

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
October 19, 2005
7:00 P.M.

The Board of Supervisors of Columbia County convened in annual session at the United Wisconsin Grain Producers Administration Building in Friesland pursuant to law. Chair Susan Martin called the meeting to order.

All Supervisors were present, except Supervisors J. Curtis, Hutler, Nelson and Wopat, absent.

Pledge of Allegiance was recited.

A motion to approve the Journal of September 21, 2005, was made by Supervisor Boockmeier, second by Supervisor Olson. A motion to amend the Journal to include the roll call vote to further separate by sub-dividing items into the following groups: 3,4,5,7 and 10 and 1,2,6,8 and 9 of the zoning ordinance was made by Supervisor O'Neil, second by Supervisor Martin. The motion to approve the Journal as amended carried unanimously.

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

Supervisor DeYoung welcomed everyone to the Friesland area.

Chair Martin thanked United Wisconsin Grain Producers for hosting the County Board meeting and providing facility tours. She also thanked Nancy Elsing, Executive Director, of Economic Development Corporation for initial contact and preparation of meeting.

Other comments by Chair Martin included the following:

- The suggestion that the auditing firm present the county's audit results to the board was referred to Finance for consideration. Additional cost for the presentation and the fact the county had received an unqualified audit finding, were felt sufficient and that a presentation would not be necessary. The audit firm will be attending the December Finance Committee meeting and interested board members are encouraged to attend.
- Reminder to complete Clinic Volunteer Survey and return to Susan Lorenz, H&HS, and
- Recognition and thanks to community volunteers: Mary Boockmeier, Judy Eulberg and Carol Ziehmke for organizing jail library.

Richard Boockmeier was appointed to the Community Corrections Council with a term to expire April 2006. On motion by Supervisor DeYoung, second by Supervisor Olson, the appointment was unanimously approved.

Supervisors Martin, Baumgartner, Pufahl and Westby gave brief reports on sessions they attended at the Wisconsin Counties Association Convention. Chair Martin noted that Supervisor O'Neil had attended the conference utilizing his own time and resources.

Supervisor Healy reviewed Buildings and Grounds 2005 completed projects. Chair Martin indicated the importance of recognizing the work accomplished this year in county buildings. Savings experienced in some of the projects enabled work on the Administration Building windows.

Supervisor Boockmeier, Chair of the Ad Hoc Huber Center gave a final report on behalf of the Ad Hoc Huber Center indicating the project was completed. He recognized and thanked the committee members who consisted of Supervisor Andler, Olson, Healy, Boockmeier and See. Further, he recognized the importance of Supervisor See and Chair Martin's contributions to the project.

Chair Martin asked for a motion to disband this Ad Hoc Huber Committee. Supervisor Westby made a motion to officially disband the Ad Hoc Huber Committee also known as the Law Enforcement Building Committee. Second was made by Supervisor Stoltenberg. With no objections, the motion carried.

Supervisor Andler gave a final report of the Ad Hoc Highway Facility Committee complimenting Highway Commissioner Dey for his foresight and planning of the project. Committee members consisted of Supervisors Andler, V. Curtis, Nelson, Salzwedel, the late Supervisor Riley and alternate Supervisor See. Motion was made to disband the Ad Hoc Highway Facility Committee by Supervisor Andler, second by Supervisor Jenkins. With no objections, the motion carried.

Supervisor Ross gave a historical overview of the Group Health Trust. Columbia County was one of five (5) funding members that contributed towards the formation of the Trust. Recently, a one-third repayment was made to Columbia County in the amount of \$39,666.67. The Group Health Trust Board has indicated their intent to repay the remaining two-thirds; but any future payment would be dependent on the current financial condition of the Trust.

Human Resource Director Ruf reported that the 2005-2006 Sheriff's Sworn Union Contract had been ratified. He thanked the negotiating committee, which consisted of Supervisor Tramburg, Wopat, Ross, Vice Chair Baumgartner and alternate Chair Martin. The agreement reflected an increase of 3 percent per year across the board for 2005/2006. Ruf indicated that the union made substantial concessions with health insurance coverage that are now consistent with the majority of employees in the county. Motion to approve of the 2005-2006 Sheriff's Sworn Contract was made by Supervisor DeYoung, second by Supervisor Pugh. Motion carried unanimously.

