup> bills as presented was made by Lee Luft and seconded by Ron Paider. Committee vote was unanimous in favor of the motion.

**11). Chairman's Wrap-Up Comments:**None

**12) Adjournment:**A motion to adjourn the meeting at 10:56 am was made by Chuck Wagner and seconded by Lee Luft. Motion carried unanimously.

Respectfully submitted by Davina Bonness – Kewaunee County, County Conservationist

**KEWAUNEE COUNTY  
FINANCE & PUBLIC PROPERTY COMMITTEE - MEETING MINUTES**

Date: [September 20, 2016](#) Time: [5:00 PM](#)  
Health & Human Services Center – Training Room

Call to Order: The meeting was called to order at 5:00PM by Chairman Lee Luft

Roll Call: Members present: Lee Luft, John Mastalir, Tom Romdenne, Virginia Haske  
Absent: Chris Rasmussen.  
Others present: Scott Feldt, Paul Kunesh, Tom Karman, Bob Weidner

Approve the Agenda: Motion by Virginia Haske, second by John Mastalir to adopt the September 20, 2016 agenda. Motion carried.

Approve Minutes: Motion by John Mastalir, second by Virginia Haske to adopt the September 8, 2016 Finance Committee minutes. Motion carried.

2015 Audited Financial Statements & Management Letter – Tom Karman, Schenck: Tom reviewed information in the 2015 Annual Financial Report and Management Letter and answered committee members questions. The auditors' report in the 2015 Annual Financial Report provides an unqualified or 'clean' opinion. The management letter was reviewed more thoroughly since it contains highlights and a summary of the financial information in the Annual Financial Report.

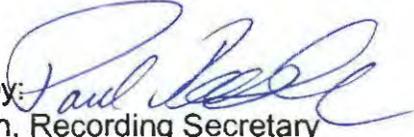
Discuss establishment of New LWCD Fees: Administrator Feldt provided two handouts as an introduction to some potential LWCD fees. Handouts provided information for a Farmland Preservation Walkover Inspection fee and an Animal Waste Storage Unit Inspection fee. Similar fees exist in other Counties, and have options for the fee schedules. A question was asked about possible woodland & wetland inspection fees. Fees could be invoiced and/or placed on the tax bill.

Approve Additional Bills for Payment: Motion by John Mastalir second by Virginia Haske to approve the bills as presented. Motion carried.

Approve County Board and Supplementary Payroll: Motion by John Mastalir second by Virginia Haske to approve the County Board and Supplementary payroll as presented. Motion carried.

Other Matters as Authorized by law: none

Adjournment: Motion by Tom Romdenne, second by Virginia Haske to adjourn the meeting. Motion carried. Meeting adjourned at 6:00 PM.

Submitted by:   
Paul Kunesh, Recording Secretary

**KEWAUNEE COUNTY  
FINANCE & PUBLIC PROPERTY COMMITTEE - MEETING MINUTES**

Date: [September 28, 2016](#) Time: [4:00 PM](#)

Kewaunee County Administration Center – Conference Room

Call to Order: The meeting was called to order at 4:00PM by Chairman Lee Luft

Roll Call: Members present: Lee Luft, John Mastalir, Tom Romdenne, Virginia Haske, Absent: Chris Rasmussen

Others present: Scott Feldt, Paul Kunesh, Kay Shillin, Gerald Paape, Steve Hanson, Dan Mongoven & Kelly Jagelski of Horton

Approve the Agenda: Motion by John Mastalir, second by Virginia Haske to adopt the September 28, 2016 agenda. Motion carried.

Approve Minutes: Motion by Tom Romdenne, second by Virginia Haske to adopt the September 20, 2016 Finance Committee minutes. Motion carried.

Approval of Health & Dental Plan: Handout provided by Administrator Feldt. Dan & Kelly of Horton presented the information on medical & dental options.

Medical is in need of some amount to increase the reserves and that is included in the calculations as presented. The proposed premium increase of 10.4%, as a starting point, would cover the costs for 2017 including the reserve amount, with existing deductible & copays. A list of 13 possible plan design changes with potential savings was presented by Horton & reviewed by the committee. Motion by Tom Romdenne second by Virginia Haske to approve setting the single premium rate at \$890 per month & family premium rate at \$2190 per month, which reflects an additional contribution to cover the current negative fund balance in the self-insured health fund. Motion carried.

Dental information was presented and discussed. Motion by Tom Romdenne, second by Virginia Haske to approve setting the single dental premium rate at \$50 per month & the family premium rate at \$126 per month. Motion carried

The committee asked for information about a spousal carve-out as mentioned at a previous committee meeting. A carve-out may very well have healthy spouses or other members leave the plan and have a potential negative impact to the plan, with some negative impact on the employees as well, and may only provide minimal benefits to the County.

Discussion & Possible Approval of LWCD fees: Administrator Feldt presented information on two possible fees to be added.

