

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
July 19, 2006
7:00 P.M.

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

All Supervisors were present, except Supervisor Jenkins.

Members stood and recited the Pledge of Allegiance.

A motion to approve the Journal of June 21, 2006, was made by Supervisor Boockmeier, second by Supervisor DeYoung. Motion carried unanimously.

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

Chair Baumgartner advised Board members that an invitation from the Park Lake Management District Watershed Advisory Committee was placed on supervisor's desks.

The following appointments were announced:

- (1) Wanda Kacziak (Rio) to the Local Library Board with a term to expire June 2009. On motion by Supervisor Martin, second by Supervisor J. Curtis, the appointment was unanimously approved.
- (2) Heidi Schmidt to the County Library Board with a term to expire December 2007. On motion by Supervisor Salzwedel, second by Supervisor Pufahl, the appointment was unanimously approved.

RESOLUTION NO. 26-06

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 \$688,627 of funds available in its revolving loan fund, and

WHEREAS, Edward and Kathleen O'Reilly have bought The Jamieson House Bed and Breakfast in Poynette, Wisconsin, and are in need of funds to complete this purchase and open the business, and

WHEREAS, additional funds in the amount of \$528,000 are being committed by the following sources, and:

- Edward and Kathleen O'Reilly
- Bank of Poynette

WHEREAS, The Jamieson House, built in 1878, is an important landmark for the Village of Poynette, and

WHEREAS, after due consideration by the Columbia County Revolving Loan Fund/Housing Committee, it is recommended that Edward and Kathleen O'Reilly's application in the amount of \$35,000 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 *funds received grants* from the County's Revolving Loan Fund before an applicant can receive funds from the program.

NOW, THEREFORE, BE IT RESOLVED, that that the Columbia County Board of Supervisors does approve and authorize the release of funds from the Columbia County Revolving Loan Fund to Edward and Kathleen O'Reilly in the amount of \$35,000 provided that the applicant is in full compliance with the Columbia County Economic Development Revolving Loan Fund Policies and Procedures Manual, and the terms of the loan agreement, as set forth by the Revolving Loan Fund/Housing Committee.

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.

Fiscal Note: None

Fiscal Impact: Using \$35,000 of designated RLF Funds.

Debra L. H. Wopat
~~Mark A. Witt~~
Robert L. Hamele
Harlan Baumgartner
John H. Tramburg
REVOLVING LOAN FUND/HOUSING

COMMITTEE

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

Mr. O'Reilly gave a brief overview of the business and thanked the Board of Supervisors for the opportunity to speak to them.

Motion was made to amend the Resolution by Supervisor Wopat, second by Supervisor Ross, to strike "grants" in the seventh paragraph and replace with "funds received". The motion to amend carried unanimously.

The Resolution as amended was unanimously adopted.

RESOLUTION NO. 27-06

WHEREAS, the Columbia County Sheriff's Department estimates that up to 70% of the inmates in the Columbia County Jail are incarcerated directly or indirectly because of an Alcohol or Other Drug Abuse (AODA) problems, and

WHEREAS, the Columbia County Jail currently has a high re-offense rate of these offenders, creating a "revolving door" at the jail, and

WHEREAS, there are great costs to communities and families in the lost productivity of these people as they go in and out of jail, as well as the financial costs to the county to apprehend, charge, prosecute, and house people in the jail, and

WHEREAS the Columbia County Community Corrections Council (CCC), a group of concerned citizens and members of the Columbia County Corrections systems and Health and Human Services Department, have been meeting regularly for close to a year to look at possible alternatives to incarceration and treatment programs to reduce the impact of AODA and incarceration on the community, families, and the County budget, and

WHEREAS the CCC has identified the Circles of Support concept currently operated in Dane County by the Madison-Urban Ministries program, which provides "aftercare" community support for released non-violent AODA offenders, as a viable program to put into place in Columbia County and,

WHEREAS the Wisconsin Office of Justice Assistance (OJA) through its Treatment Alternatives and Diversion (TAD) Program has made \$755,000 available for the calendar year of 2007 to develop treatment and diversion alternatives for non-violent offenders with drug and alcohol problems at the county level.

NOW, THEREFORE, BE IT RESOLVED that the Columbia County Board of Supervisors supports a grant proposal submitted by Columbia County to the OJA for \$30,000 to support the implementation of a Circles of Support program in the County.

Fiscal Note: None.

Fiscal Impact: Grant will provide \$30,000 for Administration of program.