Chair Martin deviated from the agenda to allow Supervisor See the floor. Supervisor See spoke fondly of his years on the County Board and the number of friends and acquaintances he had made. He thanked fellow supervisors and department heads for assisting him in achieving goals he established while County Board Chair. Supervisor See then resigned, effective immediately following this Board meeting, from the Columbia County Board of Supervisors District 28. He was given a standing ovation in honor of his service to Columbia County.

Chair Martin recognized Supervisor See's accomplishments while serving on the Columbia County Board of Supervisors and acknowledged his recent donation, in memory of his wife, to the Health and Human Services STARS Program, which benefits young women at risk.

Chair Martin indicated that in September, an Ordinance had been tabled to a time certain, which she reported, was today's date and requested that the Clerk proceed with the second reading of the Ordinance.

Second reading of Ordinance.

Motion to suspend the rules and have the third reading of the Ordinance by title only was made by Supervisor Sanderson, second by Supervisor Ford.

Supervisor Stevenson relinquished his time to petitioner Mrs. Joyce Felicijan. Mrs. Felicijan read from a letter sent to Supervisors detailing the process and time involved in this zoning request. The process had been started almost a year ago. Mrs. Felicijan indicated that in retrospect, she felt it was unnecessary for them to have changed the zoning to fit their needs; it was only the desire of the Zoning Office. The Felicijans are requesting the County Board to approve of the Ordinance before them that would reverse the previously approved Ordinance returning the parcel to an Agricultural district.

Supervisor Tramburg asked for a clarification on what was being asked for by this Ordinance request. Director Bluemke indicated the Board was being asked to vote "yes" in favor of returning the entire five (5) acre parcel to Agricultural. If the Ordinance passed, the Planning and Zoning Committee would require a Conditional Use Permit or review of the Home Occupation Permit. Further, Bluemke indicated the Town Board and Local Planning Commission would not have to sanction the issuance of a Conditional Use Permit, just review it. Approval of a Conditional Use Permit rests with the County Planning and Zoning Committee.

Supervisor Jenkins asked to establish whether or not there was an issue of storing vehicles outside of the building. That was reviewed as part of the permit process of the Home Occupation Permit, reported Bluemke; vehicles would be stored inside of a building to not impact the neighborhood. Storage of materials, for any Home Occupation, is generally required to be stored inside.

Supervisor Ross understood that one of the original reasons for petitioning for rezoning to a Rural Residential District was because an Agricultural business imposed restrictions on the number of employees they could hire. Farm family businesses only allow the hiring of two (2) employees beyond the immediate family. Bluemke indicated the five (5) acre parcel did not qualify as a farm thus limiting the use as a farm family business. Currently there are four (4) employees. In addition, if the Ordinance passed and the zoning changed to agricultural, there would be a need to review the current Home Occupational Permit. That would raise questions with the town, who has indicated the permit would sunset when the Felicijan's are no longer involved.

If a conditional use permit was allowed, conditions could be set regarding number of employees to suit their business needs. Bluemke indicated the Felicijans have not requested a Conditional Use Permit. Further, he didn't feel that the process would improve if the zoning were changed to agriculture. Current permits would need to be reviewed since the standards established for those permits when issued, have changed and may no longer be applicable.

Supervisor Sanderson felt the authority invested in the Board of Adjustments allowed applying unique policy to unique situations that would allow a variance to be granted to the Felicijans. The size restriction in the Ordinance, and the proposed footprint of 10 percent of the five (5) acre property, seemed reasonable yet the County was limiting the Felicijans commercial shed size. Supervisor Sanderson considered the number arbitrary and suggested the County may consider changing that.

Director Bluemke explained the hardship qualifications for a variance. Existing hardship would be considered primary as in a physical hardship. For example, the lay of the land does not allow a setback. In this case there is no hardship, stated Bluemke. A valid permit was issued; the Felicijans desire a larger building. He further indicated that this hardship standard is applied similarly in all variance cases.

Supervisor Baumgartner commented on the town board and planning commissions main concerns: the ability to have controls/conditions and the ability for this to sunset.

Supervisor Jenkins asked if the Felicijans were aware of the risks if this is voted back to Agricultural. Mrs. Felicijan indicated they were aware and felt that their business fell within the "dairying" description.

Motion carried unanimously.

Third reading of Ordinance.