**Farmland Preservation Walkover Fee.** A fee at \$.50 per acre could generate up to \$67,757 per year on 135,515 eligible acres. It is estimated that about 85% of eligible farmland is in a program. The \$.50 per acre is based on Brown County's rate. Options include: a flat fee, different amount per acre, eligible acres vs total acres, etc. The committee discussed options. Motion by John Mastalir, second by Virginia Haske to approve a walkover fee at \$.50 per total agricultural acre per year to offset the cost of the walkover by the Land & Water Conservation department. Motion carried.

**Animal Waste Storage Inspection Fees.** Options: flat fee, graduated based on size, or by volume, setting a minimum inspection amount, what is the fee intended to cover, split into a storage inspection fee by size & nutrient management fee by acre, etc. The committee

discussed options. The committee directed the Administrator to develop a graduated scale for the Storage Inspection fee, and return with this info at the Oct 13<sup>th</sup> committee meeting, as well as the costs related to the management, etc. of Nutrient Management per acre for potential future fees.

Approve Additional Bills for Payment: none.

Next Meetings:

Oct 13<sup>th</sup> 8AM

Oct 18<sup>th</sup> 4:30 PM

Nov 4<sup>th</sup> 8AM

Public Comment: none.

Adjournment: Motion by Tom Romdenne, second by John Mastalir to adjourn the meeting. Motion carried. Meeting adjourned at 6:07PM.

Submitted by:   
Paul Kunesh, Recording Secretary

## KEWAUNEE COUNTY

### FINANCE & PUBLIC PROPERTY COMMITTEE - MEETING MINUTES

Date: [October 13, 2016](#) Time: [8:00 AM](#)

Administration Center – Conference Room

Call to Order: The meeting was called to order at 8:00AM by Chairman Lee Luft

Roll Call: Members present: Lee Luft, John Mastalir, Tom Romdenne, Virginia Haske, Chris Rasmussen.

Others present: Scott Feldt, Paul Kunesh, Matt Joski, Dave Myers, Bob Weidner, Mary Ellen Dobbins, Jennifer Schneider, Aeric Bjurstrom

Approve the Agenda: Motion by Chris Rasmussen, second by Tom Romdenne to adopt the October 13, 2016 agenda. Motion carried.

Approve Minutes: Motion by John Mastalir, second by Tom Romdenne to adopt the September 28, 2016 Finance Committee minutes. Motion carried.

Overtime Report: The Administrator and Sheriff provided information on year to date overtime. Sheriff scheduled overtime has slowed, but training new officers is requiring some additional overtime. There will be another new officer as of 1/1/17 that will require some more training and overtime in early 2017.

Monthly Financial Report: The Finance Director presented the year to date statements as of August 31<sup>st</sup> and answered committee members questions. A Fund Balance report containing 2016 beginning fund balances was handed out and reviewed. As stated by the auditors last month, the General Fund unassigned fund balance is healthy at about 31% of annual expenditures. The report also contains all other County fund balances and a general 'yardstick' measuring the level of fund balance for each fund & the total. In total the fund balances are low because of some funds such as Human Services and Solid Waste being negative. This is a general measurement that will be better defined and refined when a County fund balance policy is created. That policy is planned for the first half of 2017.

#### Discussion and Possible Approval of LWCD Fees:

Walkover fees - Review and discussion of the fees. New information from Land & Water has changed the original estimates. This proposal is still in development and a reconfigured report will be brought to the next meeting on Oct 18<sup>th</sup>. Questions were asked about what parcels are covered & what services are provided for the cost.

Animal waste fee. Fees must be directly related to the service provided. Information will be put together relating cost of service and the related fees. Cost & fee levels were discussed.

#### Discussion and Possible Amendments to the 2017 County Budget:

Administrator Feldt presented several proposed changes including:

1. Highway transportation Aid decrease of \$116,188 from the estimate in the proposed budget to the calculated amount from the DOT letter dated October 7<sup>th</sup>.
2. Exempt Computer Aide decrease of \$11,362 from the estimate in the proposed budget to the DOR calculation report dated Sept 30<sup>th</sup>.
3. Human Services committee requested \$7500 be added for a payment to Willow Tree Child Advocacy Center to help cover the cost of child forensic interviews.
4. Legislative Days addition of \$2500 for the every-other year event.

5. Add the utility tax step down payment revenue of \$285,305 with a related transfer to fund balance for the same amount.
6. Add a printer purchase for \$700 and increase the Victim Witness grant by \$308 for a replacement office printer partially covered by the grant.
7. Tom Romdenne also requested the UW Extension budget be increased by \$2100 in postage and \$1000 in printing to ensure there was enough to cover the anticipated amounts needed for the 2017 Farm Technology Days event.

Motion by Chris Rasmussen second by John Mastalir to approve the list of budget adjustment items numbered 1 to 7 above. Motion carried. A more detailed list of the 7 adjustments will be provided at the next committee meeting.

