

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
September 21, 2005
7:01 P.M.

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

All Supervisors were present, except Supervisor See, absent and Supervisor Stoltenberg arrived late.

Pledge of Allegiance was recited.

A motion to approve the Journal of July 20, 2005, was made by Supervisor Pufahl, second by Supervisor Boockmeier. Motion carried unanimously.

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

Chair Martin commented on the following:

- Sunshine fund – future policy
- Secure Tech – Courthouse Security System
- Reports by attendees at Wisconsin Counties Association Convention
- County Board/Committee vouchers Preparation
- New category on agenda - Miscellaneous Other Business.

Chair Martin read a memo from John Bluemke, Planning & Zoning Director, regarding Felician rezoning petition.

County Clerk read correspondence received from State Senator Luther Olsen regarding utility tax.

Joseph Ruf, Corporation Counsel/Human Resources Director, reported changes negotiated with the 2005-06 Public Health Nurses Union Contract. Significant changes to health insurance included increasing the deductible for single coverage to \$100/\$200; \$200/400 for family coverage; and the addition of a three (3) tiered drug program. Wage increase of 3.25% for 2005 and 3.0% for 2006. Motion was made to ratify the contract by Supervisor J. Curtis, second by Supervisor Salzwedel. Motion carried unanimously.

Lori Bednarek, Aging Benefit Specialist, gave a brief presentation on the Medicare Part D program. Handouts were provided in County Board Supervisors packets for further review along with a listing of presentations for remainder of year. This program will offer a number of prescription drug plans/coverage to all Medicare beneficiaries beginning January 1, 2006. Detailed information and plans specific to the Wisconsin area will be made available by October 15, 2005. She explained Part D is a voluntary benefit. However, a Medicare beneficiary who doesn't enroll in Part D when first eligible may be penalized after the deadline.

Susan Lorenz, Public Health Administrator/Health Officer, appeared at the request of Chair Martin to discuss a Mass Clinic Plan specific to Columbia County. Wisconsin counties are required to develop plans in the event bio-terrorism or an influenza epidemic should occur. Columbia County's plan has been approved by the State Health Department. Issues of staffing, transportation and limited amount of time to dispense vaccinations were taken into consideration when developing this plan. Staffing could be accommodated by the use of county employees; transportation options included the use of Commission on Aging/ Columbia Health Care vehicles along with school buses to transport residents to the Portage High School. Lorenz indicated that employees who participate in the program, along with their families, would be the first immunized. To assess employee skills, Lorenz has developed a survey, that will be provided to employees.

Suggestions made from the Board floor included providing multiple sites, staffing the sites with non-employees/volunteers and service groups; informing the public of transportation routes and plans for transporting immobile residents or residents without vehicles. Municipalities could be asked to assist. Lorenz stated the transportation issue is primary to the development of this plan.

RESOLUTION NO. 25-05

WHEREAS, the Supervisor of Assessment has presented the following equalized value and the equalized values reduced by TID Value Increments.

NOW, THEREFORE, BE IT RESOLVED that the following be used as the county equalized values for 2005 (TID is included for State taxes, and TID is out for County taxes).

	<u>ALL PROPERTY</u>	<u>RATIO</u>	<u>RATIO</u>	<u>ALL</u>
<u>TOWNS:</u>	(TID Included)	<u>PROPERTY</u>		(TID Out)
Arlington	\$ 78,124,500	.01787	\$ 78,124,500	.01803
Caledonia	187,937,800	.04298	187,937,800	.04338
Columbus	53,054,000	.01213	53,054,000	.01225
Courtland	34,853,600	.00797	34,853,600	.00804
Dekorra	310,588,600	.07103	310,588,600	.07169
Fort Winnebago	72,084,700	.01649	72,084,700	.01664
Fountain Prairie	59,726,300	.01366	59,726,300	.01379
Hampden	48,969,400	.01120	48,969,400	.01130
Leeds	71,258,100	.01630	71,258,100	.01645
Lewiston	101,810,100	.02328	101,810,100	.02350
Lodi	387,480,500	.08861	387,480,500	.08943
Lowville	78,685,400	.01799	78,685,400	.01816
Marcellon	87,126,500	.01993	87,126,500	.02011
Newport	63,212,100	.01446	63,212,100	.01459
Otsego	60,938,600	.01394	60,938,600	.01407
Pacific	225,018,300	.05146	225,018,300	.05194
Randolph	68,045,000	.01556	68,045,000	.01571
Scott	47,955,800	.01097	47,955,800	.01107
Springvale	62,725,100	.01434	62,725,100	.01448
West Point	272,323,600	.06228	272,323,600	.06286
Wyocena	<u>151,383,300</u>	<u>.03462</u>	<u>151,383,300</u>	<u>.03494</u>
TOWN TOTALS	2,523,301,300	.57707	2,523,301,300	.58243
<u>VILLAGES:</u>				
Arlington	46,946,000	.01074	43,781,000	.01011
Cambria	41,496,100	.00949	41,496,100	.00958
Doylestown	12,815,400	.00293	12,815,400	.00296
Fall River	96,863,700	.02215	90,173,300	.02081
Friesland	17,921,700	.00410	14,694,800	.00339
Pardeeville	127,059,000	.02906	114,587,300	.02645
Poynette	141,273,300	.03231	140,293,400	.03238
Randolph	26,502,200	.00606	24,630,000	.00568
Rio	54,594,000	.01249	50,051,300	.01155
Wyocena	<u>34,282,300</u>	<u>.00784</u>	<u>34,282,300</u>	<u>.00791</u>
VILLAGE TOTALS	599,753,700	.13717	566,804,900	.13082
<u>CITIES:</u>				
Columbus	292,078,500	.06680	288,957,900	.06669
Lodi	191,761,200	.04385	191,761,200	.04426
Portage	547,736,800	.12524	543,636,100	.12546
Wisconsin Dells	<u>218,083,700</u>	<u>.04987</u>	<u>218,083,700</u>	<u>.05034</u>
CITY TOTALS	1,249,660,200	.28576	1,242,438,900	.28675
<u>COUNTY TOTALS:</u>				
Columbia County	4,372,715,200	1.00000	4,332,545,100	1.00000

