

# WASHBURN COUNTY BOARD OF SUPERVISORS AGENDA – **DRAFT**

September 20, 2016

6:00 p.m.

County Board Room, Elliott Building, Shell Lake, Wisconsin

1. Call Meeting to Order at 6:00 p.m. – Chair Mackie
2. Moment of Silent Meditation and Pledge of Allegiance – Supv. Ricci
3. Notice of Meeting - County Clerk Olson
4. Roll Call – County Clerk Olson
5. Approval of Agenda
6. Approval of August 16, 2016 County Board Proceedings
7. Concerned Citizens
8. **Welcome to New and Ongoing Youth Representatives – Cora Tolene, McLain Hutton and Sydney Schunck**
9. Presentation on Foster Care by Caitlin Podratz, **Senior**, Northwoods High School

## **10. Consent Agenda**

- A. Rezone Petition and Amendatory Ordinance
- B. Resolution Combining Policies B-4 Hiring Process and B-8 Position Justification

## **11. Other Resolutions and Ordinances**

- A. Resolution to Approve 50/50 Bridge Petition for Town of Minong – Supv. Ricci
- B. Resolution to Approve 50/50 Bridge Petition for Town of Brooklyn – Supv. Ricci
- C. Resolution to Approve 50/50 Bridge Petition for Town of Barronett – Supv. Ricci
- D. Resolution for ATV Route Request for CTY Hwy D from HWY 63 E to Old CTY D – Supv. Ricci
- E. Resolution in Support of Increased Funding in the Children and Family Aids Allocation – Supv. Hansen
- F. Resolution Denying Town of Springbrook Claim – Chair Mackie
- G. Resolution to Apportion Costs of the Pokegama Lake Dam Replacement – Supv. Ricci
- H. Resolution Awarding the Sale of \$1,345,000 General Obligation Refunding Bonds, Series 2016 – Supv. Fiedler
- I. Resolution Repealing and Replacing Washburn County Code of Ordinances, Chapter 38, Article IV, Division 27, Shoreland Protection Ordinance – Supv. Bobin
- J. **Rescind** Resolution #58-16 regarding County Code of Ordinance Update for Forestry – Supv. Bobin

12. Committee Reports
13. Chair Appointments
14. Citizen Comments
15. Chair Comments – passing of Guy Paulson, past County Board Member
16. Possible Future Agenda Items/Next Meeting Date: October 18, 2016
17. Audit Per Diems
18. Adjourn

Respectfully submitted this 15<sup>th</sup> day of September 2016; **Amended 9-16-16, 9/19 @ 1:10 p.m.**  
Lolita Olson, County Clerk

Copy via Email: County Clerk; Department Heads; News Media. Individuals with qualifying disabilities under the Americans with Disabilities Act, in need of accommodations, should contact the County Clerk's office at 468-4600 at least 24 hours prior to the meeting.

# WASHBURN COUNTY BOARD OF SUPERVISORS MINUTES – **DRAFT**

August 16, 2016

6:00 p.m.

County Board Room, Elliott Building, Shell Lake, Wisconsin

1. Call Meeting to Order at 6:00 p.m. on motion by Chair Mackie.
2. Moment of Silent Meditation and Pledge of Allegiance was lead by Supv. Ricci.
3. Notice of Meeting was read by County Clerk Olson.
4. Roll Call was done by County Clerk Olson. Present: (19), Absent/Excused: (2) Stoll, Dohm; Youth Present: (2) Wingler, Hutton.
5. Approval of Agenda on motion by Esser, 2<sup>nd</sup> by Masterjohn; MC.
6. Approval of July 19, 2016 County Board Proceedings on motion by Lee, 2<sup>nd</sup> by Quinn.
7. Concerned Citizens – none at this time.

## 8. Consent Agenda

- A. Approval of Job Description for Administrative Coordinator/HR Director – motion to approve by Reiter, 2<sup>nd</sup> Masterjohn. Supv. Haessig mentioned that the old organization chart needs to be updated. Reviewed relationship of Admin. Coord. with other departments, etc. as presented with the “shoe” analysis. MC.

## 9. Other Resolutions and Ordinances

- A. **Resolution 59-16 for Cooperative Agreement – CDBG Emergency Assistance Program (CDBG-EAP)** – motion to approve by Reiter, 2<sup>nd</sup> Esser. Supv. Reiter reviewed the need to approve this in order to move ahead with any funding. Supv. Bobin sponsored Carol Buck who reviewed the recent CDBG meeting and explained the FEMA funding available. Motion passed on unanimous voice vote.
- B. **Resolution 60-16 to Accumulate Small Grant Awards and Present to County Board Periodically as One Resolution** – motion to approve by Fiedler, 2<sup>nd</sup> by Masterjohn. Supv. Bobin offered amendment to increase the threshold to \$1000 from the \$100 stated, 2<sup>nd</sup> by Haessig. Discussed timing of presentation to county board which will be done quarterly as decided by the Finance Committee. Voice vote on amendment shows all in favor, no nays. Motion as amended passed on unanimous voice vote.
- C. **Resolution 61-16 to Increase the 2016 Forestry Department Budget – Sustainable Forestry Grant Funds** – motion to approve by Fiedler, 2<sup>nd</sup> by Masterjohn. Supv. Lee asked regarding invasive species. Mike Peterson, Forest Administrator, explained the issue with buckthorn will shade out native plants and will spread if not taken care of. This is a reimbursement grant. Supv. Esser asked regarding coordination with Land Conservation. Bid specs are being done currently to let out a contract for application on county land; Land Conservation is doing more on the private side. Roll Vote: Yes (19); Youth: Yes (2); MC.
- D. **Resolution 62-16 to Authorize the Sale of Certain Right of Way Lands Lying Along County Trunk E in the Town of Casey to Gwen Welter of Anchor Bay Resort** – motion to approve by Ricci, 2<sup>nd</sup> by Esser. Amendment by Esser to remove the words “to the Indian Hills” in the last paragraph, 2<sup>nd</sup> by Masterjohn. Voice vote shows all in favor on amendment; no nays. Discussion was held regarding the minimal charge of \$210 being made in contrast to the potential property value; less driveways reducing concern for safety; better use of property with it being back on the tax roll with the assessor putting a value on it. Discussed possibility of setting precedence; potential legal issues; previous appraisals on other lots brought back on the tax roll. Chair Mackie stated that any future issues will be dealt with individually as they come before the board. Roll Vote: Yes (14), No (5) Haessig, Quinn, Sather, Hansen, Hopke; Youth: Yes (2); MC.
- E. **Resolution 63-16 Providing for the Sale of Approximately \$1,355,000 General Obligation Refunding Bonds** – Chair Mackie discussed the history of the bonding undertaken at the time the highway shop was built. The county can refinance at this time and take advantage of the low

interest rates. Supv. Fiedler read the resolution and made a motion to approve, 2<sup>nd</sup> by Masterjohn. Discussed that this is the only long term debt the county has; also reviewed length of refinance, debt levy, cost. Finance Director Dvorak stated that over the life of the bond the county will save approximately \$63,000 based on an anticipated interest rate of approximately 1.9%. Roll Vote: Yes (19); Youth: Yes (2); MC.

- F. **Resolution 64-16 Denying Kim Frankenberg Claim** – read by Chair Mackie Motion to approve by Fiedler, 2<sup>nd</sup> by Esser. Supv. Sather indicated that for the insurance company to move forward in the county’s defense we have to disallow the claim; the board does not decide on the claim itself. Discussed. Roll Call vote: Yes (19); Youth: Yes (2); MC.

10. Committee Reports were given.
11. Chair Appointments – Board of Adjustment (BOA) alternate member Zach Tranmer appointment was ratified on motion by Fiedler, 2<sup>nd</sup> by Hoepfner; MC.
12. Citizen Comments – Tom Boron, IT Director reported receiving an invitation from the state to attend a town hall meeting in Wascott concerning the state of broadband in Wisconsin.
13. Chair Comments – reported on his activities with the WCA Resolutions Committee regarding the potential of removing restrictions that were put in place with Act 55.
14. Possible Future Agenda Items/Next Meeting Date: Supv. Bobin stated he will be making a motion to rescind the forestry resolution from last month.
15. Audit Per Diems on motion by Fiedler, 2<sup>nd</sup> by Haessig; MC.
16. Adjourn at 7:10 pm on motion by Masterjohn, 2<sup>nd</sup> by Bobin; MC.

**REZONING PETITIONS**

Washburn County Board of Supervisors

Rezoning petitions were filed with the Washburn County Zoning Office for changes in the Zoning districts. Notices were sent that a public hearing would be held on August 24, 2016.

The Zoning Committee did conduct the public hearings, considered the following and recommend as:

**Spooner Township:** Richard & Peggy Moyer, Spooner WI. PROPERTY: request for PT NE NE INCL OL, MapID# SP136/23474, 9.80 acres, Section 19-39-12, to rezone 9.80 acres from Agricultural to Residential Recreation 2 to be able to split of 5 acres with the house and sell.

The Zoning Committee recommends APPROVAL of the request to rezone 9.80 acres of Agricultural to Residential Recreation 2.

**Spooner Township:** Nikolaie Bulik, Spooner WI. PROPERTY: request for NE NW W OF HWY R/W EXC N 416' & PT NW NE W OF HWY R/W, Map# SP370/Record ID#:24073, to rezone 2.565 (+-) acres from Residential Mobil to Commercial, Section 29-39-12, to split off and bring into compliance.

The Zoning Committee recommends APPROVAL of the request to rezone 2.65(+)- acres from Residential Mobil to Commercial.

**Trego Township:** Darryl Becker, Trego WI. PROPERTY: request for NE SW EXC 1 SQ AC in NW Corner & Exc 1 SQ AC in NE Corner, MapID#TR535/Record ID#28243, 10 acres, Section 27-40-12, to rezone from Forestry/Residential to Residential Agriculture to be able to split off an build a home.

The Zoning Committee recommends APPROVAL of the request to rezone 10 acres from Forestry/Residential to Residential Agriculture

Interested persons were given the opportunity to be heard.

\_\_\_\_\_ Date

\_\_\_\_\_ Micheal Bobin, Chairman  
Washburn County Zoning Committee

Rezonepetitions082416

**AMENDATORY ORDINANCE**



**WHEREAS**, the Washburn County Board of Supervisors has heretofore been petitioned to amend the Washburn County Zoning Ordinance and Maps; and

**WHEREAS**, the rezoning petitions have been referred to the zoning district boundaries, pursuant to Wisconsin Statute Chapter 59.69, and;

**THEREFORE BE IT RESOLVED that the Washburn County Zoning Ordinance and maps, adopted in 1977** be and the same are hereby amended and designated as;

SPOONER Township: Richard & Peggy Moyer, Spooner WI. PROPERTY: request for PT NE NE INCL OL, MapID# SP136/23474, 9.80 acres, Section 19-39-12, to rezone 9.80 acres from Agricultural to Residential Recreation 2 to be able to split of 5 acres with the house and sell.

SPOONER Township: Nikolaie Bulik, Spooner WI. PROPERTY: request for NE NW W OF HWY R/W EXC N 416' & PT NW NE W OF HWY R/W, Map# SP370/Record ID#:24073, to rezone 2.565 (+-) acres from Residential Mobil to Commercial, Section 29-39-12, to split off and bring into compliance.

TREGO Township: Darryl Becker, Trego WI. PROPERTY: request for NE SW EXC 1 SQ AC in NW Corner & Exc 1 SQ AC in NE Corner, MapID#TR535/Record ID#28243, 10 acres, Section 27-40-12, to rezone from Forestry/Residential to Residential Agriculture to be able to split off an build a home.

Interested persons were given the opportunity to be heard.