Discuss Tourism Efforts: Chairman Luft discussed a need to create a planned replacement and development list from the Parks department for maintenance and improvements to County parks.

Approve Fixed Asset Capitalization & Inventory Policy: Review and discussion of the policy and purpose. Motion by Virginia Haske second by Chris Rasmussen to approve the Kewaunee County Fixed Assets Capitalization and Inventory Policy as presented. Motion carried

Review Capital Improvement Plan (2017-2021): Reviewed and discussed the plan and its purpose. The plan will be updated and printed around February, after updating for changes resulting from adoption of the annual budget.

Approve Bills for Payment: Motion by Tom Romdenne, second by Virginia Haske to approve the bills as presented. Motion carried.

Next Meetings:

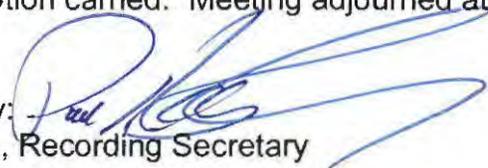
Oct 18<sup>th</sup> 4pm prior to CB

Nov 4<sup>th</sup> 8AM

Dec 8<sup>th</sup> 8AM

Public Comment: Jennifer Schneider provided a short update on the website. The committee discussed updates on the sale of the Hornig property. A few inquiries are coming through the realtor.

Adjournment: Motion by Chris Rasmussen, second by Tom Romdenne to adjourn the meeting. Motion carried. Meeting adjourned at 10:02 AM.

Submitted by:   
Paul Kunesh, Recording Secretary

**KEWAUNEE COUNTY  
HUMAN SERVICES COMMITTEE MINUTES  
October 12th, 2016**

The meeting was called to order by Chairperson Kaye Shillin at 8:34 a.m. Present for the meeting were Mary Ellen Dobbins, Virginia Haske, Shirley Kirchman, Lee Luft, Rose Quinlan, Paul Ravet, Kaye Shillin, Mary Ann Szydel, Linda Teske and Donna Thomas.

Also present: Lois Mischler, Sue Lockwood and Bob Mattice

Absent: Mark Buchanan

Excused: None

A motion was made by Virginia Haske and seconded by Mary Ellen Dobbins to approve the agenda as mailed. Motion carried.

A motion was made by Mary Ann Szydel and seconded by Donna Thomas to approve the September 14<sup>th</sup>, 2016 minutes as mailed. Motion carried.

Lois Mischler, Vice President of Family Services and Sue Lockwood, Director were here from Willow Tree Child Advocacy Center and are located in Green Bay, Wisconsin. They are one out of 14 child advocacy centers in Wisconsin. They were formed back in January 2011. They have a therapist, prevention specialist, victim advocate for the child, and a nurse practitioner who is trained in child abuse and is supervised by pediatricians whom are also trained in child abuse. They can identify abusive injuries versus every day type of minor injuries. Since January, 2015 Kewaunee County has sent a total of 32 children to Willow Tree for structured forensic interviews. While some of these interviews are done by trained law enforcement officers here in Kewaunee County the most serious and difficult cases are referred to Willow Tree. They create an environment that is child friendly and sensitive. A trained interviewer works with the child to discuss child abuse and neglect in a manner that the child is comfortable to explain their story. The interviewer also works with the county social worker, law enforcement and other members of the team for this child. By bringing the child to this warm and safe environment we are able to help the child tell his or her own story in a less traumatic way. They record the interview which helps later in the court case to lessen the time that the child has to be in a court setting. For example this taped interview can be used instead of the child needing to testify at a preliminary hearing. Sue Lockwood and Lois Mischler completed their presentation by describing how they assisted Kewaunee County in a very difficult child abuse case. They have worked with 17 counties in the state and are requesting funding from Kewaunee County to help sustain their budget in the amount of \$7,500.00. They have worked with Kewaunee County since opening in 2011 and have not asked for any financial help. The costs that this could have been to Kewaunee County could have been rather extravagant.

The human services board supports giving \$7,500.00 to Willow Tree for their continued efforts in working with Kewaunee County children that are abused and neglected. A motion was made by Rose Quinlan and seconded by Lee Luft to recommend that the Finance Committee fund Willow Tree Child Advocacy Center \$7,500.00 in the 2017 Human Services budget. Motion was carried.

There is support to start up the Eastern Region Human Services Board Association which was done in the past. Bill Topel, Winnebago County Director, is talking about having the first meeting on January 20<sup>th</sup> at Fox Valley Technical College in Appleton. In the past human service board members and directors were invited to participate in this meeting. A representative from Wisconsin County Human Services Association would possibly be at this meeting along with a speaker and it would allow time to discuss things with other counties in the region.

Bob also brought up that there will be a state conference on Thursday, December 1<sup>st</sup> and Friday, December 2<sup>nd</sup>, 2016 with the Wisconsin Counties Human Service Association (WCHSA) in Stevens Point. At this point, we have not seen any more information and we will send it out as soon as it is distributed to us.