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 Olson.

Supervisor Tramburg indicated the equalized value increased from 10% in 2004 to 11% in 2005. Supervisor Nelson expressed concerns regarding the TIF Districts.

The Resolution was unanimously adopted.

RESOLUTION NO. 26-05

WHEREAS, the three (3) year contract for auditing services with the CPA firm, Clifton Gunderson LLP, has expired, and

WHEREAS, Columbia County is required by the Single Audit Act of 1984 to retain such services, and

WHEREAS, the Finance Committee has reviewed the work of Clifton Gunderson LLP and is very satisfied with their professional services.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Columbia County Board of Supervisors be authorized to enter into a contract with the firm of Clifton Gunderson LLP to provide an annual auditing service for Columbia County for the years ending December 31, 2005, 2006, and 2007.

FISCAL NOTE: Cost of such audit will be as follows:

\$25,000	for year 2005, payable in year 2006
\$26,000	for year 2006, payable in year 2007
\$27,000	for year 2007, payable in year 2008

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

No funding is being requested at this time as the annual fees will be included in the respective budgets for each of the three (3) years.

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

Lois Schepp, Comptroller, explained Clifton Gunderson LLP is very reputable firm. She addressed concerns regarding increased costs to include GASB 34, SAS 99, and nationwide pricing.

Supervisor Nelson felt Supervisor's should be more informed and requested that the audit report be provided to whole Board. Chair Martin placed on next Finance Committee agenda.

The Resolution was unanimously adopted.

RESOLUTION NO. 27-05

WHEREAS, Federal monies administered by the Wisconsin Economic Development Program were made available to establish a revolving loan fund for economic development in Columbia County administered by Columbia County, and

WHEREAS, Columbia County currently has \$536,720 of funds available in its revolving loan fund and,

WHEREAS, Donald and Jo Marie Johnson, of Columbus, Wisconsin, have developed a business plan to purchase property and open a day care facility in Fall River, Wisconsin, and have applied for a loan of \$230,000 from the County's Revolving Loan Fund, and

WHEREAS, additional funds are being committed to the applicant in the following amounts:

Farmers and Merchants Union Bank	\$300,000
Wisconsin Business Development	\$320,000
Village of Fall River	\$100,000

WHEREAS, this project will create 24 full-time and 6 – 11 part-time jobs in Columbia County, and

WHEREAS, after due consideration by the Columbia County Revolving Loan Fund Committee, it is recommended that Donald and Jo Marie Johnson's application in the amount of \$230,000 be approved by the Columbia County Board, and

WHEREAS, in accordance with the Columbia County Economic Development Revolving Loan Program Policies and Procedures Manual, it is necessary for the Columbia County Board to approve County loans from the County's Revolving Loan Fund before an applicant can receive funds from the program.

NOW, THEREFORE, BE IT RESOLVED that the Columbia County Board of Supervisors does approve and authorize the release of funds from the Columbia County Revolving Loan Fund to Donald and Jo Marie Johnson, in the amount of \$230,000 provided that the applicant is in full compliance with the Columbia County Economic Development Revolving Loan Program Policies and Procedures Manual, and the terms of the loan agreement.

BE IT FURTHER RESOLVED that the Columbia County Board Chairman and County Clerk are hereby authorized to sign all necessary documents, including the loan agreement between the Applicant and the County on behalf of the County.

Mark A. Witt
Robert L. Hamele
Harlan Baumgartner
Susan Martin
John H. Tramburg
REVOLVING LOAN FUND/HOUSING
COMMITTEE

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

Jo Marie Johnson of Cardinal Country Day Care thanked the Board of Supervisors for the opportunity to expand and open a new daycare facility in Fall River. For the past (10) years they have owned and operated a daycare center in the City of Columbus. The new facility will be approximately 10,944 square feet and employ an estimated 24 full-time positions and 6-11 part-time positions.