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

Supervisor Lloyd asked how this petition for rezone had become such a nightmare and what was being done to prevent this from happening in the future. She questioned whether or not the town board would agree with the zoning change to agriculture district? Chair Martin indicated that the County does is not aware of what happens when it goes to the Town Board. Suggestion was made that it be zoned commercial. Bluemke indicated that would create other issues with the existing home on the site, since it would need to be an integral part of the business operation. Another issue was that if commercial zoning was allowed, any type of business could locate there in the future if the milk hauling business vacated the area so there was a foreseen loss of control.

Chair Martin indicated the original permits issued specified a certain size, footprint for the additional building in the list of conditions. The petitioners then determined, after the fact, that a much larger building was needed to store their trucks.

Supervisor DeYoung inquired as to how the Department of Revenue licenses their vehicles. Felicijans indicated their vehicle licenses are restricted use for dairy only and that they receive a reduced rate on their license.

Supervisor Sanderson suggested amending the ordinance today to reflect a larger footprint. Chair Martin indicated that option was discussed, and was not a consideration. A public hearing would be required with all towns agreeing to the change. Bluemke indicated the County Board would direct the Planning and Zoning Department to draft an ordinance, then hold a subsequent public hearing. At that point, the Ordinance would be returned to the Board for consideration.

Supervisor Stoltenberg relinquished his time to the Felicijans for comment. Supervisor Baumgartner admitted that the Rural Residential District was not a perfect district; but solved the criteria for the number of employees the Felicijans have.

Director Bluemke reminded the County Board of the protests filed by neighbors. As a result of those protests, a 75 percent affirmative vote would be required to pass this ordinance.

Supervisor See indicated that he would abstain from voting unless one additional vote was needed. Corporation Counsel Ruf indicated that he could vote last. Supervisor Ford expressed his frustration in voting on this Ordinance. He referred to the pending Court case, the fact that governing towns are unable to make up their minds and conflicting reports from all parties involved. All these factors contribute to making this decision more difficult.

The motion to adopt failed on a roll call vote as follows:

AYES: 20; NOES: 5; ABSTAIN: 2; ABSENT: 4

AYES: Jenkins, Kinney, O'Neil, Olson, Pufahl, Pugh, Robson, Salzwedel, Sanderson, Stevenson, Stoltenberg, Tramburg, Westby, Boockmeier, V. Curtis, DeYoung, Hamele, Healy, Horton and See.

NOES: Ross, Andler, Baebler, Baumgartner and Martin.

ABSTAIN: Lloyd and Ford.

ABSENT: Hutler, Nelson, Wopat and J. Curtis.

Levels of frustration and embarrassment were expressed by a number of Supervisors on the lack of support demonstrated by fellow Supervisors. Board members that abstained or voted against the zoning petition gave explanations indicating that they didn't feel this rezoning request was the best choice for the Felicijans or that additional information was needed before making a decision.

ORDINANCE NO. _____
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 Rural Residential to Agricultural", (Scott and Joyce Felicijan) a parcel of land located in Section 19, Town 11N, Range 10E, Town of Lowville, more particularly described as follows: PARCEL NUMBER 348.01 Lot 1, Certified Survey Map Number 4057, Section 19, Town 11N, Range 10E, Town of Lowville. Said property contains 5.00 acres, more or less.

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

DATE PASSED:
DATE PUBLISHED:

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 Richard and Christine Reents Portage, Wisconsin to rezone from Agricultural and Agricultural No. 2 to Rural Residential, property located in Section 4, Town of Lewiston on the 26th day of May, 2005 be approved as follows: To change from Agricultural and Agricultural No.2 to Rural Residential, a parcel of land described as Lot 1, Certified Survey Map Number 4374, located in Section 4, Town 12N, Range 8E, Town of Lewiston.
- (2) A petition by Marvin Holzem and Michael Hess, Wisconsin Dells, Wisconsin to rezone from Agricultural to Single Family Residence, property located in Section 1, Town of Newport on the 28th day of July, 2005 be approved as follows: To change from Agricultural to Single Family Residence, a parcel of land located in part of the NW ¼ of the NE ¼ and part of the NE ¼ of the NE ¼, Section 1, Town 12N, Range 6E, Town of Newport.