Bob announced the following updates to employees. Joe Felion is a contracted CPA whom is helping us to distinguish budget revenues and expenses in a more understandable way. Corrina Dantoin will be the new social worker in the Child and Family Unit. She is a county employee. Billy Baierl will be a contracted employee in our CCS program. We have completed the interview process for the CCS Director and are in the process of making a decision. Bob also said that one of his missions is to put together some information to show the number of families Kewaunee County Department of Human Services interacts with. He is also interested in possibly bringing in individuals or families to discuss their involvement with us to give people a better understanding about what we really do and how it impacts the citizens of Kewaunee County. It was also brought up that this is a very sensitive area and that confidentiality is a very important aspect of everything that we do. The director also wanted to share a positive comment from a recent EM1 commitment that was done and how the family thanked all of the crisis staff and law enforcement in the wonderful job they did at a very difficult time for their daughter. Also, the Resolution in Support of Increased Funding in the Children and Families Aids Allocation should be on the agenda at the October 18<sup>th</sup> county board meeting. Bob wanted to remind the committee that there is Trauma Informed Care Parenting Training at Kewaunee County. This is a combined training for Kewaunee and Door Counties. The participants will be staff, foster homes, kinship homes, and biological parents. This training is composed of 8 two hours sessions. This is a part of a grant that Bob received.

There were two contracts for our CCS program which will be 100% reimbursed through medical assistance. Motion made by Rose Quinlan and seconded by Virginia Haske to approve the contracts as requested. Motion carried.

Motion made by Linda Teske and seconded by Virginia Haske to approve the vouchers and credit card vouchers as requested. Motion carried.

Motion made by Paul Ravet and seconded by Donna Thomas to approve the travel as requested. Motion carried.

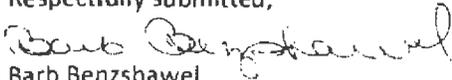
There were no public comments.

Linda Teske wanted to mention F.A.C.E.S., which is a prevention program. It is for youth in regards to smoking cessation and controlling drug and alcohol abuse.

It was asked that a previous scheduled date and time for the November meeting be changed to Tuesday, November 8<sup>th</sup>, 2016 at 11:00 a.m. It was in agreement to change the date.

Motion made by Virginia Haske and seconded by Mary Ellen Dobbins to adjourn the meeting. The meeting adjourned at 9:45 a.m.

Respectfully submitted,

  
Barb Benzshawel

## Promotion & Recreation Committee Minutes

September 13, 2016

The Promotions and Recreation Committee meeting was called to order at 5:30 p.m. by Chairman Scott Jahnke. Members present included: Chairman Scott Jahnke, Supervisor Larry Kirchman, Supervisor Ron Paider and Supervisor Dennis Cravillion. Supervisor Doug Doell had joined the meeting at 6:05 p.m. Also present were Promotions & Recreation Director Dave Myers and Tourism Coordinator/PIO Jennifer Schneider and guest Jane Theys.

### Adoption of Agenda & Approval of Minutes:

Supervisor Paider made a motion to adopt today's agenda and approve the August 17, 2016 Promotions & Recreation Committee Minutes. This was seconded by Supervisor Kirchman. All were in favor. Motion carried unanimously.

Public Comments: None

### Discuss and Approve 2017 Department Budget:

Supervisor Paider made a motion to approve the tentative 2017 budget and send it on to the full board of supervisors for final approval.

This was seconded by Supervisor Kirchman. All were in favor. Motion carried unanimously.

### Discuss Planting New Trees/Landscaping at the Fairgrounds (with possible action):

Guest Jane Theys had talked about spearheading a fundraising effort to plant Blaze Maples at the Fairgrounds for shade. The trees would come from Blaha's Nursery and cost approximately \$150 each. There will also be donations of compost and wood chips. Theys had also brought to the attention of the committee a request for quarry boulders to be placed by the pig barn to deter vehicle accidents and improve traffic flow in that area of the fairgrounds. As well as, a request for some new signage.

Supervisor Paider made a motion to proceed with planting of trees at the fairgrounds and secure funding for the project.

This was seconded by Supervisor Cravillion. All present were in favor (Supervisor Doell was absent during this vote). Motion carried unanimously.

Promotion & Recreation Director Dave Myers will look into request for quarry boulders and signs.

Travel Request: None

### Director's Report:

\*See Director's Report\*

### Approve & Sign Vouchers:

Motion to approve and sign vouchers as presented made by Supervisor Paider. This was seconded by Supervisor Cravillion. All were in favor. Motion carried unanimously.

**Next Meeting Date:**

October 13, 2016 at 5:30 p.m.

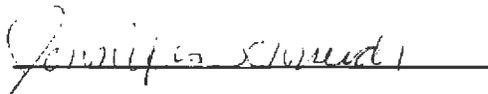
**Any other business as allowed by law:**

Update on new Welcome Signs for Kewaunee County – Link Media Outdoors had sent some new color options for the sign design approved at last month’s meeting. It was discussed that a white background with blue lettering and/or a blue background with white lettering would be the best options to choose from and the committee would like to see further examples.