Lois Schepp stated the loan has an interest rate of 4% for the first three years and then reviewed annually as determined by Revolving Loan Program Policies and Procedures Manual.

The Resolution was unanimously adopted.

RESOLUTION NO. 28-05

WHEREAS, Attorney Frederick G. Thompson, IV of Gould, Thompson & Bucher, P.C. has filed a Notice of Claim against Columbia County on behalf of Gallagher Transportation Services, as Third Party Administrator and agent for insurer, Illinois National Insurance Company, on behalf of its insured, Thomas Hughes, in the amount of \$42,038.40 for property damage and related costs in an accident involving Columbia County Highway and Transportation Department; 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 Frederick G. Thompson, IV of Gould, Thompson & Bucher, P.C. against Columbia County on behalf of Gallagher Transportation Services, as Third Party Administrator and agent for insurer, Illinois National Insurance Company, on behalf of its insured, Thomas Hughes.

Fiscal Note: None

Fiscal Impact: None

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

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

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 Marcel and Trecella Kjorlie, Lodi, Wisconsin to rezone from Agricultural to Rural Residential, property located in Sections 13 and 24, Town of West Point on the 24th day of August, 2004 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land located in part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 13 and part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 24, Town 10N, Range 7E, Town of West Point.
- (2) A petition by Richard and Jane Jensen, Arlington, Wisconsin to rezone from Agricultural to Rural Residential, property located in Section 23, Town of Lowville on the 28th day of June, 2005 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land described as Lot 1, Certified Survey Map Number 4161, located in Section 23, Town 11N, Range 10E, Town of Lowville.
- (3) A petition by Larry and Lois Gates Revocable Trust, Pardeeville, Wisconsin to rezone from Agricultural to Single Family Residence, property located in Section 1, Town of Dekorra on the 10th day of June, 2005 be approved as follows: To change from Agricultural to Single Family Residence, a parcel of land located in part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1, Town 11N, Range 9E, Town of Dekorra.
- (4) A petition by Shawn and Lori Schell, Portage, Wisconsin to rezone from Agricultural and Single Family Residence to Rural Residential, property located in Section 17, Town of Lewiston on the 26th day of April, 2005 be approved as follows: To change from Agricultural and Single Family Residence to Rural Residential, a part of Lot 2, Certified Survey Map Number 2944, located in Section 17, Town 13N, Range 8E, Town of Lewiston.
- (5) A petition by Portage Rod and Gun Club, Inc., Portage, Wisconsin to rezone from Agricultural and Single Family Residence to Recreational, property located in Section 35, Town of Lewiston on the 6th day of June, 2005 be approved as follows: To change from Agricultural and Single Family Residence to Recreational, a parcel of land described as Lot 1, Certified Survey Map Number 4089, located in Section 35, Town 13N, Range 8E, Town of Lewiston.
- (6) A petition by Ronald and Donna Paulson, Columbus, Wisconsin to rezone from Agricultural to Rural Residential, property located in Section 18, Town of Columbus on the 28th day of July, 2005 be approved as follows: To change from Agricultural to Rural Residential, property located in part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 18, Town 10N, Range 12E, Town of Columbus.
- (7) A petition by Richard and Alice Erstad and Carl Rasmussen, to rezone from Agricultural to Industrial, property located in Section 16, Town of Leeds on the 29th day of July, 2005 be approved as follows: To change from Agricultural to Industrial, a parcel of land located in part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 16, Town 10N, Range 10E, Town of Leeds.
- (8) A petition by Robert and Donna Mc Elroy, Pardeeville, Wisconsin, to rezone from Agricultural to Rural Residential, property located in Section 23, Town of Marcellon on the 29th day of July, 2005 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land located in part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 23, Town 13N, Range 10E, Town of Marcellon.

- (9) A petition by Daniel and Barbara Jerome, Dalton, Wisconsin to rezone from Agricultural to Single Family Residence, property located in Section 12, Town of Marcellon on the 1st day of August, 2005 be approved as follows: To change from Agricultural to Single Family Residence, a parcel of land located in part of the SE ¼ of the NE ¼, Section 12, Town 13N, Range 10E, Town of Marcellon.
- (10) A petition by Ty'-Gwyn Farm, Eugene and Carol Niehoff, Columbus, Wisconsin to rezone from Agricultural to Rural Residential, property located in Section 36, Town of Fountain Prairie on the 4th day of August, 2005 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land located in part of the SW ¼ of the NW ¼, Section 36, Town 11N, Range 12E, Town of Fountain Prairie.
- (11) A petition by Scott and Joyce Felicijan, Rio, Wisconsin to rezone from Rural Residential to Agricultural, property located in Section 19, Town of Lowville on the 3rd day of August, 2005 be approved as follows: To change from Rural Residential to Agricultural, a parcel of land located described as Lot 1, Certified Survey Map Number 4057, Section 19, Town 11N, Range 10E, Town of Lowville.