Supervisor \_\_\_\_\_ move to \_\_\_\_\_ rezonings,  
second by \_\_\_\_\_

Supervisor \_\_\_\_\_, motion carried

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Thomas Mackie , Chairman  
Washburn County Board of Supervisors

Rezonepetitions082416

Resolution # \_\_\_\_\_

RESOLUTION TO APPROVE NEW HIRING POLICY B-4

COMBINING PREVIOUS B-4 HIRING PROCESS POLICY AND B-8 POSITION JUSTIFICATION POLICY

WHEREAS, from time to time County policies need to be revised and updated to ensure currency with law, best practices and language updates, and

WHEREAS, to streamline and clarify the hiring and justification for positions requested, the B-4 Hiring Process Policy and B-8 Position Justification Policy will be combined, and

THEREFORE, BE IT RESOLVED, that the revised B-4 Policy as attached will take place of the old B-4 and B-8 policies and be effective upon approval by County Board.

FISCAL IMPACT: None

RECOMMENDED FOR ADOPTION THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2016 BY THE PERSONNEL COMMITTEE

\_\_\_\_\_  
Micheal Bobin, Chair

\_\_\_\_\_  
Beth Esser, Vice Chair

\_\_\_\_\_  
Romaine Quinn

\_\_\_\_\_  
L.H. Skip Fiedler

\_\_\_\_\_  
Steve Waggoner

**SUBJECT: POSITION JUSTIFICATION & HIRING PROCESS**

**PURPOSE:** To establish a policy and procedure for the justification of new positions, and the initial hiring process.

**STATEMENT OF POLICY:**

The Personnel Office will administer and coordinate the position justification and hiring process for all position changes or vacancies. It will ensure a careful review of all personnel changes at the department level, fair and equal treatment of all requests at a county wide level, and compliance with contractual, legal, and equal opportunity requirements. The Personnel Office will administer and coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. All hiring efforts are conducted in the spirit of equal opportunity.

All departments in announcing position vacancies will adhere to the following procedures. All departments will adhere to the following procedures when announcing position vacancies

**NEPOTISM**

Hiring practices will not violate the county's policy on nepotism. For further information see the county's policy on NEPOTISM.

**POSITION JUSTIFICATION**

1. The Personnel Office will be notified immediately of all potential personnel changes.
2. Upon notification of any potential personnel changes, the Personnel Office will work with the Department head to complete a Personnel Requisition Form (included). The HR Director will assist the Department Head in reviewing all options for eliminating, sharing, consolidating or reassigning job responsibilities as part of the review process.
  - a. This form must be completed for all positions – regular status positions, LTE, seasonal, and temporary positions.
3. Once reviewed by the Administrative Coordinator/HR Director, it will be forwarded to the Personnel Committee for approval.
4. If the personnel action creates a new position, the request will be forwarded from the Personnel Committee to the County Board for action and approval. To be included in the next year's budget, the position must be approved by the following, prior to the close of the Finance Committee budget hearing.
  - b. Approval from the Committee of Jurisdiction
  - c. Approval from the Personnel Committee
  - d. Approval from the County Board by a 2/3 vote.Other new positions can be requested as needed throughout the year, subject to the same process as outlined above
5. When filling vacant positions, increasing work hours, salaries and/or other benefits, no action shall occur (including posting or advertising of the position, changes to hours or salaries, etc.) until the Personnel Committee and committee of jurisdiction has approved the request. For new positions, no action shall occur until County Board approval.
6. Due to budgetary constraints, the County Board may institute either a departmental or county-wide freeze on any personnel action to include approving new positions, reclassifications or position status.



7. Existing full-time and part-time positions and current authorized positions will be considered dropped if they are not funded and filled for twelve months. Such positions will need to be resubmitted and considered new positions.

## **RECRUITMENT**

1. Ads for local newspapers, trade publications and professional journals will be developed and placed by the Personnel Office. If necessary, the affected department may be asked to assist the Personnel Office, in formulating the job announcement, ad, or in determining special application sources.
2. Applications shall be submitted to the Personnel Office using the County Employment Application. Resumes may be sent in addition to the County Employment Application. The application will be kept on file for at least twelve months and may be used to consider an applicant for all positions for which he or she might be qualified. Internal candidates interested in applying for another position may submit a new application or re-use their original application.
3. The Personnel Office, with the Department representative, will screen active application files for possible candidates. These candidates will be contacted to determine current interest in County employment prior to the closing date of the vacancy.
4. No applications for a position are accepted after the published closing and/or receipt date. If there are not sufficient qualified candidates at the closing date, the position may be re-opened and re-advertised.
5. The Personnel Office will screen all applications received to determine qualification for the position vacancy. This will be done in consultation with the department head and/or committee chair. Applications of top candidates will be reviewed with the affected department head, and a list of interview candidates developed.
6. Applicants may be disqualified for consideration for employment when any of the following facts exist:
  - a. They do not possess the qualifications for the job
  - b. They have demonstrated an unsatisfactory employment record as evidenced by information contained on the application form or by the results of a reference check.
  - c. They have made false statements of any material facts or practiced deception in their application.
  - d. They are physically, mentally or otherwise unable to perform the essential elements of the position with reasonable accommodations as required by state or federal disability.
7. If the initial first candidate is chosen in an interview process begins work and then resigns within a short period of time, the Department head will have the option to re-interview the second candidate from the same initial interview process, without another personnel requisition and without another full recruitment, and hire if that second candidate is selected and still otherwise qualified.
8. The Highway Department may create a Hiring Pool to retain qualified candidates for the Equipment Operator position. Said pool is to be in existence for a 12-month period of time from the date the pool is created. Only the committee of jurisdiction approval is necessary to access a pool candidate for hire. No further committee approval is needed to replenish the pool and keep it adequately maintained.
9. The Health and Human Service Department may create a Hiring Pool to retain qualified candidates for the Administrative Assistant I position. Said pool is to be in existence for a 12-month period of time, from the date the pool is created. Only the committee of jurisdiction approval is necessary to



access a pool candidate for hire. No further committee approval is needed to replenish the pool and keep it adequately maintained.

## **INTERNAL PROMOTION**

1. If a position vacancy has been approved by the committee of jurisdiction, the HR Director has been notified and if the Department Head has an LTE or regular status employee, currently employed by the County, who is qualified for the position vacancy, the Department Head will be given the authority to approve the LTE or the regular status employee for the position vacancy.

## **TEMPORARY HELP**

1. After a position justification for any LTE, seasonal, or contracted employee has been approved by the Personnel Committee and the committee of jurisdiction, the Personnel Office will coordinate the hiring of the position with the assistance of the requesting department by accomplishing the following guidelines:
  - a. The personnel Office will review the active general application file for potential candidates for the vacant position,
  - b. Those applications that best meet the needs of the vacant position will be selected and reviewed with the requesting department Supervisor.
  - c. Once the Department Supervisor and Personnel Office have examined all potential applications and determined the top 2-3 candidates for the position(s), the Personnel Office or the Department Head will call the potential candidate to discuss with them the LTE, seasonal and/or contracted position(s) duties and the specified amount of hours available for the positions to determine if they are interested in the position.
  - d. If the potential candidate is interested in the position, the Department Supervisor will then either complete a phone or face-to-face interview with the potential candidate.
  - e. Once all interviews have been completed and the department supervisor has made a decision on whom they would like hired, the potential candidate will be contacted and offered the position.

If there are no current qualified applications on file, the positions will be advertised as a Limited Term, Seasonal or Contracted position and all applications will be managed in the Personnel Office and then the process will continue along the same steps as allowed above. The Personnel Office may also request assistance from a local temporary staffing agency.

## **TESTING**

1. Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.
2. The examination may consist of oral interview/application review, a structured questionnaire, practical tests, written tests, or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities (KSA's) for the position.



3. The examination contents are developed or acquired by the Personnel Office with assistance provided by the affected department. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.
4. The Personnel Office will administer the testing process unless otherwise designated to the affected department.
5. The Personnel Office shall ensure that all testing is based on bonafide occupational qualifications.
6. The Personnel Office shall ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner for a person with a disability. The following are ways in which the County may accommodate an applicant with a disability: replace written tests with on-the-job tests or verbal testing, enlarge print in exams, magnification, amplification devices, and interpreters.

The Personnel Office shall inquire in testing announcements whether the applicant requires an accommodation.

## **INTERVIEW PROCESS**

The employment interview is a supplement to and part of the selection process. The primary function of the interview is to obtain data or certain knowledge, skills, abilities of a candidate not available through review of resumes or other testing mechanisms. Certain guidelines will be observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current EEOC requirements.

1. The Personnel Office shall coordinate the interview process, including selection of panel members, scheduling candidates, development of interview questions, etc.
2. The interview panel will be selected and confirmed by the Personnel Office with input by the affected Committee. Generally no more than five individuals will serve on the interview panel. The composition of the interview panel for general positions shall generally consist of the ~~personnel-HR~~ director (or designee), ~~department-director, one County Board Member of either the current committee of jurisdiction, or the Personnel committee, the Department Head, and the Department Supervisor, if applicable, a member of the committee of jurisdiction, a member of the personnel committee.~~ The composition of the interview panel for department head vacancies shall generally consist of one member of the committee of jurisdiction, Personnel Committee Chair, ~~Personnel-HR~~ Director, Administrative Coordinator & County Board Chair. A subject matter expert may be included if the Personnel Director determines it to be appropriate. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel.



Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.

3. Personnel Office and the Department Head of the department in which the position vacancy exists (the Administrative Coordinator in vacancies involving department head openings) shall be responsible for the development of interview questions and standards for measurement of candidate responses. Consistency will be maintained in the questions asked of all candidates. The questions must be job related and based on the analysis described in paragraph 1 above. Questions will be designed to measure job knowledge, experience, and education or to solicit responses which reflect those personal traits which are job related. Questions which pertain to race, sex, religion or marital status or other inquiries which tend to directly or indirectly disclose such information are prohibited. Any questions that would indirectly divulge an applicant's age, national origin, or other discriminatory factor shall be made in strict accordance with state and federal law.
4. Inquiries as to an applicant's ability to read, write or speak foreign languages are permitted when such inquiries are based on job requirements.
5. Inquiries about whether an applicant has certain specified sensory, mental, or physical disabilities which relate reasonably to fitness to perform the particular job, or whether an applicant has any disabilities or health problems which may affect work performance or which the employer should take into account in determining job placement are permitted. Other general inquiries which would tend to divulge disabilities or health conditions which do not reasonably relate to fitness to perform the job are not permitted.
6. The Personnel office will inform the interview panel of the responsibilities and requirements of the position to be staffed. Copies of the applications of final candidates will also be provided to the interview panel members prior to the interview, along with proposed interview questions. A representative of the Personnel Office will meet with panel members prior to the interview for an orientation on appropriate interview and assessment techniques needed to evaluate each candidate objectively.
7. Each rater scores the candidates independently.
8. Following the interview, the interview panel shall attempt to reach consensus and- report the interview results and recommendations to the Personnel Office. The panel shall decide if the position should be offered to more than the top ranked candidate in the event the top ranked candidate declines the position.
- 8.9. Negotiation of salaried staff will be done in conjunction with the Administrative Coordinator/HR Director

### **REFERENCE CHECK/PRE-EMPLOYMENT DRUG TEST**

Before the Personnel Office extends any offer of employment, the Personnel Office conducts a reference check and drug test on the final candidate(s).



- ~~2.1.~~ The reference check includes verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information. Parts of the reference check may be delegated to the affected department.
- ~~3.2.~~ No reference check or background investigation will be conducted without first notifying the applicant of the investigation.
- ~~4.3.~~ Results of the reference check, ~~and/or~~ background check and/or drug test will help determine the applicant's fitness for the position.
- ~~5.~~ ~~Once reference checks have been completed, an offer of employment will be made to the candidate chosen and voted upon during interview process. Negotiation of salaried staff will be done in conjunction with the Administrative Coordinator/Personnel Director.~~

**APPLICANT NOTIFICATION**

- 1. After a final decision has been reached, references are verified, and successful drug test results have been received, ~~and a final decision reached~~, the Personnel Office notifies the candidate of his/her selection, makes an employment offer, and requests that the offer be accepted or rejected within a set number of days.