~~Tom L. Jenkins~~
Robert L. Hamele
Andy Ross
Barry Pufahl
Richard C. Boockmeier
JUDICIARY COMMITTEE

Andy Ross
Susan Martin
Barry Pufahl
Debra L.H. Wopat
Harlan Baumgartner
EXECUTIVE COMMITTEE

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

Supervisor Lane inquired about the grant term. Supervisor Lloyd explained that the Office of Justice Assistance has made funds available in 2007 for counties to implement alternative treatment programs. She indicated that counties receiving 2007 funding might qualify for two additional years. Agencies involved included the Community Corrections Council, Pauquette Center for Psychological and AODA Services, CESA5-training and administration of volunteers, and the Sheriff's Department-identifying suitable candidates for the program. Supervisor Lloyd estimates thirty to forty volunteers would be needed. The Resolution was unanimously adopted.

RESOLUTION NO. 28-06

WHEREAS, the Columbia County Commission on Aging's Elderly Nutrition Program, which includes the Home Delivered Meals program, is a necessary service to maintain the elderly and physically disabled in their homes; and,

WHEREAS, the Federal and State funding sources are not sufficient to meet the need; and,

WHEREAS, a Waiting List has already been established for referrals to the Elderly Nutrition Program by authorization of the Columbia County Commission on Aging and the Columbia County Health & Human Services Board.

WHEREAS, the estimated cost to fully fund the Elderly Nutrition Program for 2006 is an additional \$22,000.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Health & Human Services Board support the Elderly Nutrition Program to the extent that they request the Columbia County Board fully fund the program for fiscal year 2006, thereby eliminating the need for a waiting list.

BE IT FURTHER RESOLVED, that if the cost to fund the waiting list clients, and all other eligible clients in 2006, is less than \$22,000, all unspent money will be returned to the General Fund.

Fiscal Note: Transfer \$22,000 from the Contingency Fund #100.350000 to Home Delivered Meals account #561200000.

Fiscal Impact: Cost to County is \$22,000.

J. Robert Curtis, DVM
Timothy O'Neil, MD
Robert Lane
Jack Sanderson
Sarah Lloyd
Mary Cupery
~~Charles Boursier, MD~~
~~Janet Gardner, RN~~
~~Susan Goethel~~
HEALTH & HUMAN SERVICES BOARD

Motion was made to adopt the Resolution by Supervisor Westby, second by Supervisor O'Neil.

Supervisor Boockmeier asked what impact the donation from a Columbia County citizen had on this resolution. Sandra Roberts, Health and Human Services Director, explained the \$22,000 donation received from a private individual was the amount needed to maintain the current program; it did not eliminate or take people off the waiting list. Roberts noted that the Resolution before the Board tonight, would eliminate the waiting list and allow others, which may become eligible in 2006, to participate in the meal program.

The Resolution was unanimously adopted.

RESOLUTION NO. 29-06

WHEREAS, Federal monies are available under the Wisconsin Small Cities Community Development Block Grant-Emergency Assistance Housing Program, administered by the State of Wisconsin, Department of Commerce, Bureau of Housing, for the purpose of housing activities; and

WHEREAS, pending public hearing and due consideration, Central Wisconsin Community Action anticipates recommending that an application be submitted to the State of Wisconsin for the following project:

June 6, 2006, Columbia County Tornado Rebuilding Project

WHEREAS, it is necessary that a public hearing be held in accordance with grant guidelines; and

WHEREAS, since the County Board will not meet in August, tentative approval of the application prior to the public hearing is necessary to comply with the grant program application deadlines; and

WHEREAS, County Board approval is contingent on the outcome of the public hearing and review of the Executive Committee; and

WHEREAS, it is necessary for the Columbia County Board of Supervisors to approve the preparation and filing of an application for Columbia County to receive funds from this program; and

WHEREAS, the Columbia County Board of Supervisors has reviewed the need for the proposed projects and the benefits to be gained there from.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors grants tentative approval of the grant application contingent on the outcome of the public hearing and review of the Executive Committee; and

BE IT FURTHER RESOLVED, that Central Wisconsin Community Action is authorized to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this Resolution; and

BE IT FINALLY RESOLVED, that the County Board Chair and County Clerk are hereby authorized to sign all necessary documents required for this grant application on behalf of Columbia County.

Fiscal Note: None

Fiscal Impact: None

Tom L. Jenkins
Robert L. Hamele
Andy Ross
Barry Pufahl
Richard C. Boockmeier
JUDICIARY COMMITTEE

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

Pat Beghin, Emergency Management Director, gave a brief presentation on requirements necessary for application for funds from the Community Development Block Grant. Supervisor Tramburg requested additional information on the amount of the grant. Emergency Management Director Beghin indicated an exact dollar amount could not be provided since costs for replacement or repair resulting from tornado damage had not been determined at this time. Chair Baumgartner indicated there would be no cost to the County.

The Resolution was unanimously adopted.

RESOLUTION NO. 30-06

WHEREAS, Attorney Anthony Hilsabeck filed a claim on behalf of Rodney Peterson in the amount of \$200,000.00 for Spruce tree branches that were cut back on claimant's property; 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 filed by Attorney Anthony Hilsabeck on behalf of Rodney Peterson.