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.

Chair Martin commented that in the interest of efficiency, petitions 1-10 would be considered as the body, the 11th petition would then be considered separately.

ORDINANCE NO. Z329-05
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 to Rural Residential”, (Marcel and Trecella Kjorlie) a parcel of land located in Sections 13 and 24, Town 10N, Range 7E, Town of West Point, more particularly described as follows: PARCEL NUMBER 101.A AND 271.A Part of the SE ¼ of the SE ¼, Section 13 and part of the NE ¼ of the NE ¼, Section 24, Town 10N, Range 7E, Town of West Point, being further described as follows: Commencing at the Northeast corner of said Section 24; Thence North 89 degrees 59 minutes 25 seconds West 664.00 feet along the north line of the NE ¼ of said Section 24 to the point of beginning; Thence South 0 degrees 07 minutes 19 seconds West 99.00 feet along the east line of the west ½ of the NE ¼ of the NE ¼ of said Section 24; Thence North 89 degrees 59 minutes 25 seconds West 399.94 feet; Thence North 0 degrees 11 minutes 40 seconds East 664.78 feet to the centerline of County Trunk Highway “J”; Thence South 58 degrees 52 minutes 37 seconds East 466.08 feet along said centerline; Thence South 0 degrees 11 minutes 40 seconds West 324.94 feet along the east line of the west ½ of said SE ¼ of the SE ¼ of said Section 13 to the point of beginning. Said property contains 4.99 acres, more or less. This rezoning effective upon the recording of the Certified Survey Map for the subject property and the submittal of a copy of the recorded Deed Restriction that has been approved by the Town to the Planning and Zoning Department.

- (2) "To change from Agricultural to Rural Residential", (Richard and Jane Jensen) a parcel of land located in Section 23, Town 11N, Range 10E, Town of Lowville, more particularly described as follows: PARCEL NUMBER 440.02 Being a part of Lot 1, Certified Survey Map, No. 4161 located in the Southeast Quarter of the Southeast Quarter of Section 23, Town 11 North, Range 10 East, Town of Lowville, Columbia County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 23; Thence North 00°55'08" West along the east line of the Southeast Quarter of said Section 23, 663.17 feet to the point of beginning; Thence South 87°48'49" West, 348.09 feet; Thence North 00°55'08" West, 553.14 feet; Thence North 87°48'49" East, 348.09 feet to a point in the east line of the Southeast Quarter of said Section 23, said point being in the east line of Lot 1, Certified Survey Map, No. 4161 and the center line of Hagen Road; Thence South 00°55'08" East along the east line of the Southeast Quarter of said Section 23 and the east line of said Lot 1, also being the center line of Hagen Road, 553.14 feet to the point of beginning. Containing 192,494 square feet, (4.42 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 Single Family Residence", (Larry and Lois Gates Revocable Trust) a parcel of land located in Section 1, Town 11N, Range 9E, Town of Dekorra, more particularly described as follows: PARCEL NUMBER 5 Being a part of the Southwest Quarter of the Northeast Quarter of Section 1, Town 11 North, Range 9 East, Town of Dekorra, Columbia County, Wisconsin, described as follows: Commencing at the North Quarter corner of said Section 1; Thence South 01°47'18" East along the west line of the Northeast Quarter of said Section 1, 1,341.52 feet to the northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 1 and the point of beginning; Thence North 89°18'15" East along the north line of the Southwest Quarter of the Northeast Quarter of said Section 1, 1,322.26 feet to the northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 1; Thence South 00°38'08" East along the east line of the Southwest Quarter of the Northeast Quarter of said Section 1, 617.04 feet to a point in the north line of Lot 5, Hickory Oak Estates; Thence North 89°35'36" West, (recorded as West), along the north line of Lots 1, 2, 3, 4, and 5, Hickory Oak Estates, 1,061.34 feet to a point in the east right-of-way line of Hickory Lane, said point being the northwest corner of said Lot 1; Thence North 12°28'03" West along the northeasterly right-of-way line of Hickory Lane, 50.44 feet; Thence Northwesterly along a 183.00 foot radius curve to the left in the northeasterly right-of-way line of Hickory Lane having a central angle of 77°07'34" and whose long chord bears North 51°01'50" West, 228.16 feet; Thence North 89°35'36" West, (recorded as West), along the northerly right-of-way line of Hickory Lane 73.91 feet, (recorded as 74.11 feet), to a point in the west line of the Northeast Quarter of said Section 1; Thence North 00°47'18" West along the west line of the Northeast Quarter of said Section 1 and the center line of Dunning Road, 400.19 feet to the point of beginning. Containing 756,889 square feet, (17.38 acres), more or less. This rezoning effective upon the recording of the Final Plat of 1st Addition to Hickory Oaks.