Once a candidate accepts the employment offer, all other candidates are notified in writing that they were not selected for the position.

**APPOINTMENT**

- 1. For all positions, an employment confirmation letter is forwarded to the final accepting candidate outlining the terms of employment. The letter is prepared and mailed by the Personnel Office in cooperation with the affected department.
- 2. For new hires whose position is covered by a collective bargaining agreement, a copy of the accepted employment letter will be forwarded to the appropriate union official.

**APPLICANT EXPENSES**

The County does not reimburse any applicant for travel costs in conjunction with the hiring process.

EFFECTIVE: ~~Immediately~~ \_\_\_\_\_ DATE: ~~11/10/98~~

REVISION DATE: 10/09/07, 09/20/16

APPROVAL: \_\_\_\_\_ ~~10/09/07~~ \_\_\_\_\_



\_\_\_\_\_/s/\_\_\_\_\_  
Michelle Jepson  
Personnel/Benefits Director

BRIDGE PETITION

TO: The Washburn County Highway Committee, and  
The Washburn County Board of Supervisors

Your petitioner, the Town/Village of MINONG, by its town/village board, respectfully represents that at the (annual) (special) town/village meeting held on the 8 day of AUGUST, 2016, said town voted to construct or repair a bridge on a highway maintainable by the said town/village and located as follows:

NARROW'S TRAIL -  
BETWEEN BIG GILMORE + LITTLE GILMORE

That said town/village has provided for the payment of such cost for the construction or repair of said bridge as is required by Section 83.14 of the Statutes, (town/village pays first \$750.00 and county pays next \$750.00, and the balance split 50-50) and that the entire cost is estimated to be \$ 24051.00.

WHEREFORE, the town/village respectfully petitions the County Board of Supervisors to appropriate the county's share of the cost, to wit: the sum \$ 12025.50. To be paid from the county's County Aid Bridge Fund.

Dated AUGUST 8, 2016

[Signature]  
Town/Village Chairperson

We, your Washburn County Highway Committee respectfully recommend that the within petition (be/not be) \_\_\_\_\_ granted.

[Signature] Thomas Ricci, chair  
[Signature] Beth Esser, vice chair  
[Signature] Chris Thompson  
[Signature] Lt Fiedler  
[Signature] Lynn Hoepfner

Approved 7/25/16  
Funds Pending

BRIDGE PETITION

TO: The Washburn County Highway Committee, and  
The Washburn County Board of Supervisors

Your petitioner, the Town/Village of Brooklyn, by its town/village board, respectfully represents that at the (annual) (special) town/village meeting held on the 8<sup>th</sup> day of December, 2015, said town voted to construct or repair a bridge on a highway maintainable by the said town/village and located as follows: T 41N - R 12W

Sec. 28 Mack Lake Road. Stuntz Brook flows through existing seven foot culvert.

That said town/village has provided for the payment of such cost for the construction or repair of said bridge as is required by Section 81.38 of the Statutes, (town/village pays first \$750.00 and county pays next \$750.00, and balance split 50-50) and that the entire cost is estimated to be \$ 9791.

WHEREFORE, the town/village respectfully petitions the County Board of Supervisors to appropriate the county's share of the cost, to wit: the sum of \$ 4895.50. To be paid from the county's County Aid Bridge Fund.

Dated Dec 18<sup>th</sup>, 2015.

Gerald Graham  
Donald L. Washburn  
Town/Village Chairperson

We, your Washburn County Highway Committee respectfully recommend that the within petition (be/not be) \_\_\_\_\_ granted.

\_\_\_\_\_  
Thomas Ricci, Chair  
\_\_\_\_\_  
Beth Esser, Vice Chair  
\_\_\_\_\_  
Chris Thompson  
\_\_\_\_\_  
Lt. Fiedler  
\_\_\_\_\_  
Lynn Hoepfner

RECEIVED

DEC 21 2015

Washburn County  
Highway Department

BRIDGE PETITION

TO: The Washburn County Highway Committee, and  
The Washburn County Board of Supervisors

Your petitioner, the Town/Village of BARRONETTE, by its town/village board, respectfully represents that at the (annual) (special) town/village meeting held on the 11 day of MAY, 2016, said town voted to construct or repair a bridge on a highway maintainable by the said town/village and located as follows:

1/4 mile EAST of NARROW GAUGE Rd ON HEART LAKE Rd

That said town/village has provided for the payment of such cost for the construction or repair of said bridge as is required by Section 83.14 of the Statutes, (town/village pays first \$750.00 and county pays next \$750.00, and the balance split 50-50) and that the entire cost is estimated to be \$ 1746.<sup>00</sup>.

WHEREFORE, the town/village respectfully petitions the County Board of Supervisors to appropriate the county's share of the cost, to wit: the sum \$ 873.00. To be paid from the county's County Aid Bridge Fund.

Dated 8-10, 2016.

Jerry O. Charton  
Town/Village Chairperson

We, your Washburn County Highway Committee respectfully recommend that the within petition (be/not be) \_\_\_\_\_ granted.

Alvin Pico  
Chris  
Bob  
Tom  
J. H. [unclear]

Resolution # \_\_\_\_\_

**ALL-TERRAIN VEHICLE ROUTE ORDINANCE**

The Washburn County Board of Supervisors adopts the following all-terrain vehicle route for the operation of all-terrain vehicles on CTH D from HWY 63 to Old CTY D:

WHEREAS the Highway Committee has made a finding that a portion of CTH D from HWY 63 to Old CTH D, which is approximately 3/10 of a mile, should be designated as an ATV route in order to have access to the open town roads and the Wild Rivers Trail;

WHEREAS, the Highway Department will review this agreement annually and revoke it if issues arise;

NOW, THEREFORE, BE IT ORDAINED that CTH D from HWY 63 to Old CTY D be designated at ATV routes.

Recommended for adoption by the Highway Committee this 20th day of September, 2016.

\_\_\_\_\_  
Thomas Ricci, Chair

\_\_\_\_\_  
Beth Esser, Vice Chair

\_\_\_\_\_  
Chris Thompson

\_\_\_\_\_  
L.H. Fiedler

\_\_\_\_\_  
Lynn Hoepfner

Resolution No. \_\_\_\_\_

**A Resolution Denying Town of Springbrook Claim**

**Springbrook –vs- Washburn County**

**Before the Washburn County Board of Supervisors**

**WHEREAS**, Town of Springbrook , by attorney Lee D Turonie, has served the Washburn County clerk with the attached notice of claim and circumstances pursuant to § 893.80(1d)(a), Stats., on September 15, 2016; and

**WHEREAS**, the matter has been submitted to the County's insurance company Aegis who, after consultation with the Washburn County corporation counsel, recommends that the claim be denied.

**THEREFORE, IT IS RESOLVED** that the claim of Town of Springbrook, is denied.

**BE IT FURTHER RESOLVED** that notice of disallowance be served on the claimant and its attorney by certified mail pursuant to § 893.80(1g), Stats.

Fiscal Impact: None

Moved for adoption from the floor on September 20, 2016:

Passed/Defeated by a vote of \_\_\_\_\_ to \_\_\_\_\_, this Tuesday, September 20, 2016.

CORRECT ATTEST:

\_\_\_\_\_  
LOLITA OLSON  
Washburn County Clerk



Received

SEP 15 2016

County Clerk

**PIETZ, VANDERWAAL, STACKER & ROTTIER, S.C.**

ATTORNEYS AT LAW  
530 JACKSON STREET  
P. O. BOX 1343

WAUSAU, WISCONSIN 54402-1343

TELEPHONE  
(715) 845-9211

FAX  
(715) 842-9317

SHANE J. VANDERWAAL  
GREGORY J. STACKER  
STUART R. ROTTIER  
LEE D. TURONIE  
JAMES R. KURSZEWSKI

JOHN W. KELLEY  
COLIN D. PIETZ  
PETER C. GUNTHER  
OF COUNSEL

E-MAIL  
turonie@pvsrlaw.com

September 12, 2016

Ms. Lolita Olson  
Washburn County Clerk  
10-4<sup>th</sup> Avenue  
P.O. Box 639  
Shell Lake, WI 54871

VIA PERSONAL SERVICE

Mr. Thomas Mackie  
Washburn County Board Chairperson  
10-4<sup>th</sup> Avenue  
P.O. Box 639  
Shell Lake, WI 54871

VIA PERSONAL SERVICE

Re: County denial of Town Wis. Stat. § 82.08 (Bridge Aid) Petitions

**Notice of Circumstances Giving Rise to Claim and  
Claim Pursuant to Wis. Stat. § 893.80**

PLEASE TAKE NOTICE that the Town of Springbrook, a Wisconsin municipal corporation, with its principal place of business located at N7932 Chappell Road, Springbrook, WI 54875 ("Town"), by its attorneys, Pietz, VanderWaal, Stacker & Rottier, S.C., by Lee D. Turonie, hereby gives formal notice of the circumstances that give rise to a claim against the County of Washburn ("County") and further makes claim pursuant to Wis. Stat. § 893.80. Notwithstanding this Notice and Claim, Town maintains that any notice of the circumstances giving rise to the claim set forth herein and required by Wis. Stat. § 893.80 has been already given the County by Town and/or no notice is required because the County had actual notice of the claim set forth herein.

**Circumstances Giving Rise to Claim**

1. Town is a Wisconsin municipal corporation and is required to maintain public highways under its jurisdiction, including bridges and culverts, such that they remain open and passable to motor vehicle traffic at all times pursuant to Wis. Stat. § 82.03.

2. In order to carry out its duties, Town maintains a number of culverts on its public highways, including a culvert in a platted road off of Trapania Road, through which a tributary of the Namakagon River flows and a culvert on North Road through which Earl Creek flows.

Ms. Lolita Olson  
Mr. Thomas Mackie  
September 12, 2016  
Page 2

3. On May 22, 2015, the culvert washed out of the platted road off of Trapania Road through which a tributary of the Namakagon River flows. On September 8, 2015, the culvert washed out of North Road through which Earl Creek flows. As a result, both of these Town public highways became impassable.

4. Wisconsin Stat. § 82.08 provides that towns and counties shall each pay one-half of the cost of construction or repair of bridges or culverts on highways maintained by towns.

5. Pursuant to Wis. Stat. § 82.08, Town voted to construct or repair the two culverts described herein that are on existing highways maintained by the Town. In both cases, Town subsequently purchased new culverts and installed them at the respective locations, making both highways open and passable again.

6. On October 13, 2015, Town passed resolutions appropriating its share of funds necessary to pay for the two culverts pursuant to Wis. Stat. § 82.08. On October 14, 2015, Town delivered a completed Wis. Stat. § 82.08 Petition to the County for the culvert on North Road with a total cost of Seven Thousand Five Hundred Forty-Nine and 79/100 Dollars (\$7,549.79) and a County share of Three Thousand Seven Hundred Seventy-Four and 89/100 Dollars (\$3,774.89). On December 9, 2015, Town delivered a completed a Wis. Stat. § 82.08 Petition to the County for the culvert near Trapania Road with a total cost of Four Thousand Six Hundred Seventy-Two and 21/100 Dollars (\$4,672.21) and a County share of Two Thousand Three Hundred Thirty-Five and 11/100 Dollars (\$2,335.11). Both Petitions are on County letterhead and provided to towns by the County.

7. On June 27, 2016, the Washburn County Highway and Dam Committee denied both of the Town's § 82.08 Petitions.

8. On August 5, 2016, the Town sent the County a letter detailing its position that the County should still fulfill its share of the culvert costs pursuant to § 82.08 and as that statute has been interpreted by relevant case law.

9. On August 15, 2016, the County replied via letter from its Corporation Counsel that the County would refuse to entertain any discussion regarding the Town's Wis. Stat. § 82.08 Petitions other than if the Town was to file a lawsuit against the County.

