

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
July 20, 2005
7:00 P.M.

The Board of Supervisors of Columbia County convened in annual session at the Highway Facility in Wyocena pursuant to law. Chair Susan Martin called the meeting to order.

All Supervisors were present, except Supervisors V. Curtis and Hutler, absent and Supervisor Stoltenberg arrived late.

Pledge of Allegiance was recited.

A motion to approve the Journal of June 15, 2005, was made by Supervisor Boockmeier, second by Supervisor Robson. Motion carried unanimously.

A motion to approve the agenda, as published, was made by Supervisor See, second by Supervisor Salzwedel. Motion carried unanimously.

Chair Martin thanked Kurt Dey, Highway and Transportation Commissioner and his staff for hosting the County Board meeting.

An open house has been scheduled at the Huber Facility on Saturday, July 30, 2005, from 9:00 a.m. until noon. Also scheduled is an open house and tour for supervisors and staff on Thursday, July 28 from 9:00-10:30 a.m.

Chair Martin reviewed the schedule for upcoming County Board meetings as follows: August – no meeting; September - Administration Building; and, October -Ethanol plant with tours just prior to meeting.

Committee Chair/Department Head meeting is scheduled for Tuesday, July 27 at 8:30 a.m. Budget packets will be distributed.

Supervisor Boockmeier reported the Huber expansion project was near completion and thanked the Law Enforcement Committee for their time and commitment to the project.

Supervisor Hamele reported on the Wisconsin Association of County Extension Committees Conference.

The following appointments were announced:

(1) Tourism Committee: Ron Abegglen, Dan Amato, Jeffrey Bump, Jeannie Doyle, Nancy Elsing, Gary Errthum, Paul Fisk, Judy Goodson, Jeff Grothman, Katy Helmer, Ken Jahn, Carol Larson, Sharon McCormick, Andrew Nussbaum, Bob O'Brion, Sally Pierick, Mary Rosin, Andy Ross, Steve Shattuck, Dale Strmiska and Bob Williams with terms to expire April of 2006. On motion by Supervisor Tramburg, second by Supervisor DeYoung, the appointments were unanimously approved.

(2) Board of Adjustments: Norm Wills to replace Clifford Lawton and Douglas Richmond, as alternate to replace Norm Wills to complete terms to expire June of 2007. On motion by Supervisor Baumgartner, second by Supervisor Horton, the appointments were unanimously approved.

RESOLUTION NO. 22-05

WHEREAS, dairy farming and the dairy processing industry processing contribute over \$393,900,000 to Columbia County's economy annually; and,

WHEREAS, officials at both the state and federal level have marshaled support to strengthen Wisconsin's dairy industry and have provided funds to encourage dairy farmers to explore new opportunities to add value to their products; and,

WHEREAS, several Columbia County dairy farmers have requested assistance from the UW-Extension office in evaluating the feasibility of establishing a grass-based dairy processing cooperative; and,

WHEREAS the Columbia County UW-Extension Office applied for and has been awarded a \$10,000 Agriculture Development and Diversification Grant,

NOW, THEREFORE, BE IT RESOLVED that the Columbia County Board of Supervisors authorizes acceptance of a grant by the UW-Extension Office in the amount of \$10,000 from the Wisconsin Department of Agriculture, Trade, and Consumer Protection for the purpose of assisting dairy farmers in gaining the knowledge and skills needed to enter the value-added market.

Fiscal Note: Establish Grant Accounts
in the amount of \$10,000 for
accounting purposes

Donald P. Nelson
Claire R. Robson
John G. Stevenson
Robert J. Stoltenberg
Robert L. Hamele
AGRICULTURE AND LAND AND
WATER CONSERVATION COMMITTEE

Motion was made to adopt the Resolution by Supervisor Hamele, second by Supervisor Robson.

Laura Paine, UW Crops and Soils Agent, indicated the funds would be used to assist dairy farmers in gaining the knowledge and skills needed to enter a value-added market. The Resolution was unanimously adopted.

RESOLUTION NO. 23-05

WHEREAS, utility property was once taxed at the local level by counties and local units of government in the same way as most other property; and

WHEREAS, the state statutes under which the state taxes utility companies' local operations were written in 1929 in a search for greater efficiency, so that state experts would uniformly value all utility property in the state, levy a property tax on the property and then return 83% of the collected tax receipts to the site counties and local units of government as compensation for their forgone right to impose local property taxes; and

WHEREAS, the state changed this system 30 years ago into a "skim-off" under which only 19% of these tax collections are returned to utility-site counties and municipalities; and

WHEREAS, the state converted the utility tax to a gross receipts tax 20 years ago, but still compensated utility-site counties and municipalities under the same archaic property value-based formula; and

WHEREAS, the Legislature and Governor recognized the unfairness of the present system in the 2003 session by enacting 2003 Wisconsin Act 31 to more fairly compensate counties and municipalities for hosting newly constructed power generation sites, but nothing was enacted at that time for existing sites; and

WHEREAS, the Legislature has now remedied the situation for counties and municipalities hosting existing sites by adopting the Fair Utility Tax-Sharing Amendment to 2005 Assembly Bill 100, the current budget bill.