- (4) "To change from Agricultural and Single Family Residence to Rural Residential", (Shawn and Lori Schell) a parcel of land located in Section 17, Town of Lewiston, more particularly described as follows: PARCEL NUMBER 608.02 Being a part of Lot 2, Certified Survey Map, No. 2944 located in Section 17, Town 13 North, Range 8 East, Town of Lewiston, Columbia County, Wisconsin, described as follows: Commencing at the northwest corner of Lot 2, Certified Survey Map Number 2944; Thence North 89°00'38" East along the north line of said Lot 2, 175.00 feet; Thence South 20.00 feet to the point of beginning; Thence North 89°00'38" East, 150.00 feet; Thence South 00°59'22" East, 150.00 feet; Thence South 89°00'38" West, 150.00 feet; Thence North 00°59'22" West, 150.00 feet to the point of beginning. Containing one-half acre more or less. This rezoning repeals Amending Ordinance Number Z41-82(1).
- (5) "To change from Agricultural and Single Family Residence to Recreational", (Portage Rod and Gun Club, Inc.) a parcel of land located in Section 35, Town 13N, Range 8E, Town of Lewiston, more particularly described as follows: PARCEL NUMBER 898.03 Lot 1, Certified Survey Map Number 4089 located in Section 35, Town 13N, Range 8E, Town of Lewiston.
- (6) "To change from Agricultural to Rural Residential", (Ronald and Donna Paulson) a parcel of land located in Section 18, Town 10N, Range 12E, Town of Columbus, more particularly described as follows: PARCEL NUMBERS 275 AND 279 Being a part of the Northwest Quarter of the Northeast Quarter and the north half of the Northwest Quarter of Section 18, Town 10 North, Range 12 East, Town of Columbus, Columbia County, Wisconsin, described as follows: Commencing at the South Quarter corner of said Section 18; Thence North 03°16'15" East along the north – south quarter line of said Section 18, 4,693.89 feet to the point of beginning; Thence West, 318.63 feet; Thence North 03°16'15" East, 578.85 feet to a point in the south right-of-way line of State Trunk Highway 60; Thence South 87°52'35" East along the south right-of-way line of State Trunk Highway 60, 177.22 feet; Thence Southeasterly along a 7,672.44 foot radius curve to the left in the south right-of-way line of State Trunk Highway 60 having a central angle of 02°01'16" and whose long chord bears South 88°53'14" East, 270.65 feet; Thence South 06°48'50" West, 227.46 feet; Thence South 42°46'49" West, 181.50 feet to a point in the north – south quarter line of said Section 18; Thence South 03°16'15" West along the north – south quarter line of said Section 18, 207.36 feet to the point of beginning. Containing 217,800 square feet, (5.00 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 to the Planning and Zoning Department.
- (7) "To change from Agricultural to Industrial", (Richard and Alice Erstad and Carl Rasmussen) a parcel of land located in Section 16, Town 10N, Range 10E, Town of Leeds, more particularly described as follows: PARCEL NUMBERS 305 AND 305.1 Commencing at the West ¼ corner of Section 16, Town 10N, Range 10E; Thence North 89 degrees 40 minutes 10 seconds East 330.00 feet along the east-west ¼ line of Section 16; Thence North 00 degrees 05 minutes 19 seconds East 35.17 feet to the southwest corner of Lot 1, Certified Survey Map Number 3085 being the point of beginning; Thence continue North 00 degrees 05 minutes 19 seconds East 514.48 feet along the west line of Lot 1, Certified Survey Map Number 3085 and the extension thereof; Thence North 89 degrees 40 minutes 10 seconds East 516.29 feet; Thence South 00 degrees 05 minutes 19 seconds West 506.65 feet to the north right-of-way line of State Trunk Highway 60; Thence South 88 degrees 48 minutes 02 seconds West 516.41 feet along the north right-of-way line of State Trunk Highway 60 and the south line of Certified Survey Map Number 3085 to the point of beginning. Containing 283,591 square feet (6.05 acres), more or less. This rezoning effective upon the recording of the Certified Survey Map.
- (8) "To change from Agricultural to Rural Residential", (Robert and Donna