### Claim

WHEREFORE, the Claimant Town, whose name and address are stated above, claims relief against the County of Washburn in the amount of Six Thousand One Hundred Ten and



Ms. Lolita Olson  
Mr. Thomas Mackie  
September 12, 2016  
Page 3

No/100 Dollars (\$6,110.00), representing the 50% portion of the costs of two culverts and their installation that the County is obligated to pay the Town pursuant to Wis. Stat. § 82.08 and as that statute has been interpreted by relevant case law.

Sincerely,

PIETZ, VANDERWAAL, STACKER & ROTTIER, S.C.



Lee D. Turonie  
LDT/llk

cc: Town of Springbrook  
Mr. Jeffrey R. Kohler

Resolution No. \_\_\_\_\_

**RESOLUTION TO APPORTION COSTS OF THE POKEGAMA LAKE DAM  
REPLACEMENT**

**Before the Washburn County Highway and Dam Committee**

**The Washburn County Board of Supervisors Resolves as Follows:**

**WHEREAS**, On March 18, 2014, this body passed Resolution #13-14 to fund the Pokegama Lake Dam Project by adding an additional \$100,000.00 to the 2014 Capital Projects Fund Balance to assist in paying for the reconstruction of the Pokegama Lake Dam; and

**WHEREAS**, On August 25, 2014, this body passed Resolution #47-14, an initial resolution to create the Pokegama Lake Special Dam Assessment District calling for a special assessment to be levied upon the riparian owners of Pokegama Lake to pay the expenses of reconstructing the Pokegama Lake dam;

**NOW, THEREFORE, BE IT RESOLVED**, that remaining costs for the reconstruction of the Pokegama Lake Dam are estimated to be no more than \$20,000 and shall be apportioned as follows: 75% from the capital fund balance and 25% from the special assessment district.

**FISCAL IMPACT: approximately \$15,000 from capital fund balance and \$5,000 from special assessment district**

Moved for adoption by the highway and dam committee on August 29, 2016:

\_\_\_\_\_  
Thomas Ricci, chair

\_\_\_\_\_  
Beth Esser, vice chair

\_\_\_\_\_  
Chris Thompson

\_\_\_\_\_  
LH Skip Fiedler

\_\_\_\_\_  
Lynn Hoepfner

Resolved by the Board of Supervisors for Washburn County this 20<sup>th</sup> day of September, 2016, by a vote of \_\_\_\_ Yes to \_\_\_\_ No.

CORRECT ATTEST:

\_\_\_\_\_  
LOLITA OLSON  
Washburn County Clerk

**REPORT OF THE HIGHWAY AND DAM COMMITTEE OF THE  
WASHBURN COUNTY BOARD OF SUPERVISORS REGARDING THE  
PROPOSAL TO CREATE THE POKEGAMA LAKE SPECIAL  
ASSESSMENT DISTRICT PURSUANT TO § 66.0703(4) & (5), STATS.**

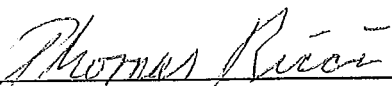
ON AUGUST 16, 2014, THE WASHBURN COUNTY BOARD OF SUPERVISORS APPROVED A PRELIMINARY RESOLUTION TO DECLARE THE INTENT TO EXERCISE MUNICIPAL POWERS TO CREATE THE POKEGAMA LAKE SPECIAL DAM ASSESSMENT DISTRICT PURSUANT TO §§ 31.38(4) & 66.0703, STATS., IN ORDER TO LEVY A SPECIAL ASSESSMENT UPON BENEFITED PROPERTY OWNERS ADJACENT TO POKEGAMA LAKE AND WITHIN THE HYDRAULIC SHADOW THEREOF.

PURSUANT TO THAT RESOLUTION THE WASHBURN COUNTY BOARD OF SUPERVISORS HAS TASKED ITS HIGHWAY AND DAM COMMITTEE TO RENDER A REPORT PURSUANT TO § 66.0703(5), STATS., TO BE DEPOSITED WITH THE WASHBURN COUNTY CLERK FOR PUBLIC INSPECTION.

THE COMMITTEE REPORTS AS FOLLOWS:

1. The preliminary plans and specifications are attached to this report. Section 66.0703(5)(a), Stats.
2. There are no damages to be awarded for property taken or damaged that of necessity attend the project which consists of the replacement of a culvert dam. Section 66.0703(5)(a), Stats.
3. A scale map of the proposed district to be benefited accompanies this report. It is the finding of this committee that all properties outlined in this map lying in the hydraulic shadow of the dam and no other properties will directly benefit this proposed project which is the maintenance of the Pokegama Lake Dam affecting the beneficial water levels of Pokegama Lake.
4. The declaration of intent to create the Pokegama Lake Special Dam Assessment District constitutes an exercise of Washburn County's police power and therefore will require the assessment to be performed on a reasonable basis as determined in a final resolution before the Washburn County board of supervisors.
5. An estimate of the mill rate will be presented at a public hearing to be held on September 24, 2016, now that the project costs have been reasonably calculated and comments made at such public hearing regarding whether installment payments of the special dam assessment are reasonable.

Dated this 29<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
THOMAS RICCI  
Chair, Washburn County Highway and Dam Committee

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AWARDING THE SALE OF  
\$1,310,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016

WHEREAS, on August 16, 2016, the County Board of Supervisors of Washburn County, Wisconsin (the "County") adopted a resolution (the "Set Sale Resolution") authorizing the issuance of general obligation refunding bonds for the public purpose of refinancing certain outstanding obligations of the County, to wit: General Obligation Refunding Bonds, dated January 15, 2006 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, pursuant to the Set Sale Resolution, the County has directed Public Financial Management, Inc. ("PFM") to take the steps necessary to sell general obligation refunding bonds for that purpose (the "Bonds");

WHEREAS, PFM, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on September 20, 2016;

WHEREAS, the County Clerk (in consultation with PFM) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on September 20, 2016;

WHEREAS, the County has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, none of the proceeds of the Bonds shall be used to fund the operating expenses of the general fund of the County or to fund the operating expenses of any special revenue fund of the County that is supported by the property taxes; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. PFM has recommended that the County accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by PFM are hereby ratified and approved in all respects. All actions taken by officers of the County and PFM in connection with

the preparation and distribution of the Official Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed, pursuant to Section 67.04, Wisconsin Statutes, through the issuance of the Bonds, the sum of ONE MILLION THREE HUNDRED TEN THOUSAND DOLLARS (\$1,310,000).

Section 1C. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein), plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal (as modified on the Bid Tabulation) is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer and applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2016"; shall be issued in the aggregate principal amount of \$1,310,000; shall be dated their date of delivery; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2017. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2016 through 2020 for the payments due in the years 2017 through 2021 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

#### Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds, Series 2016" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes

("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the County

certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the County Clerk or County Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such



transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 16. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Chairperson and County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 18. Redemption of the Refunded Obligations. The Refunded Obligations due on and after March 1, 2017 are hereby called for prior payment and redemption on October 20, 2016 at a price of par plus accrued interest to the date of redemption.

The County hereby directs the County Clerk to work with PFM to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 19. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded September 20, 2016.

---

Thomas J. Mackie  
Chairperson

ATTEST:

---

Lolita Olson  
County Clerk

(SEAL)

EXHIBIT A

Official Notice of Sale

To be provided by Public Financial Management, Inc. and incorporated into the Resolution.

(See Attached)

OFFICIAL NOTICE OF SALE

\$1,345,000\*  
Washburn County, Wisconsin  
General Obligation Refunding Bonds, Series 2016  
Dated Date of Delivery

Date, Time and Place. SEALED AND ELECTRONIC BIDS will be received by Public Financial Management, Inc., 115 South 84<sup>th</sup> Street, Suite 315, Milwaukee, Wisconsin 53214, financial advisor acting on behalf of Washburn County, Wisconsin (the "County"), for all but not part of the County's \$1,345,000\* General Obligation Refunding Bonds, Series 2016 (the "Bonds"), until 10:00 a.m. (Central Time) on:

September 20, 2016

at which time sealed bids will be opened, electronic bids retrieved and all bids publicly read. Sealed bids should be mailed or delivered to the offices of Public Financial Management, Inc., 115 South 84<sup>th</sup> Street, Suite 315, Milwaukee, Wisconsin 53214, Attention: Brian Della, or faxed to (414) 771-1041, and plainly marked "Bid for Washburn County General Obligation Refunding Bonds, Series 2016." Electronic bids must be submitted through Parity®. A meeting of the County Board of the Supervisors will be held on said date for the purpose of taking action on such bids as may be received.

Terms of the Bonds. The Bonds will be dated their date of delivery and will mature March 1 in the years and amounts as follows:

MATURITY SCHEDULE

<u>Year</u>	<u>Amount*</u>
2017	\$ 265,000
2018	270,000
2019	270,000
2020	270,000
2021	270,000

Interest on said Bonds will be payable semi-annually on March 1 and September 1, commencing March 1, 2017.

No Term Bond Option. Proposals for the Bonds may not contain term bonds.

Call Feature. The Bonds are not subject to optional redemption by the County.

Registration. The Bonds will be issued as fully registered bonds without coupons and, when issued, will be registered only in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). The County will assume no liability for failure of DTC, its participants or other nominees to promptly transfer payments to beneficial owners of the Bonds. In the event that the securities depository relationship with DTC for the Bonds is terminated and the County does not appoint a successor depository, the County will prepare,

---

\* Preliminary, subject to change

authenticate and deliver, at its expense, fully registered certificated Bonds in the denomination of \$5,000 or any integral multiple thereof in the aggregate principal amount of Bonds of the same maturities and with the same interest rate or rates then outstanding to the beneficial owners of the Bonds.

Security and Purpose. The Bonds are general obligations of the County. The principal of and interest on the Bonds will be payable from ad valorem taxes, which shall be levied without limitation as to rate or amount upon all taxable property located in the territory of the County. The Bonds will be issued for the purpose of refunding certain outstanding obligations of the County and to pay the costs of issuing the Bonds.

Bid Specifications. Bids shall be received on an interest rate basis in an integral multiple of One-Twentieth (1/20) or One-Eighth (1/8) of One Percent (1%). Any number of rates may be bid, but no interest rate specified for any maturity may be lower than the interest rate specified for any earlier maturity. All Bonds of the same maturity shall bear the same interest rate. A rate of interest must be named for each maturity; a zero rate of interest shall not be named; and the premium, if any, must be paid in cash as part of the purchase price. No supplemental interest shall be specified. Each bid shall offer to purchase all of the Bonds and shall offer a price (payable in federal or other immediately available funds) which is not less than \$1,338,275 (99.5% of par), nor more than \$1,412,250 (105.0% of par), plus accrued interest to the date of delivery.

Good Faith Deposit. A good faith deposit in the amount of THIRTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$13,450) is only required by the successful bidder for the Bonds. The successful bidder for the Bonds is required to submit such Good Faith Deposit payable to the order of the County in the form of a wire transfer in federal funds. Instructions for wiring the Good Faith Deposit are as follows:

Amount:	\$13,450
Details:	Email PFM for details at dellab@pfm.com or bensonj@pfm.com

The successful bidder shall submit the Good Faith Deposit within two hours after verbal award is made. The successful bidder should provide as quickly as it is available, evidence of wire transfer by providing the County the federal funds reference number. If the Good Faith Deposit is not received in the time allotted, the bid of the successful bidder may be rejected and the County may direct the next lowest bidder to submit a Good Faith Deposit and thereafter may award the sale of the Bonds to the same. If the successful bidder fails to comply with the Good Faith Deposit requirement as described herein, that bidder is nonetheless obligated to pay to the County the sum of \$13,450 as liquidated damages due to the failure of the successful bidder to timely deposit the Good Faith Deposit.

**Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the Good Faith Deposit requirement.**

The Good Faith Deposit so wired will be retained by the County until the delivery of the Bonds, at which time the Good Faith Deposit will be applied against the purchase price of the Bonds or the good faith deposit will be retained by the County as partial liquidated damages in the event of the failure of the successful bidder to take up and pay for such Bonds in compliance with the terms of the Official Notice of Sale and of its bid. No interest on the good faith deposit will be paid by the County. The balance of the purchase price must be wired in federal funds to the account detailed in the closing memorandum, simultaneously with delivery of the Bonds.