**Adjournment:**

Motion to adjourn today’s meeting was made by Supervisor Kirchman. This was seconded by Supervisor Paider. Meeting adjourned at 6:35 p.m.

Respectfully Submitted:

A handwritten signature in cursive script, reading "Jennifer Schneider", is written over a horizontal line.

Jennifer Schneider, Kewaunee County Tourism Coordinator/PIO



## KEWAUNEE COUNTY PROMOTIONS & RECREATION DEPARTMENT

Dave Myers, Director  
E4280 County F  
Kewaunee, WI 54216

Phone: (920) 388-0444  
FAX: (920) 388-0434  
myersd@kewauneeeco.org

### Director's Report (August 17<sup>th</sup>-September 13<sup>th</sup>)

#### **Winter Park**

Roger Post has finished enlarging the parking lot. We still have to pick rocks and get grass planted on the hill.

#### **Fairgrounds**

The race promoters have one race left, their "Fall Special". They will be holding a practice Friday night and the races will start at 4 p.m. Saturday.

#### **Snowmobile Alliance**

We have submitted our supplemental paperwork to see if the state will fund any of the bills over our \$44,075 state trail aid we already received and paid out to our clubs. We are still unsure if we will receive any additional aid, but we are hoping for at least a percentage to be paid back to us.

#### **Bruemmer Park**

We have some sad news again, Rocky one of our goats has passed away. The new goats "Brick and Mr. Nibbles" have been very popular, they are very friendly and seem to be a very good draw for the zoo. We also added a new male fox to replace Buddy and he just had his vet check and seems to be in good health. We are still monitoring the water/plumbing situation due to a break in one of the main water lines earlier in the summer. For the time being we are doing well, but this definitely needs to be addressed in the near future.

#### **Red River Park**

I met with Peter Denil of the Dyckesville Lions about the possibility of adding a swing set and sandbox area to the park. We will have more information at a later meeting.

#### **Upcoming Events**

Races 9/17

## **General Park**

We have been working hard to keep up with grass cutting and general maintenance at a lot of locations – we are down 2 mowers right now, but still making due. We will definitely need to start replacing mowers that are 12 plus years old by next year. They are just not holding up and repairing older mowers is starting to add up fast. We are also planning on removing the swim rafts from Krohn's and West Alaska Lakes next week on a warmer day.



## Kewaunee County Groundwater Task Force Meeting Minutes

Wednesday, September 7<sup>th</sup>, 2016 1:00 PM  
Kewaunee County Administration Building  
810 Lincoln Street - Kewaunee, WI 54216  
Large Conference Room

### The 2016 Kewaunee County Groundwater Task Force membership:

Davina Bonness, Aerica Bjurstrom, Cindy Kinnard, Bob Garfinkel, Andy Wallander, Dick Swanson, Mary Ellen Dobbins, Ron Paider, Randy Hallet, and Lee Luft

- 1) **Call To Order** at 1:00 PM by Chairman Luft
- 2) **Roll Call** – All members present.
- 3) **Approval/Repair of September 7<sup>th</sup>, 2016 Agenda:** Motion to approve agenda by Ron Paider, seconded by Randy Hallet. Motion carried unanimously.
- 4) **Approval/Repair of August 4<sup>th</sup>, 2016 Meeting Minutes:** Motion to approve the August 4<sup>th</sup> minutes by Mary Ellen Dobbins and seconded by Randy Hallet. Motion carried unanimously.
- 5) **Discuss recent ground and surface water related events or issues.**

#### **A) USDA Natural Resources Conservation Service Kewaunee County Water Quality Improvement Project.**

- a. Davina updated the Groundwater Task Force (GWTF) on the continuing efforts of NRCS to define the current surface water contamination levels in an effort to set achievable goals for reducing surface water contamination. There will be a NRCS – Kewaunee County Technical Advisory Group meeting on September 22<sup>nd</sup> in Luxemburg to help set quality criteria.

#### **B) DNR established five work groups to address Kewaunee County's ground and surface water problems at our August 5<sup>th</sup>, 2015 meeting. GWTF Members discuss updates from the three active work groups since the May 4<sup>th</sup>, 2016 Groundwater Task Force meeting.**

- a. Short Term Solutions to obtain clean water for citizens living with unsafe wells. (Davina Bonness, Cindy Kinnard, John Pagel, Dick Swanson, and Ron Heuer were members of this workgroup).
- b. Best Management Practices for agriculture in dealing with Kewaunee County's vulnerable areas. (Davina Bonness was a member of this workgroup).
- c. Compliance and enforcement issues. (Davina Bonness and Lee Luft were members of this group).

Communication, getting accurate information to the public and information hub for all other group's recommendations.