- (9) McElroy) a parcel of land located in Section 23, Town 13N, Range 10E, Town of Marcellon, more particularly described as follows: PARCEL NUMBER 420 Being a part of the Northwest Quarter of the Northwest Quarter of Section 23, Town 13 North, Range 10 East, Town of Marcellon, Columbia County, Wisconsin, described as follows: Commencing at the northwest corner of said Section 23; Thence South 01°16'53" East along the west line of the Northwest Quarter of said Section 23, 785.70 feet to the point of beginning; Thence North 88°43'07" East, 660.00 feet; Thence South 01°16'53" East, 264.00 feet; Thence South 88°43'07" West, 660.00 feet to a point in the west line of the Northwest Quarter of said Section 23; Thence North 01°16'53" West along the west line of the Northwest Quarter of said Section 23 and the center line of McElroy Road, 264.00 feet to the point of beginning. Containing 174,240 square feet, (4.00 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 to the Planning and Zoning Department.
- (10) "To change from Agricultural to Single Family Residence", (Daniel and Barbara Jerome) a parcel of land located in Section 12, Town 13N, Range 10E, Town of Marcellon, more particularly described as follows: PARCEL NUMBER 215 A parcel of land located in the Southwest ¼ of the Northwest ¼ and the Southeast ¼ of the Northwest ¼, Section 12, Town 13N, Range 10E, Town of Marcellon, described as follows: Commencing at the West ¼ corner of Section 12, Town 13N, Range 10E; Thence North 89 degrees 22 minutes 28 seconds East 1211.06 feet along the east-west ¼ line to the centerline of County Trunk Highway EE, being the point of beginning; Thence northeasterly along the arc of a curve of said centerline, concave southeasterly, having a radius of 498.41 feet and a central angle of 30 degrees 54 minutes 08 seconds, whose long chord bears North 40 degrees 59 minutes 22 seconds East 265.57 feet; Thence North 56 degrees 26 minutes 26 seconds East 236.90 feet along the centerline of County Trunk Highway EE; Thence South 33 degrees 33 minutes 34 seconds East 390.02 feet to the east-west ¼ line of Section 12; Thence South 89 degrees 22 minutes 28 seconds West 587.24 feet along the east-west ¼ line to the point of beginning. Said property contains 2.47 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 to the Planning and Zoning Department.
- (11) "To change from Agricultural to Rural Residential", (Eugene and Carol Niehoff) a parcel of land located in Section 36, Town 11N, Range 12E, Town of Fountain Prairie, more particularly described as follows: PARCEL NUMBER 718 Being a part of the Southwest Quarter of the Northwest Quarter of Section 36, Town 11 North, Range 12 East, Town of Fountain Prairie, Columbia County, Wisconsin, described as follows: Commencing at the west quarter corner of said Section 36; Thence South 89°17'29" East along the east – west quarter line of said Section 36, 766.87 feet to the point of beginning; Thence North 00°42'31" East, 267.00 feet; Thence South 89°17'29" East, 400.55 feet; Thence South 00°42'31" West, 267.00 feet to a point on the east – west quarter line of said Section 36 and the south right-of-way line of Gruhn Road; Thence North 89°17'29" West along said south right-of-way line of Gruhn Road and the east – west quarter line of said Section 36, 400.55 feet to the point of beginning. Containing 106,947 square feet, (2.46 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 to the Planning and Zoning Department.
- ~~11) "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.~~

DATE PASSED: September 21, 2005
DATE PUBLISHED: September 30, 2005

First reading of items 1-10 of Ordinance.

Motion by Supervisor Baumgartner, second by Supervisor Boockmeier to suspend the rules and have the second reading of items 1-10 of the Ordinance by title only.

Motion by Supervisor O'Neil, second by Supervisor V. Curtis, to further separate by sub-dividing items into the following groups: 3, 4, 5, 7, and 10 and 1, 2, 6, 8 and 9.

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

AYES: 8; NOES: 21; ABSENT: 1

AYES: Lloyd, Nelson, O'Neil, Robson, Ross, Sanderson, J. Curtis and V. Curtis.

NOES: Horton, Hutler, Jenkins, Kinney, Olson, Pufahl, Pugh, Salzwedel, Stevenson, Stoltenberg, Tramburg, Westby, Wopat, Andler, Baebler, Baumgartner, Boockmeier, DeYoung, Ford, Hamele and Healy.

ABSENT: See.

Supervisors expressed concerns of petitions that would remove land from agriculture production; State and County farmland preservation requirements; deed restrictions to prevent further development; consistency and enforcement of deed restrictions by municipalities; land use conflicts and compliance with Town Comprehensive Plans.

The motion carried unanimously.

Second reading of items 1-10 of Ordinance.

Motion by Supervisor Boockmeier, second by Supervisor Ross, to suspend the rules and have the third reading of items 1-10 of the Ordinance by title only.

Supervisor Hamele questioned petition No. 5, as to whether recreational was the appropriate zoning for that area. He was aware of areas with obvious recreational usage, not receiving that zoning classification. Supervisor Lloyd asked for clarification of recreational zoning classification at that County level, what is allowed/not allowed? Director Bluemke indicated the recreational property classification allows a parcel to be divided and developed into 5-acre parcels.

Supervisor Sanderson called for point of order.

Attorney Ruf was consulted on point of order. He referred to Rule 5(10) of the Standing Rules.

The motion carried, not unanimously.

Third reading of items 1-10 of Ordinance.

Motion was made by Supervisor Baumgartner, second by Supervisor Boockmeier to adopt items 1-10 of the Ordinance.

Supervisor Lloyd stated her reasons for voting against these rezoning requests. Her concern was that there was no consistent plan in place at the County level.