Insurance on Bonds. In the event the successful bidder obtains a bond insurance policy for all or a portion of the Bonds, by or on behalf of it or any other member of its underwriting group, the successful bidder is responsible for making sure that disclosure information is provided about the credit enhancement provider (for example, through a wrapper to the Official Statement). The County will cooperate with the successful bidder in this manner. The costs of obtaining any bond insurance policy and the costs of providing disclosure information about the credit enhancement provider shall be paid by the successful bidder. In addition, the successful bidder will be required, as a condition for delivery of the Bonds, to certify that the premium will be less than the present value of the interest expected to be saved as a result of such insurance.

Electronic Bidding. The County assumes no responsibility or liability for electronic bids. If any provisions in this Official Notice of Sale conflict with information provided by Parity®, this Official Notice of Sale shall control. Further information about the electronic bidding service providers, including any fee charged and applicable requirements, may be obtained from:

Parity®/IPREO  
1359 Broadway, 2<sup>nd</sup> Floor  
New York, New York 10018  
(212) 849-5021 phone

Award. All bids received shall be considered at a meeting of the County Board of Supervisors to be held on the bidding date and, unless all bids are rejected, the Bonds shall be awarded during the County Board meeting on said date to the best bidder whose proposal shall result in the lowest true interest cost rate to the County. The true interest cost is computed as the discount rate which, when used with semiannual compounding to determine the present worth of the principal and interest payments as of the date of the Bonds, produces an amount equal to the purchase price. If two or more bids provide the same lowest true interest rate, the County shall determine which proposal shall be accepted, and such determination shall be final. A computation by the bidder of such true interest cost rate contained in any bid shall be for information only and shall not constitute a part of the bid. The purchaser shall pay accrued interest from the date of the Bonds to the date of delivery, if any, and payment of the purchase price.

Delivery. The Bonds will be delivered in typewritten form, registered in the name of Cede & Co., as nominee of The Depository Trust Company, securities depository of the Bonds for the establishment of book-entry accounts at the direction of the successful bidder, within approximately 45 days after the award. Payment at the time of delivery must be made in federal or other immediately available funds. In the event delivery is not made within 45 days after the date of the sale of the Bonds, the successful bidder may, prior to tender of the Bonds, at its option, be relieved of its obligation under the contract to purchase the Bonds and its good faith check shall be returned, but no interest shall be allowed thereon. Delivery of the Bonds is currently anticipated to be on or about October 11, 2016.

Legal Opinion. The successful bidder will be furnished without cost, the unqualified approving legal opinion of Quarles & Brady LLP, Milwaukee, Wisconsin, Bond Counsel.

CUSIP Numbers. The County will assume no obligation for the assignment of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon. The County will permit such numbers to be assigned and printed at the expense of the original purchaser, but neither the failure to print such numbers on any Bonds nor any error with respect thereto will constitute cause for failure or refusal by the original purchaser to accept delivery of the Bonds.

Reoffering Price. Simultaneously with or before delivery of the Bonds, the successful bidder shall furnish to the County a certificate, made on the best knowledge, information and belief of the successful bidder, acceptable to Bond Counsel, stating the initial reoffering price to the public of the Bonds and further stating that a substantial amount of each maturity of the Bonds was sold to the public or final purchasers thereof (not including bond houses and brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at or below such initial reoffering price.

Official Statement. Upon the sale of the Bonds, the County will publish an Official Statement in substantially the same form as the Preliminary Official Statement subject to minor additions, deletions and revisions as required to complete the Preliminary Official Statement. Promptly after the sale date, but in no event later than seven business days after such date, the County will provide the successful bidder with up to 10 copies of the final Official Statement without cost. The successful bidder agrees to supply to the County all necessary pricing information and any underwriter identification necessary to complete the final Official Statement within 24 hours after the award of Bonds.

Certification Regarding Official Statement. The County will deliver, at closing, a certificate, executed by appropriate officers of the County acting in their official capacities, to the effect that the facts contained in the Official Statement relating to the County and the Bonds are true and correct in all material respects, and that the Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

Undertaking to Provide Continuing Disclosure. In order to assist bidders in complying with SEC Rule 15c2-12, as amended, the County will covenant to undertake (pursuant to a Resolution to be adopted by the Board of the County), to provide annual reports and timely notice of certain events for the benefit of holders of the Bonds. The details and terms of the undertaking are set forth in a Continuing Disclosure Certificate to be executed and delivered by the County, a form of which is included in the Preliminary Official Statement and in the final Official Statement.

Transcript of Proceedings. A transcript of the proceedings relative to the issuance of the Bonds will be furnished to the successful bidder without cost, including a Closing Certificate stating that there is no litigation pending or threatened affecting the validity of or the security for the Bonds.

Irregularities. The County Board of Supervisors reserves the right to reject any and all bids and to waive any and all irregularities.

Information. The Preliminary Official Statement can be viewed on the worldwide web at [www.pfm.com](http://www.pfm.com) or copies of the Preliminary Official Statement and additional information may be obtained by addressing inquiries to the County's financial advisor, Public Financial Management, Inc., 115 South 84<sup>th</sup> Street, Suite 315, Milwaukee, Wisconsin 53214, Attention: Brian Della, phone (414) 771-2700.

\* \* \* \* \*



EXHIBIT B

Bid Tabulation

To be provided by Public Financial Management, Inc. and incorporated into the Resolution.

(See Attached)



**The PFM Group**  
Financial & Investment Advisors

115 South 84th Street  
Suite 315  
Milwaukee, WI 53214

414 771-2700  
414 771-1041 fax  
www.pfm.com

**TABULATION OF BIDS**

**\$1,345,000\* (Resized to \$1,310,000)**  
**General Obligation Refunding Bonds, Series 2016**  
**Washburn County, Wisconsin**

**AWARD:**

**Bankers' Bank**

**Sale Date: September 20, 2016**

**Dated: October 11, 2016**

**Due: March 1, 2017/2021**  
**Rating: Not Rated**

**Bank Qualified: Yes**  
**Insured: No**

<u>BIDDERS</u>	<u>Address</u>	<u>Year</u>	<u>Rate</u>	<u>Yield</u>	<u>Price</u>
Bankers' Bank	Madison, WI	2017	2.000%	0.700%	\$1,373,115.75
		2018	2.000%	0.800%	
		2019	2.000%	0.900%	
		2020	2.000%	1.000%	
		2021	2.000%	1.100%	
					<u>NIC</u>
					<b>\$36,345.36</b>
					<u>TIC</u>
					<b>1.109759%</b>

\* Subsequent to the bid opening, the issue was resized to \$1,310,000 and the purchase price adjusted to \$1,337,407.50 yielding a Net Interest Cost of \$35,381.39 and a TIC of 1.109114%.



Washburn County, Wisconsin  
General Obligation Refunding Bonds, Series 2016  
Tabulation of Bids  
September 20, 2016

---

<u>BIDDERS</u>	<u>Address</u>	<u>Year</u>	<u>Rate</u>	<u>Price</u>
Northland Securities, Inc.	Minneapolis, MN	2017	2.000%	\$1,365,781.30
		2018	2.000%	
		2019	2.000%	<u>NIC</u>
		2020	2.000%	\$43,679.81
		2021	2.000%	<u>TIC</u> 1.339307%

---

<u>BIDDERS</u>	<u>Address</u>	<u>Year</u>	<u>Rate</u>	<u>Price</u>
BOK Financial Securities, Inc.	Dallas, TX	2017	2.000%	\$1,362,182.80
		2018	2.000%	
		2019	2.000%	<u>NIC</u>
		2020	2.000%	\$47,278.31
		2021	2.000%	<u>TIC</u> 1.452640%

---

<u>BIDDERS</u>	<u>Address</u>	<u>Year</u>	<u>Rate</u>	<u>Price</u>
Robert W. Baird & Co., Inc.	Milwaukee, WI	2017	2.000%	\$1,361,097.95
		2018	2.000%	
		2019	2.000%	<u>NIC</u>
		2020	2.000%	\$48,363.16
		2021	2.000%	<u>TIC</u> 1.486899%

---

EXHIBIT C

Winning Bid

To be provided by Public Financial Management, Inc. and incorporated into the Resolution.

(See Attached)

**BID FORM**

**\$1,345,000\***

**Washburn County, Wisconsin  
General Obligation Refunding Bonds, Series 2016**

(Electronic bids are also accepted via Parity® – See Official Notice of Sale)

**Washburn County, Wisconsin  
c/o Public Financial Management, Inc. (Fax: 414/771-1041)**

**Sale Date: September 20, 2016**

For all or none of the principal amount of the County's \$1,345,000\* General Obligation Refunding Bonds, Series 2016, legally issued and as described in the Official Notice of Sale, we will pay the County the purchase price of \$1,373,115.75, plus accrued interest, if any, on the total principal amount of the Bonds to date of delivery, provided the Bonds bear the following interest rates:

March 1 Year	Original Amount*	Revised Amount	Rate
2017	\$ 265,000	\$ 255,000	2.00%
2018	270,000	265,000	2.00%
2019	270,000	265,000	2.00%
2020	270,000	265,000	2.00%
2021	270,000	260,000	2.00%

\* Preliminary, subject to change.


The Bonds mature on March 1 in each of the years as indicated above and interest is payable March 1 and September 1 of each year, commencing March 1, 2017. The Bonds are not subject to optional redemption by the County.

In making this offer, we accept the terms and conditions as defined in the Official Notice of Sale published in the Preliminary Official Statement dated September 13, 2016. All blank spaces of this offer are intentional and are not to be construed as an omission.

Our good faith deposit in the amount of \$13,450 will be wired in federal funds to the County within two hours after verbal award is made according to the Official Notice of Sale.

<p><b>NOT PART OF THE BID</b></p> <p>Explanatory Note: According to our computation this bid involves the following:</p> <p><u>\$ 36,345.36</u></p> <p>Net Interest Cost</p> <p><u>1.109759%</u></p> <p>True Interest Rate (TIC)</p>
--

Respectfully submitted,  
 Bankers' Bank  
 \_\_\_\_\_  
 Account Manager

  
 \_\_\_\_\_  
 Garrett Marr

The foregoing offer is hereby accepted by and on behalf of Washburn County, Wisconsin, this 20<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
Thomas Mackie, Chairperson

\_\_\_\_\_  
Lolita Olson, County Clerk

\* Subsequent to the bid opening, the issue was resized to \$1,310,000 and the purchase price adjusted to \$1,337,407.50, yielding a Net Interest Cost of \$35,381.39 and a TIC of 1.109114%.



EXHIBIT D-1

Pricing Summary

To be provided by Public Financial Management, Inc. and incorporated into the Resolution.

(See Attached)

BOND PRICING

Washburn County, WI  
 \$1,310,000 G.O. Refunding Bonds, Series 2016  
 Bid By Bankers' Bank - Final - After Resize

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Premium (-Discount)
Bond Component:						
	03/01/2017	255,000	2.000%	0.700%	100.503	1,282.65
	03/01/2018	265,000	2.000%	0.800%	101.653	4,380.45
	03/01/2019	265,000	2.000%	0.900%	102.593	6,871.45
	03/01/2020	265,000	2.000%	1.000%	103.323	8,805.95
	03/01/2021	260,000	2.000%	1.100%	103.845	9,997.00
		1,310,000				31,337.50

Dated Date	10/11/2016	
Delivery Date	10/11/2016	
First Coupon	03/01/2017	
Par Amount	1,310,000.00	
Premium	31,337.50	
Production	1,341,337.50	102.392176%
Underwriter's Discount	-3,930.00	-0.300000%
Purchase Price	1,337,407.50	102.092176%
Accrued Interest		
Net Proceeds	1,337,407.50	

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Public Financial Management, Inc. and incorporated into the Resolution.