UPDATE: U.S. Senator Tammy Baldwin hosted a roundtable discussion on August 17<sup>th</sup> with presentations by Robert Kaplan - EPA District 5 Administrator, Jimmy Bramblet USDA's NRCS State Conservationist, and a representative from the U.S. Geological Survey. Senator Baldwin committed to keeping up-to-date on the efforts of the state and federal agencies in dealing with the ground and surface water contamination issues in Kewaunee County. EPA Administrator Kaplan indicated that specific action to help citizens with unsafe groundwater would occur soon.

Cindy Kinnard reported that she was successful in securing a grant from the State of Wisconsin for the mailing of a letter to all Kewaunee County residents with a private well advising them of the water safety concerns and informing them of the steps to take if testing indicates the well owner has an unsafe water supply.

A letter to all Kewaunee County well owners was one of the recommendations of the DNR-Kewaunee County Workgroups.

d. Alternative Technologies for waste treatment, disposal, and spreading.

Davina indicated that the Alternative Technologies Workgroup continues to meet with the next meeting on September 22, 2016. The purpose of this work group is to evaluate new manure treatment/application options that could reduce the impact of manure spreading on ground and surface water quality. This Alternative Technologies workgroup will look at:

1. Things being done successfully elsewhere.
2. New and promising technologies.
3. Asking the question; are we implementing new technologies in a timely and proper manner?

**C) Don Niles, owner of Dairy Dreams Farm and president of Peninsula Pride Farms gave a presentation on the “Water Well” initiative.** Mr. Niles gave a summary of the Peninsula Pride Farms program to offer free bottled water and to pay a share of the cost for water treatment systems when a well owner’s water tests positive for e-coli bacteria in Kewaunee County and Southern Door County.

**D) Presentation by Steve Tatro of T.I.P., Inc. of Custer, Wisconsin regarding manure irrigation.**

Steve Tatro and a representative from T-L Corporation, a major supplier of manure irrigation equipment, provided a power point presentation regarding the latest advances in irrigation including center-pivot manure irrigation. The presentation described today’s irrigation systems which can be programmed to provide customized application rates over varying soil conditions. Additionally, today’s systems can be programmed to avoid certain areas such as flow channels or waterways. During the presentation several advancements in the equipment were discussed and demonstrated. These advancements include: new programmable nozzles that emit a droplet size spray which is less likely to drift during applications, drop hoses operating under low pressures (under 12 PSI) that can apply liquids close to the surface or even within the canopy of the crops to further reduce the opportunity for drift. Automatic shut-offs can also be employed on today’s systems that will cease applications when wind speeds increase or wind direction changes. There was general acknowledgement that these new methods would be an improvement over today’s liquid manure application methods due to the ability of the plants that remain on the fields to take up the nutrients and the fact that less liquid needs to be applied during any one application if the applications are done over the course of the growing season versus just one or two yearly applications. There was however some concerns mentioned that these added safety features are at present not mandated and that manure irrigation can be done under today’s permitting with a high pressure center pivot system and without drop hoses, droplet nozzles or automatic shut-offs. Still, it was acknowledged that the advances being made do recognize some of the key objections to manure irrigation and if fully incorporated these new systems represent key advances over most current methods.

**E) Update of November 13th/14th and November 20th/21st Private Well Water Test results and further updates on the July 2016 well testing:**

Davina updated the GWTF on the second round of Kewaunee County well testing conducted in August of 2016. This round of testing for approximately 400 wells follows

the November 2015 test of 320 Kewaunee County wells. Results from the August 2016 testing are not available as yet but are due to be released soon. Wells in areas with 0 to 5 feet of soil were tested as were wells in areas with 5 to 20 feet of soil and areas with 20 feet or more of soil so it can be determined if a relationship exists between soil depth and well contamination. The well water test results from November 2015 categorized by well depth are not yet available as it is necessary to locate and document the well drilling logs for all the wells that were tested and this is a time consuming effort. An additional 30 wells that tested positive in November 2015 for bacteria are now being tested for viruses. Results should be available soon. An earlier test of 30 wells that had tested positive for bacteria in the November 2015 testing showed that 11 of those 30 wells contained either salmonella or bovine rotavirus. Letters were sent to homes in a ½ mile radius of any positive virus or e-coli tests in the initial test of 30 wells and this will be the case again for any positive virus tests from the latest 30 wells that are being tested.

Davina reported that the “auto testing” of wells is moving forward so that frequent water tests from a limited number of wells can be taken on a regular basis. The equipment needed to do the auto testing is being trialed now and hopefully it can be placed in homes in the near future. County Board member Chuck Wagner is one of those who has agreed to in-home auto testing of his well water.

**F) Update on clean water access project in Algoma headed by Algoma Public Schools.**

There were no new reports on the Algoma water access project.