NOW, THEREFORE, BE IT RESOLVED that the Columbia County Board urges the Governor to approve the Fair Utility Tax-Sharing Amendment contained in the budget bill under which counties and local governments will be fairly compensated for hosting existing power generation sites.

BE IT FURTHER RESOLVED that the Columbia County Clerk shall send a copy of this Resolution to the Governor and all members of the Wisconsin Legislature who represent Columbia County.

Kenneth E. Olson
Barry Pufahl
Harlan Baumgartner
Debra L. H. Wopat
John H. Tramburg
FINANCE COMMITTEE

Motion was made to adopt the Resolution by Supervisor Tramburg, second by Supervisor DeYoung.

Supervisor Tramburg indicated the utility tax returned to the County would almost double if approved in the budget bill.

The Resolution was unanimously adopted.

RESOLUTION NO. 24-05

WHEREAS, Attorney George H. Senteney has filed a Notice of Claim against Columbia County on behalf of Linda A. Olson in the amount of \$50,000 for injuries Ms. Olson sustained in an accident allegedly involving a Columbia County Highway and Transportation Department resurfacing project; and

WHEREAS, the Claim has been referred to the Judiciary Committee; and
WHEREAS, the Judiciary Committee has reviewed the Claim and determined that it is
without merit.

NOW, THEREFORE, BE IT RESOLVED that the Columbia County Board of Supervisors
denies the Claim which was filed by Attorney George H. Senteney on behalf of Linda A. Olson.

Richard C. Bookmeier
Robert L. Hamele
Tom L. Jenkins
Robert J. Andler
Robert Westby
JUDICIARY COMMITTEE

Motion was made to adopt the Resolution by Supervisor Westby, second by
Supervisor Boockmeier.

The Resolution was unanimously adopted.

REPORT OF THE PLANNING AND ZONING COMMITTEE

The Planning and Zoning Committee having held public hearings thereon pursuant to
Section 59.69 Wisconsin Statutes, notice thereof have been given as provided by law and
being duly advised of the wishes of the people in the areas affected hereby recommend as
follows:

- (1) A petition by Patrice Tesch, Columbus, Wisconsin to rezone from Industrial to
Single Family Residence, property located in Section 12, Town of Columbus on
the 25th day of May, 2005 be approved as follows: To change from Industrial
to Single Family Residence, a parcel of land described as Lot 1, Certified
Survey Map Number 526, located in Section 12, Town 10N, Range 12E, Town
of Columbus.
- (2) A petition by David Juve, DeForest, Wisconsin to rezone from Agricultural to
Rural Residential, property located in Section 8, Town of Otsego on the 25th
day of May, 2005 be approved as follows: To change from Agricultural to
Rural Residential, a parcel of land located in part of the NE ¼ of the SW ¼,
Section 8, Town 11N, Range 11E, Town of Otsego.
- (3) A petition by Judith Lou Manthey, Pardeeville, Wisconsin to rezone from
Agricultural to Rural Residential, property located in Section 36, Town of
Marcellon on the 18th day of February, 2005 be approved as follows: To
change from Agricultural to Rural Residential, a parcel of land located in part
of the NW ¼ of the SE ¼, Section 36, Town 13N, Range 10E, Town of
Marcellon.

Harlan Baumgartner
John Healy
John Stevenson
Harlan Horton
Phil Baebler
PLANNING AND ZONING COMMITTEE

Upon hearing no objection, Chair Martin directed the report be accepted and placed
on file.

ORDINANCE NO. Z328-05 An Amending Ordinance

The Columbia County Board of Supervisors do ordain as follows: That Title 16 –
Chapter 1, entitled “Zoning”, of the County Code, as passed by the Board of Supervisors on
February 16, 1972 is hereby amended and added thereto as follows:

- (1) "To change from Industrial to Single Family Residence", (Patrice Tesch) a parcel of land located in Section 12, Town 10N, Range 12E, Town of Columbus, more particularly described as follows: PARCEL NUMBER 203.1 Lot 1, Certified Survey Map Number 526, Section 12, Town 10N, Range 12E, Town of Columbus. Said property contains 1.506 acres, more or less.
- (2) "To change from Agricultural to Rural Residential", (David Juve) a parcel of land located in Section 8, Town 11N, Range 11E, Town of Otsego, more particularly described as follows: PARCEL NUMBER 132 Being part of the NE ¼ of the SW ¼, Section 8, Town 11N, Range 11E, Town of Otsego. Commencing at the East ¼ corner of said Section 8; thence along the East-West ¼ line of said Section 8 South 89 degrees 44 minutes 43 seconds West, 2652.91 feet to the center of said Section 8 and the point of beginning; Thence along the East line of the said Southwest ¼ South 01 degree 00 minutes 56 seconds East, 392.33 feet; Thence South 89 degrees 47 minutes 03 seconds West, 250.00 feet; Thence North 01 degree 00 minutes 56 seconds West, 392.16 feet to the North line of the said Southwest ¼; Thence along said North line North 89 degrees 44 minutes 43 seconds East, 250.00 feet to the point of beginning. Said property contains 2.2510 acres, more or less. This rezoning effective upon the recording of the Certified Survey Map, and submittal of a copy of the recorded Deed Restriction that has been approved by the Town to the Planning and Zoning Department.
- (3) "To change from Agricultural to Rural Residential", (Judith Lou Manthey) a parcel of land located in Section 36, Town 13N, Range 10E, Town of Marcellon, more particularly described as follows: PARCEL NUMBER 710 Being part of the NW ¼ of the SE ¼, Section 36, Town 13N, Range 10E, Town of Marcellon. Commencing at the South ¼ corner of Section 36; Thence North 00 degrees 18 minutes 39 seconds West 1324.53 feet along the North-South ¼ line to the point of beginning; Thence continue North 00 degrees 18 minutes 39 seconds West 544.49 feet along the North-South ¼ line to the centerline of Vaughn Road; Thence Southeasterly along the arc of a curve of said centerline, concave Southwesterly, having a radius of 7438.09 feet and a central angle of 2 degrees 17 minutes 17 seconds, whose long chord bears South 56 degrees 08 minutes 42 seconds East 297.00 feet; Thence South 55 degrees 00 minutes 04 seconds East 638.47 feet along the centerline of Vaughn Road to the South line of the Northwest ¼ of the Southeast ¼, Section 36; Thence South 89 degrees 02 minutes 30 seconds West 766.80 feet along the South line of the Northwest ¼ of the Southeast ¼ to the point of beginning. Said property contains 4.84 acres, more or less. This rezoning effective upon the recording of the Certified Survey Map for the subject property, which CSM also must show the shared driveway, access easement, access restriction and the submittal of a copy of the recorded Deed Restriction that has been approved by the Town to the Planning and Zoning Department.

Susan Martin, Chair
 COLUMBIA COUNTY
 BOARD OF SUPERVISORS
 Jeanne Miller
 COLUMBIA COUNTY CLERK

DATE PASSED: July 20, 2005
 DATE PUBLISHED: July 27, 2005

First reading of Ordinance.
 Motion by Supervisor Baumgartner, second by Supervisor Robson to suspend the rules and have the second reading of the Ordinance by title only.

Supervisor Lloyd reiterated her concern over the fragmentation of agricultural land without a county comprehensive plan in place. In reference to deed restrictions requirements, Supervisor Lloyd requested a clarification as it pertained to rural residential zoning requests. Planning and Zoning Director Bluemke indicated deed restrictions are entirely at the discretion of the towns, that the county has no part in the deed restriction but tries to keep track of them. Supervisor Ford asked if there was evidence of these deed restrictions being violated? Director Bluemke noted that violations would be up to the town to pursue and that the Department has not received any information relative to any violations of these town restrictions

Supervisor O'Neil questioned what response the Planning and Zoning Committee gives when a request for rezoning does not comply with zoning criteria and what influence that has on the approval of the proposed acreage? Director Bluemke indicated that in many cases there is a trade off, if cultivated land is being removed from an Ag District, the county cannot say the rezoning fully complies with the criteria. Farmland is protected because of the deed restrictions that are being applied to land not being rezoned. As a result of this trade off, you cannot make a statement that the zoning request is in full compliance, but a positive recommendation can be made relative to an approval for the proposed acreage to be rezoned.

The motion carried unanimously.

Second reading of Ordinance.

Motion by See, second by Supervisor Boockmeier, to suspend the rules and have the third reading of the Ordinance by title only.

The motion carried unanimously.

Third reading of Ordinance.

Motion was made by Supervisor Baumgartner, second by Supervisor Horton to adopt the Ordinance.

Supervisor Lloyd indicated she would be voting against the zoning requests. She encouraged other supervisors to take action and vote against these requests. Supervisor Baumgartner recalled how zoning was done in the past where a request for a permit was received with little or no control over where the house was placed. Consideration is now given to where the homes are built causing the least impact to ag land allowing the local municipality more control.

Motion carried, not unanimously. The Ordinance was declared passed and is to be known as Ordinance Z328-05.

Supervisor J. Robert Curtis moved adjournment of this meeting to Wednesday, September 21, 2005, at 7:00 p.m. at the Carl Frederick Administration Building. Seconded by Supervisor Sanderson. The meeting adjourned at 8:09 p.m.

T:\CountyBoard\Minutes0705