Supervisor Pufahl was bothered by the implication that Town Boards don't know what they are doing and need to be protected from themselves by a higher government. Further, Supervisor Pufahl considered town governments the oldest form of government in counties and react to their communities needs. In his opinion, "was government at its best". In conclusion, he applauded the teamwork between Town Boards and the Planning and Zoning Committee.

Supervisor Nelson agreed with the sentiment of Supervisor Pufahl. He further reiterated his feelings about saving agriculture land. Increased population will increase the need for food production. He felt the County should be proactive in its future zoning efforts.

Motion carried, not unanimously. The Ordinance was declared passed and is to be known as Ordinance Z329-05.

First reading of item 11 of Ordinance.

Motion by Supervisor Boockmeier, second by Supervisor Horton to suspend the rules and have the second reading of item 11 of the Ordinance by title only.

Supervisor Healy relinquished time to Attorney Kammer to address the Board on behalf of petitioners Scott and Joyce Felicijan.

Attorney Kammer, representing the petitioners Scott and Joyce Felicijan, gave a historical overview of the milk hauling business, which has operated in an agriculture district for 40 years. The original zoning petition was as a result of the petitioners' attempt to relocate to their present site of five (5) acres. At that time, Columbia County Planning and Zoning advised them to become rural residential. Neighbors fought the rezone to rural residential wanting them to remain agricultural. In addition to rezoning rural residential, Felicijan's were told they needed and were issued a home occupational permit. Restrictions were imposed; vehicles would need to be kept inside of a building. The coverage ordinance limited the size of the building in a rural residential district. Felicijan's have challenged that coverage ordinance. A variance was sought and denied. An attempt to withdraw the petition was not allowed since it had gone before the Board and was approved and now would need to go back to the committee to review the variance request. Felicijan's are trying to go back to an agriculture district. Attorney Kammer believed the Felicijans could operate their business in an agriculture district; the county zoning authority disagrees. Attorney Kammer asked that the board please undue previous actions and allow the Felicijan's to go back to rural residential. In addition, he asked that the board straighten out the language of the coverage ordinance. The wording of the ordinance is being challenged and is in the court systems; a ruling has not been reached.

Supervisor Jenkins asked why a request for a conditional use request had not been requested? Attorney Kammer indicated a home occupational permit has already been issued.

Supervisor Ross asked how long Attorney Kammer had represented the Felicijan's. Attorney Kammer indicated he could not give an exact date, but that he had assisted them seek the variance request and the appeal of the administration's determination of the interpretation of the coverage ordinance to the Board and then to the Circuit Court.

Supervisor Sanderson indicated he recalled the Board had previously approved zoning petitions for garages, in rural residential districts, that are larger than the residence. He questioned what districts they were rezoned under, but was confident the petitions were in rural residential and not agricultural. Bluemke indicated if it is an agricultural structure, used exclusively for agriculture, it is not subject to size only to set back.

Supervisor Lloyd commented on the reason she voted "no" on the other rezoning petitions, there is the potential that the ten (10) rezones would come back the same as the Felicijan rezone has. Further, she didn't feel it is extremely clear how these decisions are being made, resulting in additional expense to the County in legal fees.

Supervisor Pufahl, commented that Attorney Kammer had given the Board his definition of dairying. He asked Corporation Counsel Ruf to define if milk hauling was "dairying".

Corporation Counsel Ruf indicated the definition of "dairy" was considered subject to interpretation, which is why the County and the Felicijan's are currently on opposing sides in the lawsuit. Based on the interpretation of the County's ordinance, in his opinion, he did not think the business fell under dairying even though it related to the production of dairying, he did not feel it was considered dairy. This was his interpretation.

Supervisor Tramburg, inquired of Director Bluemke, if this ordinance is passed, to rezone from rural residential to agriculture, will this answer all the questions and concerns the Felicijans have and will they be able to build the size building they would like to build? In Director Bluemke's opinion it would not resolve the issue. As he stated previously, in rural residential districts, the size of other buildings are restricted to a size smaller than the residence or home.

Supervisor Tramburg was familiar with the family and felt they ran a clean milk hauling operation. In addition, Supervisor Tramburg questioned the limitation of building size when its sole purpose was to store vehicles and other equipment, keeping it out of view. He commented on other properties in the county that are covered with junk with no solution or answer. He did indicate that he would prefer a building, such as the one the Felicijan's want to build, to property laden with junk.

Supervisor Sanderson stated this Board has taken a very pro-active stance on dairying through revolving loans, the State of Wisconsin dedication million of dollars to promotes dairy, it is a major economic development, and to interpret our ordinances in minute detail in such a way to countermand overall state and county policy and to make conclusions that dairy hauling, milk hauling is not forwarding the overall intent of promoting dairy in the Wisconsin, leads me suspect of the interpreting rules, he would vote in favor of going back to agriculture and pursue their intentions here in Wisconsin.

Supervisor J. Curtis commented on the very impassioned plea given a short time ago for town governments being valuable; but indicated he had noticed the Town Board voted against this. He requested an explanation.