**G) Progress on Project Phoenix**

Project Phoenix envisions piping or transporting liquid manure to one or more centralized manure processing facilities in Kewaunee County where methane gas would be captured, cleaned, and compressed for re-sale as a “green fuel.” A study of the feasibility of this approach was funded for Kewaunee County by the Public Service Commission. Release of the final Project Phoenix report as prepared by Dynamic Concepts, LLC. was not released to the public as of our September 7<sup>th</sup> GWTF meeting. NEW UPDATE: The final Project Phoenix report has been released to the public and can be found on the Kewaunee County website ([www.kewauneeco.org](http://www.kewauneeco.org)) under the “Public Notices” tab. Partial implementation of the project as envisioned by Dynamic Concepts would require a capital investment of approximately \$116 million while full implementation would require \$188 million according to Dynamic Concepts.

**H) The DNR and Kewaunee County Land and Water Conservation Department are continuing to conduct on-farm inspections and conducting more manure hauling audits.** The Land and Water Conservation Department is conducting spot checks/audits of both land applications and the contract manure haulers.

**I) Resolution in support of a new aquatic life test of the East Twin Watershed:**

**Background:** Agropur Permit Issues: During the May 4<sup>th</sup> Groundwater Task Force meeting, Chairman Luft passed out information to new members regarding the recent DNR approval for a 250% increase in the flow of Chloride into a tributary of the East Twin River. The East Twin River is already listed as an impaired waterway by the EPA and there are some DNR reports and other citizen reports that would indicate aquatic life has already been impacted in this watershed. It would be helpful if the Groundwater Task Force could get definitive information on the health of the aquatic life in the East Twin watershed, especially in those areas near the higher Chloride emissions. At the August 4<sup>th</sup> GWTF meeting Chairman Luft indicated he would present the approved East Twin River resolution to the Land and Water Conservation Committee for consideration at their next meeting on September 13<sup>th</sup>. Chairman Luft to report back on the action(s) taken by the Land and Water Conservation Committee.

**J) Consideration by the task force of a resolution in support of the DNR-Kewaunee County Workgroup recommendations.** Chairman Luft asked the task force members to consider whether to issue a recommendation to the Land and Water Conservation Committee to support those recommendations of the three DNR-Kewaunee County Workgroups that has significant majority support from within the Workgroups, e.g. either complete consensus or at a minimum 2/3 majority. This subject was discussed at the August 4<sup>th</sup> meeting and a draft recommendation/resolution was approved and will be provided to the Kewaunee County Land and Water Conservation Committee on September 13<sup>th</sup> for their review.

**K) Other issues for discussion?**

- a. A discussion regarding the possible adoption of State manure runoff regulations (NR-151) by Kewaunee County was held. Davina Bonness expressed reservations about moving forward with the adoption of NR-151 as a county ordinance as it could impact the Land and Water Conservation Department's current relationship with the farming community and potentially require additional staff for enforcement. Bonness indicated that at present the Land and Water Conservation Department is generally granted good access to most of the farms in Kewaunee County and that significant progress is being made to identify and reduce the potential for runoff. Additionally, there are to be some changes to NR-151 especially in areas with vulnerable geology and that it may be wise to understand the scope of those changes before adopting NR-151 as a county statute. There was informal consensus of the Groundwater Task Force that the issue of adopting NR-151 as a county ordinance should be tabled until the expected changes in NR-151 are known and/or conditions warrant.
- b. Davina indicated that the EPA would continue to have a presence in Kewaunee County (walkovers and flyovers) going forward.

**6) Discuss progress in achieving approved Groundwater Task Force goals.**

**A. Goal:** Groundwater Task Force will establish a website that will provide a "one stop" source for updates on Kewaunee County's ground and surface waters. **Champions: Cindy Kinnard and Aerica Bjurstrom.**

- a) Cindy Kinnard indicated that the final report with all the recommendations of the three DNR-Kewaunee County Workgroups had been posted to the Groundwater Task Force web site.
- b) Chairman Luft indicated he would work on a news release before the end of the year to recap the progress being made on several fronts relative to water well test results, updates on the two active resolutions and more.

**B. Goal:** Groundwater Task Force will publish no less than one press release per month to update Kewaunee County residents on the activities of the Task Force, County, State, and Federal entities working to improve groundwater and surface water in Kewaunee Co. **Champion: Lee Luft**

**Proposed News Releases**

- a) Well Test Results by soil depth. *Information is not yet available for posting.*
- b) Posting of the final version of the recommendation/resolution regarding new testing of the East Twin River that is to be sent to the Land and Water Conservation Committee.
- c) If approved publish recommendations in a resolution format in support of the DNR – Kewaunee County Workgroup recommendations.
- d) Posting of August 2016 well testing results.