(See Attached)

BOND DEBT SERVICE

Washburn County, WI  
 \$1,310,000 G.O. Refunding Bonds, Series 2016  
 Bid By Bankers' Bank - Final - After Resize

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/01/2017	255,000	2.000%	10,188.89	265,188.89	
09/01/2017			10,550.00	10,550.00	275,738.89
03/01/2018	265,000	2.000%	10,550.00	275,550.00	
09/01/2018			7,900.00	7,900.00	283,450.00
03/01/2019	265,000	2.000%	7,900.00	272,900.00	
09/01/2019			5,250.00	5,250.00	278,150.00
03/01/2020	265,000	2.000%	5,250.00	270,250.00	
09/01/2020			2,600.00	2,600.00	272,850.00
03/01/2021	260,000	2.000%	2,600.00	262,600.00	
09/01/2021					262,600.00
	1,310,000		62,788.89	1,372,788.89	1,372,788.89

EXHIBIT E

(Form of Bond)

REGISTERED NO. R- \_\_\_\_\_ UNITED STATES OF AMERICA STATE OF WISCONSIN WASHBURN COUNTY DOLLARS \$ \_\_\_\_\_ GENERAL OBLIGATION REFUNDING BOND, SERIES 2016

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
March 1, \_\_\_\_\_ October 11, 2016 \_\_\_\_\_ % \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS (\$ \_\_\_\_\_)

FOR VALUE RECEIVED, Washburn County, Wisconsin (the "County"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2017 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the County Clerk or County Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the County are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,310,000, all of which are of like tenor, except as to denomination, interest rate, and maturity date, issued by the County pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the County, all as authorized by resolutions of the County Board of Supervisors duly adopted by said governing body at meetings



held on August 16, 2016 and September 20, 2016. Said resolutions are recorded in the official minutes of the County Board of Supervisors for said dates.

This Bond is not subject to optional redemption.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the County, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the County Board of Supervisors as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the County kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the County appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds after the Record Date. The Fiscal Agent and County may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, Washburn County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Chairperson and County Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

WASHBURN COUNTY, WISCONSIN

By: \_\_\_\_\_  
Thomas J. Mackie  
Chairperson

(SEAL)

By: \_\_\_\_\_  
Lolita Olson  
County Clerk

COPY

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

COPY

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

EXHIBIT F

NOTICE OF FULL CALL\*

Regarding

WASHBURN COUNTY, WISCONSIN  
GENERAL OBLIGATION REFUNDING BONDS, DATED JANUARY 15, 2006

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called by the County for prior payment on October 20, 2016 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
3/1/2017	\$225,000	4.00%	937145BQ2
3/1/2018	235,000	4.00	937145BR0
3/1/2019	245,000	4.00	937145BS8
3/1/2020	250,000	4.00	937145BT6
3/1/2021	260,000	4.00	937145BU3
3/1/2022	100,000	4.00	937145BV1

The County shall deposit federal or other immediately available funds sufficient for such redemption at the office of The Depository Trust Company on or before October 20, 2016.

Said Bonds will cease to bear interest on October 20, 2016.

By Order of the  
County Board of Supervisors  
Washburn County  
County Clerk

Dated \_\_\_\_\_

\* To be provided by registered or certified mail, overnight express delivery, or facsimile transmission, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to October 20, 2016 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at [www.emma.msrb.org](http://www.emma.msrb.org). Notice shall also be provided to XL Capital Assurance Inc., or any successor, the bond insurer of the Bonds.

**A resolution repealing and replacing Washburn County Code of Ordinances, Chapter 38, Article IV, Division 27, Shoreland Protection Ordinance**

**Whereas**, Washburn County currently administers a Shoreland Ordinance pursuant to NR 115 and,

**Whereas**, WDNR and the Wisconsin Legislature have passed a new NR115 code in October of 2014, giving counties two years to adopt said code and,

**Whereas**, Subsequent acts passed by the Wisconsin Legislature that affected NR 115 have been incorporated into the NR 115 model ordinance, most notably Act 55 which mandates that counties be no more strict than NR 115 and,


**Whereas**, the Zoning Committee did hold a public hearing on the proposed amended ordinance and properly publish and notice the same, and is recommending said ordinance to the Board of Supervisors for approval.

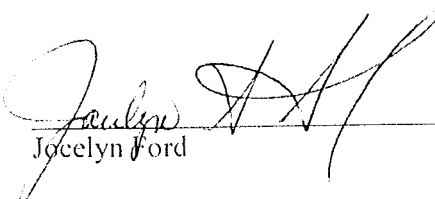
**Therefore, be it resolved** that the attached amended ordinance be adopted this day, thereby repealing the current ordinance noted above.

**Be if further resolved** that said ordinance be incorporated in the Washburn County Code of Ordinances, Chapter 38, Article III, in accordance with Chapter 66.0103 and be effective October 1, 2016.

Fiscal Impact: None

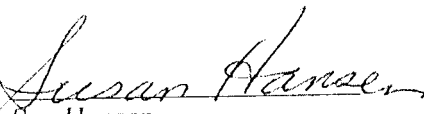
Recommended for adoption by the Zoning Committee at a public hearing held on August 23, 2016.

  
Micheal Bobin, Chair

  
Jocelyn Ford

  
David Haessig

  
Nell Lee

  
Sue Hansen

## **Division 27 - SHORELAND PROTECTION ORDINANCE**

### **Sect. 38-590 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE**

A. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692, Stats, to implement 59.692 and 281.31, Stats.

B. FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Washburn County will adversely affect the public health, safety, convenience, and 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 Washburn County, Wisconsin.

C. 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:

(1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

- (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
- (c) Controlling filling and grading to prevent soil erosion problems.
- (d) Limiting impervious surfaces to control runoff which carries pollutants.

(2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (a) Preserving wetlands and other fish and aquatic habitat.
- (b) Regulating pollution sources.
- (c) Controlling shoreline alterations, dredging and lagooning.

(3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

- (a) Prohibiting certain uses detrimental to the shoreland-wetlands.
- (b) Setting minimum lot sizes and widths.
- (c) Setting minimum building setbacks from waterways.
- (d) Setting the maximum height of near shore structures.

(4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:

- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth moving activities.
- (d) Regulating the use and placement of boathouses and other structures.

D. TITLE. Shoreland Protection Ordinance for Washburn County, Wisconsin.

### **Sect. 38-591 GENERAL PROVISIONS**

A. AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to



herein as shorelands) in the unincorporated areas of Washburn County which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) Lakes, ponds or flowages in Washburn 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 web site: <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.

(2) Within three hundred (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 Washburn 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.

(3) 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), 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), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(4) 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).

(5) Under s. 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

- (a) Lands adjacent to farm drainage ditches if:
  - 1. Such lands are not adjacent to a natural navigable stream or river;
  - 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

B. 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://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

C. COMPLIANCE. 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 waste disposal facilities; the filling, grading, lagooning, and 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.

D. 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), 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, Stats, applies.

E. ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5), 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, 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.

(1) (s. 59.692(2) (a), Stats) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(2) (s. 59.692(2) (b), 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.

(3) 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.

(4) The following provisions of the Washburn 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.

(5) (s. 59.692(1d)(b), 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 section 38-590 C of this ordinance.

(6) (s. 59.692(1k) (a) 1, Stats) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

(a) 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.

(b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(7) (s.59.692 (7), Stats) the construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

(a) The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (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.

F. INTERPRETATION. (59.69(13), Stats) 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.

G. 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.

### **Sect. 38-592 SHORELAND-WETLAND DISTRICT (NR 115.04)**

A. 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.

(1) LOCATING SHORELAND-WETLAND BOUNDARIES. (NR 115.04(b) 2.note) Where an apparent discrepancy exists between the shoreland-wetland district 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.

B. 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.

C. 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, Stats, and the provisions of other applicable local, state and federal laws:

(1) 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:

- (a) Hiking, fishing, trapping, hunting, swimming, and boating;
- (b) 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;
- (c) The pasturing of livestock;
- (d) The cultivation of agricultural crops;
- (e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
- (f) The construction or maintenance of duck blinds.

(2) 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:

- (a) 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;
- (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
- (c) 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;
- (d) The construction or maintenance of fences for the pasturing of livestock, including limited

excavating and filling necessary for such construction or maintenance;

- (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- (f) 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.

(3) 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:

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
  - 1. The road cannot as a practical matter be located outside the wetland;
  - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 38-592 E (2);
  - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
  - 4. Road construction activities are carried out in the immediate area of the roadbed only.
- (b) The construction or maintenance of nonresidential buildings, provided that:
  - 1. 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;
  - 2. The building cannot, as a practical matter, be located outside the wetland;
  - 3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
  - 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (c) 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, and public boat launching ramps and attendant access roads, provided that:
  - 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Stats, where applicable;
  - 2. 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 section 38-592 C (3) (a) and;
  - 3. 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.
- (d) 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:
  - 1. The transmission and distribution facilities and railroad lines cannot, as a practical

matter, be located outside the wetland;

2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 38-592 E (2).

D. PROHIBITED USES. (NR 115.04(4)) Any use not listed in sections 38-592 C (1), (2) or (3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 38-592 E of this ordinance and s. 59.69(5)(e), Stats.

E. REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))

(1) 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:

- (a) 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;
- (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
- (c) 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; and
- (d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

(2) 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:

- (a) Storm and flood water storage capacity;
- (b) 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;
- (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Shoreline protection against soil erosion;
- (e) Fish spawning, breeding, nursery or feeding grounds;
- (f) Wildlife habitat; or
- (g) 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, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(3) 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 section 38-592 E (2) 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), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s.

59.692(6), Stats, adoption procedure is completed or otherwise terminated."

## **Sect. 38-593 LAND DIVISION REVIEW AND SANITARY REGULATIONS (NR 115.05(2))**

A. LAND DIVISION REVIEW. (NR 115.05(2)) Washburn County shall review, pursuant to s. 236.45, 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 all of the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate stormwater drainage facilities.
- (5) Conformity to state law and administrative code provisions.

B. SANITARY REGULATIONS. (NR 115.05(3)) The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- (1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
- (2) 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 required to comply with SPS 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Stats.

C. DEVELOPMENT OF ISLANDS. Standards for the development of these natural features are hereby established to preserve and protect the characteristics of the island and the adjacent body of water.

- (1) Islands with sufficient area to meet setbacks in 38-595 A may be developed, subject to the following standards:
  - (a) The proposed use shall be a permitted or conditional use for the underlying zoning district.
  - (b) A developed island shall be provided with at least one mainland access lot, on that same waterbody, for ingress, egress, and parking areas and sanitary maintenance on the island. The construction or placement of any structure on an access lot is prohibited with the exception of piers, docks, wharfs, boat hoists and boat shelters in conformance with Wisconsin Administrative Code NR 115 and NR 326, and Ch. 30, Wis. Stats.
  - (c) The total number of principal structures on an island shall be based on the surface area, minimum average lot width and setbacks as prescribed by the applicable zoning district and/or minimum requirements in 38-594 and 38-595 for one principal structure.



(d) A structure with plumbing shall only be allowed on an island with an approved sanitary permit including a viable maintenance agreement and contingency Plan, including a suitable maintenance contract signed by a licensed service provider. A holding tank septic system shall not be allowed as an acceptable waste disposal system due to the frequent service interval requirements. If a road access to the island is authorized by permit and constructed, a holding tank may be considered for waste treatment at that time.

(e) Cutting of vegetation within the required shoreland buffer shall be consistent with 38-596 of this ordinance.

(2) Islands shall not be developed if any of the following exist:

- (a) insufficient upland area
- (b) Insufficient areas that meet setbacks
- (c) The Island is subject to flooding
- (d) There is no viable access lot
- (e) Other significant environmental limitations exist, including steep slopes or inadequate soil
- (f) There is documented cultural, historic or ecological value on the island

D. BACK LOT ACCESS TO WATERS The use of waterfront lots to provide deeded access to back lots is specifically prohibited in all districts that allow single-family residential use. No land division shall be recorded and no zoning permit shall be issued for a waterfront parcel unless the minimum lot area, width and water frontage are provided for each dwelling unit which is or proposed to be located on the waterfront property or located on a back lot where the owner has a deeded interest in the waterfront property.