Supervisor Baumgartner, indicated one of the issues was the Town Board had a resolution on file disapproving this petition, combined with the neighbors protests, should give a clear indication that they do not want this rezone. Further, Supervisor Baumgartner indicated the Town Board would very much like to sit down with the Felicijan's and work out a resolve to this issue. The attempt to go back to Agriculture and expect a home occupation permit to meet those criteria's, will not work. The milk hauling business is wanted, but proper channels need to be followed. Supervisor Baumgartner commented that he was an advocate of local municipalities determining/making their own decisions. Further, he was convinced this petition needed to be turned down and have the Felicijan's get in contact with the Town Planning Commission and resolve this issue.

Attorney Kammer requested that he be allowed to make comment pertaining to the lawsuit. There is a coverage section in the County's rural residential district ordinance stipulating that a building can equal 10 percent of the area or lot, but also states, or 8,712 sq. ft., which is 12 percent of the smallest lot in the district. We are asking the judge to interpret the ordinance and to rule the ordinance in not legal.

Further, Attorney Kammer indicated the Town Board does have a resolution against this petition. Its' planning commission voted to allow this property to return to agriculture within the last ten days. They voted against it, but will ratify if passed by this Board. He filed a document from the Town of Lowville dated 9/16/2005 signed by Curt Walters with the County Clerk.

Supervisor Wopat read the County ordinance agricultural district, under permitted usage it refers to general dairy and farming, commercial feed lots, livestock, raising of grain. She commented that agriculture in this day in age has grown to the point where some of our dairy farms have their own fleet; grain trucks have their own fleet of trucks. She commented that we are stretching it to say that this is not part of agriculture. There are other dairy's doing their own hauling, they are just not separate entities.

Supervisor Hamele indicated the report he had indicated that town board didn't take any action as of this printing. That must not be current I agree that the county supports the agricultural zoning district. A recent RLF to the Blue Star Dairy, the town board had the same problem, I support this because it is agricultural, dairying is agriculture, milk routes are all dairying. I think the Town Board should have the final say.

Supervisor Baumgartner asked if a motion could be made to lay this over until information from the town board is clarified. Corp. Counsel indicated that after the vote is taken for the second reading a motion would be in order.

Supervisor Boockmeier called the question indicating he supported Felicijan's establishment of this business.

Supervisor Andler, indicated that there is a difference between haulers and milk providers and dairies hauling their own milk. He was skeptical on approving this petition, because it is not a dairy operation.

Supervisor O'Neil indicated that there might be a simple clear solution to allow this operation to exist if all it requires is for them to meet with the Planning & Zoning Committee to get this straightened out along the lines of what Supervisor Baumgartner has suggested.

Supervisor Baumgartner indicated the Planning and Zoning Committee would like to have an opportunity along with the town planning commission to contribute whatever solutions they may have and bring this matter back to the County Board.

The motion carried, not unanimously.

Supervisor Baumgartner requested a roll call vote due to protest documents filed pursuant to Section 59.69(5)(e)5g of the Wisconsin Statutes.

Chair Martin clarified that a three-fourths vote was only required on motion to approve.

Second reading of item 11 of Ordinance.

Motion by Supervisor Pufahl, second by Baumgartner, to table item 11 of the Ordinance and send back to Planning & Zoning for date certain, next meeting.

The motion to table carried, not unanimously.

ORDINANCE NO. 83-05

The Columbia County Board of Supervisors hereby amends Title 9, Chapter 1, Fee Schedule, Section 3, Coroner, amending (g) with the following:

Sec. 9-1-3 Coroner.

	<u>Existing Fee</u>	<u>New Fee</u>
(g) Removal Fee	\$120.00	\$200.00 \$175.00

The existing fees listed in Section 9-1-3 are to remain in full force and effect. This amending Ordinance is to be effective after publication.

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

DATE PASSED: September 21, 2005

DATE PUBLISHED: September 30, 2005

\$750.00 \$2,875.00

Fiscal Impact: This will increase removal fees by ~~\$500.00~~ for 2005 and ~~\$2000.00~~ for 2006.

First reading of Ordinance.

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

Motion was made to amend the Ordinance by Supervisor Westby, second by Supervisor Hamele, to strike new fee of \$175.00 and insert \$200.00.

The motion to amend carried unanimously.

Second reading of Ordinance.

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

Supervisor O'Neil questioned the fiscal impact indicating it should coincide with the amendment.

The motion carried unanimously.

Third reading of Ordinance.

Motion was made by Supervisor V. Curtis, second by Supervisor Andler to adopt the Ordinance.

Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance 83-05.

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

Berneice Killoran

TOWN

Scott

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 Nelson, the Report was unanimously accepted.

Supervisor J. Robert Curtis moved adjournment of this meeting to Wednesday, October 19, 2005, at 7:00 p.m. at the Ethanol Plant. Seconded by Supervisor Stoltenberg. The meeting adjourned at 9:35 p.m.

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