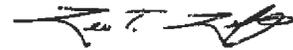
**7) Public Comments:**

- a. Bill Iwen spoke about concerns with center pivot spraying of liquid manure and the air emissions/odors that would result. He also spoke about manure applications just prior to rain events.
- b. Sue Weisser spoke about a number of issues to include; the comments from Nick Cochart of Algoma Schools regarding more wells in Kewaunee County being confirmed as unsafe, the actions of the Peninsula Pride Farms to help those with unsafe e-coli test results, the concern for well owners who have unsafe levels of nitrates, support for a resolution from the County Board to back the recommendations of the three DNR-Kewaunee County Workgroups, and establishing a county ordinance that will allow enforcement of the State's manure application and storage regulations.
- c. Mick Sagrillo expressed a similar concern to that of Bill Iwen regarding spray application of liquid manure and the potential for unsafe air borne pathogens and odor. Mick felt this was a public health issue and that he was aware of 9 homeowners who may be leaving the area due to odor issues. Mick talked about the \$12,000 that the Town of Lincoln spent to prepare the spray irrigation ban for their township and felt other townships should act soon while Towns still have the authority to ban this practice.
- d. Lynn Utesch spoke about the Peninsula Pride water treatment funding as a first step but not a cure for the water contamination in Kewaunee County. Lynn said we need to spread the current volume of manure over many more acres.

**8) Other matters to discuss:** None.

**9) Set next meeting date:** Wednesday October 12th, 2016 at 1:00 PM at the Kewaunee County Administration Building.

**10) Adjournment:** Motion to adjourn by Randy Hallet, seconded by Dick Swanson. Motion carried unanimously. Meeting ended at 2:30 PM.



**KEWAUNEE COUNTY  
REVOLVING LOAN FUND COMMITTEE MEETING - MINUTES**

**Date: September 28, 2016 Time: 1:00 PM**

Kewaunee County Administration Center, 810 Lincoln St, Kewaunee, WI 54216

**Conference Room**

1. Call to order: The meeting was called to order at 1:00PM by Chairman Jim Lamack

2. Roll call: Members present: Jim Lamack, Jeff Wisnicky, Paul Kunesh, David Luebbers, Robert Weidner, Dan Vincent Excused: Jennifer Brown Absent: Linda Sinkula, Dennis Cravillion  
Others present: Frank Dorn, Tim Mooren

3. Approve agenda: Motion by David Luebbers, second by Dan Vincent to adopt the September 28, 2016 agenda. Motion carried.

4. Approve minutes: Motion by David Luebbers, second by Dan Vincent to adopt the May 4, 2016 minutes w/ the application motion being corrected to state \$20,000 rather than \$20,00. Motion carried.

5. Loan request review:

Consider motion to go into closed session pursuant to Sec. 19.85 (1)(f)–Discussion of loan agreement modification request from D-Lux Flooring: Motion by Dan Vincent, second by Robert Weidner to go into closed session pursuant to Sec. 19.85(1)(f) to consider the loan agreement modifications for D-Lux Flooring. Motion carried.

Consider motion to return to open session: Motion by Dan Vincent, second by Paul Kunesh to return to open session pursuant to Sec. 19.85(1)(f). Motion Carried.

Consider possible action on D-Lux Flooring loan modification request: Motion by Dan Vincent, second by David Luebbers to approve the request by D-Lux Flooring to satisfy the RLF mortgage in order to allow the Dorn's to refinance their existing mortgage, and then re-file the RLF mortgage in approximately 60 days, with the condition that D-Lux provide 1) a YTD financial statement, 2) a copy of the mortgage application, and 3) sign an agreement stating that D-Lux and the Dorns agree to the refinancing of the mortgage as a condition. Motion Carried. Frank Dorn provided copies of the YTD financial statements and mortgage application brought to the meeting. Corporation Counsel will draft a statement for the Dorn's signatures.

6. Administrators report

A) Recent & previous inquiries- One farm mentioned during the last month will be delaying their application until next spring. There has been no contact with the other farm. A few other inquiries were made, but with no follow-up.

B) Anticipated applications – one recent inquiry for the purchase & expansion of an existing business is anticipated to happen before the end of the year.

C) Loans paid in full – Paradise Estates paid off their loan early. Augustian has made the last scheduled payment in September.

D) Loan status/summary – All loans are current. Only one is routinely late, but is current at the moment.

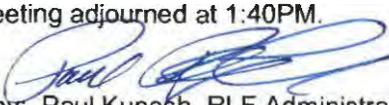
E) Other loan activity – A loan recipient is selling two vehicles that the County has as collateral. All sale proceeds will be applied to the loan. One of the two vehicles was sold in September.

F) RLF Cap status – The Wi Dept of Administration (DOA) does not increase the RLF cap as done by the old Department of Commerce. The DOA will only extend the time we can keep the excess. A request to extend was submitted to the DOA since the last meeting, but no response was received as of today.

7. Other matters as allowed by law: none

8. Next Meeting: Next meeting will be set as needed.

9. Adjournment: Motion by David Luebbers, second by Robert Weidner to adjourn the meeting. Motion carried. Meeting adjourned at 1:40PM.

  
Submitted by: Paul Kunesh, RLF Administrator