### **Sect. 38-594 MINIMUM LOT SIZE (NR 115.05(1))**

A. PURPOSE. (NR115.05 (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. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

B. SEWERED LOTS. (NR 115.05(1) (a) 1) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

- (1) The width shall be calculated by averaging the measurements at the following locations:
- (a) The ordinary high water mark
  - (b) The building setback line
  - (c) The rear lot line

C. Unsewered LOTS. (NR 115.05(1) (a) 2) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

- (1) The width shall be calculated by averaging the measurements at the following locations:
- (a) The ordinary high water mark
  - (b) The building setback line

(c) The rear lot line

D. 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:

- (1) 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.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) 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.

E. OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 38-594 D, a building permit for the improvement of a lot having lesser dimensions than those stated in sections 38-594 B and C shall be issued only if a variance is granted by the Board of Adjustment.

**Sect. 38-595 SHORELAND SETBACKS (NR 115.05(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.

A. SHORELAND SETBACKS. (NR115.05 (1) (b) 1) Unless exempt under section 38-595 A (1), reduced under section 38-595 B, or increased under section 38-595 C, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

(1) 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 section 38-595 A:

(a) Boathouses may be constructed according to the following provisions:

1. The entire boathouse must be located above the ordinary high-water mark and entirely within the viewing and access corridor.
2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
3. Boathouses shall not contain plumbing components or be used for human habitation.

4. One boathouse is permitted per lot. Lots in contiguous ownership shall be considered one lot for purposes of this exemption.
  5. Boathouses shall be constructed in conformity with local floodplain zoning standards.
  6. Boathouses shall not exceed one story and 300 square feet in size (outside dimensions).
  7. The roof of a boathouse may be used as a deck provided that:
    - a. The boathouse has a flat roof.
    - b. The roof has no side walls or screens.
    - c. The roof may have a railing that meets the Department of Safety and Professional Services standards.
  8. Boathouses constructed after the effective date of this ordinance shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as deck, observation platform or for other similar uses.
  9. Earth toned non-reflective color shall be required for all exterior surfaces of a boathouse.
  10. The main door shall face the water.
  11. Patios, patio doors, decks, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
  12. The boathouse shall be of wood construction. Concrete footings are allowed provided that they do not extend more than six inches above grade.
- (b) 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), Stats.
1. Exempt open sided and screened structures may be constructed with an approved permit at less than minimum setback required in section 6.1, pursuant to s. 59.692(1v), subject to the following standards:
    - a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
    - b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet, excluding those exempt under 38-595 A (1) (a)(c)(d) and (f).
    - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
    - d. The county must approve a plan, consistent with 38-596 C of this chapter 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.

- e. The structure, if freestanding, may not have a wall height exceeding 10 feet.
  - f. An affidavit shall be signed by the owner requesting the 59.692 permit which acknowledges the shoreland buffer requirements. Said affidavit will also be recorded in the Washburn County Register of Deeds and serve as official notice of this requirement to future property owners.
- (c) 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.
- (d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply 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.
- (e) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
- 1. Pedestrian access to the shoreline. A stairway, walkway or lift is allowed in the shoreland setback area only when it is necessary to provide pedestrian access to the shoreline because of steep slopes or unstable soils. The construction is subject to the following standards:
    - a. Canopies, roofs, and sides are prohibited. Open railings may be provided.
    - b. A maximum width of 5 feet (outside dimensions) is allowed for a stairway, walkway, or lift.
    - c. Landings are allowed where required for safety purposes and shall not exceed a cumulative total of 40 square feet. The stairway shall not terminate with a landing unless it is necessary for access or connection to a dock.
    - d. A stairway, walkway, or lift shall be constructed and surfaced to effectively control erosion and minimize stormwater runoff directly into a waterway.
    - e. Walkways, stairways or lifts shall be located within the allowable viewing and access corridor to the extent practicable.
    - f. Any filling, grading or excavation that is proposed must meet the requirements of 38-597 of this ordinance.
  - 2. Accommodations for disabled or elderly persons. Where access to the water would not otherwise be possible, a power lift may be installed in addition to a walkway and/or a stairway provided that both structures are located in the viewing and access corridor to the extent practicable.
- (f) Devices or systems used to treat runoff from impervious surfaces.

(2) EXISTING EXEMPT STRUCTURES. (s.59.692 (1k) (a) 2m, Stats) Existing exempt structures may be maintained, repaired, replaced, 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. Expansion of a structure beyond the existing footprint is allowable if the expansion is necessary to comply with applicable state or federal requirements.

B. REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692 (1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
  - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
  - (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
  - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
  - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

C. INCREASED PRINCIPAL STRUCTURE SETBACK. (s.59.692 (1n) (c), Stats) A setback greater than the required 75' from the ordinary high water mark may be required for a proposed principal structure and determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
  - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
  - (b) Both of the existing principal structures are located within 200' of the proposed principal structure.
  - (c) Both of the existing principal structures are located greater than 75' from the ordinary high water mark.
  - (d) Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high water mark.
  - (e) The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.

#### D. OTHER SETBACKS

- (1) In areas classified as shoreland, the side property-line setback (both sides) on riparian lots shall be a minimum of ten feet for all structures.
- (2) All buildings and structures shall be set back at least ten feet from the high-water mark of non-navigable streams and drainageways. The high-water mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. Roadways, recreational trails and pedestrian walkways shall be permitted to cross non-navigable streams and drainageways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters.

- (3) All buildings and structures except for those permitted to be located within shoreland wetlands (see 38-592) regarding wetland protection standards shall be set back at least 25 feet landward from the boundary of mapped wetlands. This setback area is subject to the provisions of 38-592.

E. 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 any applicable floodplain zoning ordinance.

### **Sect. 38-596 VEGETATION (NR 115.05(1) (c))**

A. PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, Washburn County shall regulate removal of vegetation in shoreland areas with standards that consider sound forestry and soil conservation practices, the effect of vegetation removal on water quality including soil erosion and the flow of effluents, sediments and nutrients.

B. SHORELAND BUFFER. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this ordinance shall designate all land that extends from the ordinary high water mark to a minimum of 35 feet inland as a shoreland buffer and prohibit removal of vegetation in the shoreland buffer. A compliant shoreland buffer shall contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed canopy forest types such as pine and hemlock. The following activities are allowed within the shoreland buffer, subject to the following standards:

- (1) The removal of trees and shrubs in the shoreland buffer to create a viewing and access corridor per 59.692(1f) (b) Stats.

- (a) The viewing and access corridor may be up to 35 feet wide for every 100 feet of shoreline frontage.

- (b) The viewing and access corridor may run contiguously for the entire maximum allowed width per shoreline frontage owned.

- (c) The allowable viewing and access corridor shall be determined by the amount of shoreline frontage listed on a Certified Survey Map, Washburn County GIS parcel map, or other reasonably accurate assessment tool in use in the Zoning, Surveying or Land Records Departments.

- (d) The viewing and access corridor must be maintained with some form of vegetation that prevents bank erosion and sedimentation of the waterway. Sand, gravel, rock or other similar materials shall be prohibited as an alternative to vegetation unless otherwise allowed by this ordinance.

- (2) The removal of damaged, dead, diseased or dying trees and tree branches provided they present a safety hazard to structures or persons, and provided they are replaced with native vegetation or approved cultivars of native stock that is equally effective in fulfilling the purposes of the shoreland buffer.

- (3) The removal of trees and shrubs in the shoreland buffer 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 The Wisconsin Department of Natural Resources publication "Wisconsin Forest Management Guidelines", provided that vegetation removal be consistent with these practices.



- (4) The removal of vegetation within the shoreland buffer to manage exotic or invasive species provided that any vegetation removed be replaced with native vegetation or approved cultivars of native stock that is equally effective in fulfilling the purposes of the shoreland buffer.
- (5) Any path, road or passage within the required shoreland buffer, including the allowable viewing and access corridor, shall be constructed and surfaced so as to effectively control erosion and minimize stormwater runoff directly into a waterway.
- (6) Protection of shoreland buffer vegetation during times of construction. Except where construction within the shoreland buffer is authorized, all vegetation within the required shoreland buffer shall be protected by fencing to exclude construction activities. Such vegetation shall be maintained so as to maximize the soil stabilization and filtering functions of the shoreland buffer.

C. SHORELAND BUFFER RESTORATION STANDARDS. Where shoreland buffer restoration is required 38-595 A (1) (b) or proposed under 38-601 A, the restoration shall meet the following criteria:

(1) PASSIVE RESTORATION (Natural Recovery). When all mowing, pruning, and vegetation cutting ceases within the shoreland buffer, with the exception of activities allowed by 38.596 B of this ordinance, and existing vegetation is then allowed to grow naturally, this shall be known as a passive shoreland buffer restoration. A passive shoreland buffer may only serve as the restoration if tree, shrub and ground cover layers are already present in acceptable densities, as outlined in 38-596 B (2) and (3), and the site is suited for natural regeneration.

(2) ACTIVE RESTORATION (Accelerated Recovery). When all mowing, pruning, and vegetation cutting ceases, with exception of activities allowed by section 38-596 B of this ordinance, and native species or approved cultivars of native stock are planted at required densities within the shoreland buffer this shall be known as an active shoreland buffer restoration. All active shoreland buffer restorations shall meet the following standards:

- (a) Planting shall be species native to Wisconsin and approved by the Washburn County Land and water Conservation Department (LWCD). Cultivars of these native species may be used if approved by the LWCD.
- (b) Trees shall be planted to restore a density of at least one stem per 100 square feet of shoreland buffer area.
- (c) Shrubs shall be planted to restore a density of at least 2 stems per 100 square feet of shoreland buffer area, except for closed canopy forest types.
- (d) Ground cover shall be restored to the extent practicable.

(3) SHORELAND BUFFER RESTORATION PLAN REQUIREMENTS. A plan for the restoration of an active shoreland buffer shall include:

- (a) An inventory of plant species currently present and an indication of their density within the required shoreland buffer.
- (b) A list of desired native, site-adapted species (or approved cultivars of native species), size or age of species and a schedule for their planting. A minimum size or age of species may be required depending on site conditions.
- (c) A sketch showing no mow areas and/or the placement and densities of each species planned for the restored shoreland buffer.
- (d) A description of how the applicant intends to carry out the project including a watering plan and the erosion control measures that will be used during restoration.
- (e) A description of the proposed method for removal of existing turf grass or other non-native species. Landscape cloth, plastic, mill felt or other barriers similar in nature may only be used on a temporary basis to facilitate the removal of non-native species.
- (f) A Replacement schedule for restoration plantings. Any vegetation required as mitigation but subsequently dies due to neglect, lack of watering, planting errors, deer browse, etc., shall be replaced and maintained.
- (g) All buffer restoration plans shall be approved by the LWCD.

**Sect. 38-597 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05 (1) (d))**

A. GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 38-597 B may be permitted in the shoreland area provided that:

- (1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
- (2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland wetland district meets the requirements of section 38-592 C of this ordinance.
- (4) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
- (5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

B. PERMIT REQUIRED. Except as provided in section 38-597 C, a permit is required:

- (1) 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:

- (a) Any filling or grading on slopes of more than 20%.
- (b) Filling or grading of more than 1,000 sq. ft. on slopes of 12% to 20%.
- (c) Filling or grading of more than 2,000 sq. ft. but less than one acre on slopes less than 12%.

(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. PERMIT CONDITIONS. In granting a permit under section 38-597 B, the County shall attach the following conditions, where appropriate.