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

ORDINANCE NO. Z330-05
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 Agricultural and Agricultural No. 2 to Rural Residential”, (Richard and Christine Reents) a parcel of land located in Section 4, Town of Lewiston, more particularly described as follows: PARCEL NUMBERS 972.68 and 972.69 Lot 1, Certified Survey Map Number 4374, located in Section 4, Town 12N, Range 8E, Town of Lewiston.
- (2) “To change from Agricultural to Single Family Residence”, (Marvin Holzem and Michael Hess) a parcel of land located in Section 1, Town of Newport, more particularly described as follows: PARCEL NUMBER 2.2 Part of the NW ¼ of the NE ¼, part of the NE ¼ of the NE ¼, Section 1, Town 13N, Range 6E, Town of Newport. Commencing at the N ¼ corner of said Section 1; Thence along a line bearing South 20 degrees, 35 minutes, 17 seconds East, 1,414.95 feet to the point of beginning. Thence along a line bearing South 00 degrees 35 minutes 56 seconds West, 787.49 feet; Thence along a line bearing South 89 degrees 39 minutes 53 seconds East, 1,253 feet; Thence along a line bearing North 00 degrees 03 minutes 01 second East, 764.37 feet; Thence along a line bearing North 88 degrees 36 minutes 07 seconds West, 1,246.15 feet to the point of beginning. Said property contains 22.26 acres, more or less. This rezoning effective upon the recording of the recording of the final plat.

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

DATE PASSED: October 19, 2005
DATE PUBLISHED: October 28, 2005

First reading of Ordinance.

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

The motion carried unanimously.

Second reading of Ordinance.

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

Supervisor Hamele questioned how Planning and Zoning was going to apply requirements for square footage to other petitions? Director Bluemke indicated the original accessory structures had received permits and fell below the 8,712 sq. ft. The existing business was reported to be a kennel limited to 24 animals. Supervisor Hamele inquired as to the number of conditional use requirements for this zoning request. Director Bluemke indicated there were 14/15 conditional use requirements for this zoning request.

ORDINANCE NO. 85-05

The Columbia County Board of Supervisors do ordain as follows:

That Title 17 – Chapter 1, entitled “Cut-off Reception Time for Register of Deeds”, of the County Code, is hereby created as follows:

Sec. 17-1-1. Cut-off Reception Time for the Filing and Recording of Documents with the Register of Deeds. Pursuant to s. 59.20(3)(c) of the Wisconsin Statutes, provision is hereby made that the cut-off reception time for the filing and recording of documents with the Columbia County Register of Deeds shall be one hour prior to the close of the official business day during which time the Register of Deeds Office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception.

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

DATE PASSED: October 19, 2005
DATE PUBLISHED: October 28, 2005

First reading of Ordinance.

Motion by Supervisor Andler, second by Supervisor Stevenson to suspend the rules and have the second reading of the Ordinance by title only.

The motion carried unanimously.

Second reading of Ordinance.

Motion by Supervisor Boockmeier, second by Supervisor Stoltenberg, 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 Andler, second by Supervisor V. Curtis to adopt the Ordinance.

Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance 85-05.

REPORT OF THE LAND & WATER CONSERVATION COMMITTEE
For the Farmland Preservation Program

We, the Land and Water Conservation Committee, having received a copy of an application for a Farmland Preservation Agreement pursuant to Section 91.13 (2) Wisconsin Statutes have approved the following:

NAME
Jake & Sarah Hoffman

TOWN
Randolph

Robert Hamele
Claire Robson
Robert Stoltenberg
~~Don Nelson~~
John G. Stevenson
Rosanne Woodward
LAND & WATER CONSERVATION
COMMITTEE

On motion by Supervisor Hamele, second by Supervisor Stoltenberg, the Report was unanimously accepted.

2006 Budgets were distributed to Supervisors. The day and time change for the November meeting was noted: Tuesday, November 15 at 9:45 a.m. Chair Martin requested that budget books be brought to that meeting for review and public hearing.

Supervisor Tramburg indicated he felt the 2006 budget was equitable to all departments involved. He encouraged Supervisors to review the document. If they did not understand the budget, Comptroller Schepp should be contacted for an explanation. All other issues and concerns should be held until the Public Hearing. Chair Martin felt department heads had done a good and thoughtful job when submitting their requests, as did the Finance Committee in their review.

Supervisor J. Robert Curtis moved adjournment of this meeting to Tuesday, November 15, 2005, at 9:45 a.m. in the Carl Frederick Administration Building. Seconded by Supervisor Stoltenberg. The meeting adjourned at 9:05 p.m.

T:\CountyBoard\Minutes1005