- (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 two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

### **Sect. 38-598 IMPERVIOUS SURFACE STANDARDS (NR 115.05(1) (e))**

A. PURPOSE. To establish impervious surface standards to protect water quality, fish and wildlife habitat and to protect against pollution of navigable waters. Washburn 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 non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

B. CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. 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 38 598 E shall be excluded from the calculation of impervious surface on the lot or parcel.

- (1) 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.
- (2) For properties under alternative forms of ownership such as condominiums, cooperatives and associations, the limits to expansion on structures and caps on impervious surfaces shall be

attributable to the total number of units within the development. For example: If owners within a 3 unit condominium development have 1500 square feet of expansion opportunity available to the units under the impervious surface limitations and they want to expand their structures, then the expansion opportunity for principal or accessory structures shall be split equally amongst the 3 units so that no more than 500 feet of expansion to impervious surfaces is afforded to each unit.

C. GENERAL IMPERVIOUS SURFACE STANDARD. Except as authorized in section 38-598 D and E, up to 15% impervious surfaces are allowed on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

D. MAXIMUM IMPERVIOUS SURFACE. A property may exceed the impervious surface standard under section 38-598 C, provided the following standards are met:

- (1) 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.
- (2) For properties that exceed the standard under section 38-598 C, but do not exceed the maximum standard under 38-598 D, a permit can be issued for development with a mitigation plan that meets the standards found in section 38-601 A.

E. TREATED IMPERVIOUS SURFACES. Impervious surfaces that can be documented to show they meet either of the standards in 38-598 D of this section shall be excluded from the impervious surface calculations under section 38-598 B.

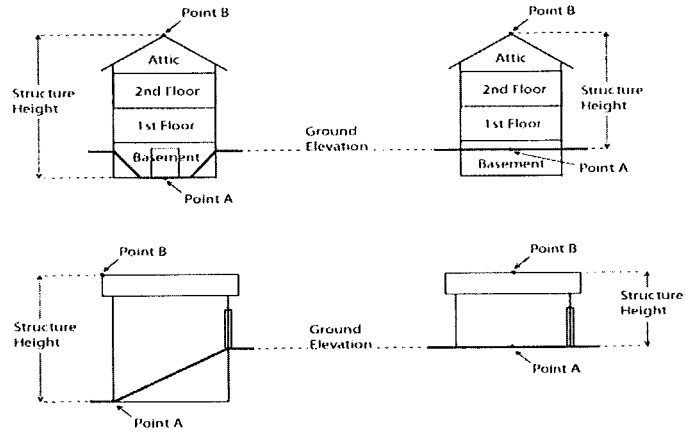
- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (3) To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
  - (a) Calculations showing how much runoff is coming from the impervious surface area.
  - (b) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
  - (c) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

F. EXISTING IMPERVIOUS SURFACES. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in 38-598 C, or the maximum impervious surface standard in section 38-598 D, the property owner may do any of the following:

- (1) maintain and repair the existing impervious surfaces;
- (2) replace existing impervious surfaces with similar surfaces within the existing building envelope;
- (3) 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 section 38-595 A and B.

**Sect. 38-599 HEIGHT (NR 115.05(1) (f))** In order to protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, Washburn County shall 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 it's 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.



**Sect. 38-600 NONCONFORMING USES AND STRUCTURES (NR 115.05(1) (g))**

A. 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 the ordinance.

B. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, 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: Sections 59.692(1k) (a) 2, 4 and (b), Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 38-600 B. 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: NR115.05 (1) (b) 1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

C. LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES 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 section 38-595 A may be expanded laterally, provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) 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 section 38-601.
- (5) All other provisions of the shoreland ordinance shall be met.

D. EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURES 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 section 38-595 A, may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 38-595 A, 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 section 38-598.

E. RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (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 section 38-595 A may be relocated on the property provided all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) 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.
- (4) 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 section 38-595 A.
- (5) 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 section 38-601, 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 under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

(6) All other provisions of the shoreland ordinance shall be met.

**Sect. 38-601 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 13, 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 section 38-601. 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.

**Sect. 38-602 MITIGATION. (NR 115.05 (1) (e) 3, (g) 5, (g) 6)**

A. For purposes of this ordinance, mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities. When the county issues a permit requiring mitigation under sections 38-600 C, E or 38-598 D (2), the property owner must submit a complete plan that is reviewed and approved by the county. The plan shall include the following:

- (1) A description of the measure(s) that will be implemented to restore natural functions lost through development of the permitted project. The mitigation measure(s) must be selected from the choices in section 38-602 B below, and shall be proportional in scope to the projected impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An affidavit\* to be recorded with the Register of Deeds which will serve as an enforceable obligation on the property owner to establish and maintain the mitigation measure(s). The affidavit must be recorded prior to issuance of the permit authorizing construction. \*Note- This form may be provided by the Zoning Department.
- (3) An implementation schedule outlining the phases of installation or implementation. Mitigation projects involving actual construction of a device (e.g., rain garden) shall be completed within two years of permit issuance.

**B. MITIGATION REQUIREMENTS and MEASURES**

- (1) Mitigation points are required for developing property under the following conditions:
  - (a) Impervious surface coverage is greater than 15% but less than 20% - 2 points
  - (b) Impervious surface coverage is from 20% to 30% - 3 points



(c) Lateral expansion of nonconforming principal structure within the shoreland set-back 38-600 C - 3 points

(d) Relocation of nonconforming principal Structure within the shoreland setback 38-600 E - 1 point

(2) The following mitigation measures are available to satisfy the point requirements noted above. Point requirements are cumulative (a project may require mitigation due to more than one circumstance in B (1) (a)-(d) above), in which case the points should be combined.

(a) Removal of a structure within the shoreland setback - up to 3 points

(b) Installation of a rain garden sized to properly treat runoff created by the project (see notes below) - up to 3 points

(c) Installation of a stormwater infiltration system sized to properly treat runoff created by the project (see notes below) - 3 points

(d) Recording an affidavit that ensures the preservation of an existing compliant shoreland buffer - 2 points

(e) Active Restoration (Accelerated Recovery) of a compliant shoreland buffer -4 points, 38-596 C (2)

(f) Passive Restoration (Natural Recovery) of a compliant shoreland buffer - 1 point, 38-596 C (1)

(g) Increasing depth of an existing compliant shoreland buffer - 2 points for every 15 feet of depth

(h) Reducing width of allowable viewing and access corridor(s) - 1 point for every 15 foot reduction

(i) Sea wall removal and natural bank stabilization - 3 points

(j) Increasing shoreland setback - 1 point for every 15 foot increase beyond required. (maximum of 3 points)

(k) Installation of a new private onsite wastewater treatment system - 3 points, bringing an existing operating system to code - 2 points.

Notes: Plans that involve the active restoration / creation of a shoreland buffer must be approved by the LWCD. The LWCD is also available to create or design buffer restoration plans. There will be a fee charged by LWCD for these services. The fees are set and periodically adjusted by the Zoning and Agriculture and Land Conservation Committees. Items (b) and (c) above may also require plans to be prepared and certified by a professional engineer.

**Sect 38-603 ADMINISTRATIVE PROVISIONS (NR 115.05(4))** This ordinance shall require all of the following:

(1) The appointment of an administrator and such additional staff as the workload may require.

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

(3) A system of permits for all 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), Stats.

(4) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

(5) 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 as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.

(6) A special exception (conditional use) procedure for uses presenting special problems.

(7) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.

(8) Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 4.0.

(9) Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(10) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings.

(11) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

(12) Pursuing the prosecution of violations of the shoreland ordinance

(13) Shoreland wetland map amendments according to s. NR 115.04. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided 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 office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

## **Sect. 38-604 DEFINITIONS**

A. Several of the terms of 38-603 C below are also defined in Division 34 of the Article. Where terms are duplicated, the definitions in 38-603 C are more applicable to this ordinance and shall prevail.

B. 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.

C. The following terms used in this ordinance mean:

*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.

*Accessory structure* means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

*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.

*Building envelope* (NR 115.03(1p)) means the three dimensional space within which a structure is built. (Still used in 38-598, – Impervious surface section)

*County zoning agency* (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

*Department* (NR 115.03(3)) means the Department of Natural Resources.

*"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.

*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.

*Fire pit* means a structure that is constructed of metal, brick and/or stone, held together with mortar, and is considered to be permanently placed and not portable. Such structures may have fire boxes and ovens. For purposes of this ordinance, fire pits must meet setbacks as described in 38-595 A.

*Fire ring* means a temporary portable structure made of metal, bricks or rocks that are not held together with mortar, or by any other method to cause it to be unmovable. Fire rings are generally recognized as a "circle of rocks" or may be a decorative metal ring that is purchased for the purpose of containing a campfire.

*Floodplain* (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

*"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.

*Generally accepted forestry management practices* (NR 1.25(2)(b), Wis. Adm. Code) 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.

*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), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

*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.

*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.

*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.

*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.

*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), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, 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 were not navigable streams before ditching; and
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

*Ordinary high-water mark* (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.

*Previously developed* means a lot or parcel that was developed with a structure legally placed upon it.

*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.

*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.

*Shoreland* (NR 115.03(8)) means lands within the following distances from the ordinary highwater 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.

*Shoreland setback* also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, 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, Stats.

*Shoreland-wetland district* (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

*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.

*Structure* (s.59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

*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 requirements for a new lot.

*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.

*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 condition.

Washburn County Board of Supervisors Resolution No. 58-16  
A Resolution Amending Washburn County Code of Ordinances

WHEREAS, Washburn County manages approximately 149,000 acres of County Forest Lands along with numerous recreational trails and facilities; and

WHEREAS, public uses of these lands and facilities are regulated by Chapter 50 of the Washburn County Municipal Code; and

WHEREAS, the Forestry, Parks and Recreation Committee has identified a need to regulate specific recreational uses on certain trails and on specific areas; and

WHEREAS, the Forestry, Parks and Recreation Committee has deemed it most feasible to be granted authority to regulate recreational uses through the adopted of policy where conditions of user conflict, environment damage, or public safety exist

THEREFORE, BE IT RESOLVED that the Washburn County Board of Supervisors hereby grants authority to the Washburn County Forestry, Parks and Recreation Committee to adopt policy regulating non-motorized recreational uses on specific recreational trails and areas of the Washburn County Forest program; and

THEREFORE, BE IT FUTURE RESOLVED that Chapter 50 of the Washburn County Code is hereby amended by the addition of the Sec. 50-37 (19) and Sec. 50-38 (26), identified as the underlined text in the attached "Exhibit A".

Submitted for adoption this 19th day of July, 2016  
Fiscal Impact: none

Motion for adoption by:  
Supervisor FIEDLER

Seconded by:  
Supervisor DOHM

Ayes X, Noes     , Absent 2  
Voice Vote majority

I, Lolita Olson, County Clerk, do hereby certify that the Foregoing is a true and correct copy of a resolution adopted by the Washburn County Board of Supervisors at its meeting held on July 19th, 2016.

Forestry, Parks & Recreation Committee:

Lester Fiedler  
Lester Fiedler, Chairman

James Dohm  
James Dohm, Vice Chair

Romaine Quinn  
Romaine Quinn

Hank Graber  
Hank Graber

ABSENT  
Del Stoll

Lolita Olson  
Lolita Olson

**“EXHIBIT A” to Resolution 58-16**

*Revision to Sec. 50-37 – State Funded or County Designated ATV Trails*

Sec. 50-37. – Prohibited actions in class 4 areas.

No person shall within a class 4 area:

50-37 (19) Operate any motorized or non-motorized vehicle, or utilize any class 4 area in a manner prohibited by rule that is adopted by the Washburn County Forestry, Parks and Recreation Committee.

*Revision to Sec. 50-38 - all other county-owned and county forest lands not designated as class 1, class 2, class 3 or class 4.  
Sec. 50-38. – Prohibited actions in class 5 areas.*

No person shall within a class 5 area:

50-38 (26) Operate any motorized or non-motorized vehicle, or utilize any class 5 area, or trail within a class 5 area, in a manner prohibited by rule that is adopted by the Washburn County Forestry, Parks and Recreation Committee.