Fiscal Note: NONE

Fiscal Impact: NONE

Tom L. Jenkins
Robert L. Hamele
Andy Ross
Barry Pufahl
Richard C. Boockmeier
JUDICIARY COMMITTEE

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

The Resolution was unanimously adopted.

ORDINANCE NO. Z339-06
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: “To change from Agricultural to Industrial”, (Grand River Distribution, LLC) a parcel of land located in Section 5, T12N, R12E, Town of Courtland, more particularly described as follows: PARCEL NUMBER 108 A parcel of land located in Section 5, T12N, R12E, Town of Courtland, Columbia County, Wisconsin, described as follows: Commencing at the W ¼ corner of Section 5, T12N, R12E; thence with the north line of the S ½ of Section 5; N89°01’01”E, 1341.35 feet to the point of beginning; thence N89°01’01”E, 1341.35 feet to a point; thence S0°15’45”E, 329.04 feet to a point; thence S88°59’29”W, 1338.73 feet to a point; thence N0°43’09”W, 329.61 feet to the point of beginning; Said parcel containing 10.13 acres, more or less.

This rezoning effective upon the approval of a Conditional Use Permit for an ethanol plant and amending ordinance will expire two years from the date of adoption if the owner fails to obtain approval of a Conditional Use Permit permitting the construction and operation of an ethanol production facility on the subject property.

Harlan Baumgartner, Chair
COLUMBIA COUNTY
BOARD OF SUPERVISORS
Jeanne Miller
COLUMBIA COUNTY CLERK

DATE PASSED: July 19, 2006
DATE PUBLISHED: July 26, 2006

Chair Baumgartner introduced an Ordinance that was tabled at the June County Board meeting, to a time certain. Chair Baumgartner directed the County Clerk to read the ordinance in its entirety beginning at the second reading.

Second reading of Ordinance.

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

Chair Baumgartner referred to a petition received from the Village of Cambria pertaining to the rezoning of property in the Town of Courtland. Copies of the petition had been placed on each supervisor’s desk. In addition a joint written response from John Bluemke, Director of Planning and Zoning and Joseph Ruf, Corporation Counsel recommending the protest petition be disregarded. Chair Baumgartner indicated that a three-fourths affirmative vote or approval of an amending Ordinance of the Board members present and voting would not be required.

Chair Baumgartner noted a number of individuals present at this meeting, would like an opportunity to speak on this Ordinance. He asked that comments be kept brief and that only new information, pertaining to the rezone from Agricultural to Industrial, be discussed.

Supervisor Boockmeier relinquished time to Susan Freese, Hydrologist; Supervisor Stevenson relinquished time to David Silver-Dideon employee; Supervisor O'Neil relinquished time to Mr. Dow Didion-President of Grand River Distribution, LLC and Didion Milling, Inc.; Supervisor Salzwedel relinquished time to Dan Amato; Supervisor Lloyd relinquished time to Dallas Buchholz and Supervisor Healy relinquished time to Randy Link.

Susan Freese, hydro-geologist from Waukesha, indicated, in her opinion, there was good potential for pumping 1,000 gallons per minute from a single well. Current gallon usage was estimated at 800 gallons per minute, well under the wells capacity. Ms. Frieese had been retained by Dideon to assess current water usage and compare to projected usage for an ethanol plant.

David Silver, Dideon had surveyed 80 homes in the Village of Cambria receiving a number of varied opinions. Those in favor of the zoning request were interested in the increased tax base as well as monies the school district would benefit by and jobs that would come from the plant.

Issues facing the future development of an ethanol plant in the Town of Courtland were discussed. Mr. Dow Dideon addressed a number of issues. The plant would fund the repair and upgrade of Cabbage Road-the upgrade. Water issues that may develop in the Village of Cambria (Village) could be repaired or replaced by Didion Milling. Mr. Dideon indicated that a similar agreement had been made with Town of Courtland (Town). Noise limits established by the Village would not exceed 65 decibels. Regarding a possible review of tax assessment-Mr. Dideon indicated if any reduction in tax occurred, a check would be written to the Village for the difference. The School District could also receive an additional \$100,000 over and above what the plant is currently paying as a result of a potential increase in value. Mr. Dideon indicated the company's willingness to work with both the Village of Cambria and Town of Courtland on this project. In conclusion, he indicated existing operation concerns and safety issues would be addressed in the future.

Supervisors raised numerous questions. A sampling included concern over sighting a plant on a comparatively small area; jurisdictional responsibility of Cabbage Road and the fact that it is a public road and will remain a public road; how the calculation of \$18,000,000 assessed valuation was arrived at and the fact that an existing ordinance disallows the location of fermentation tanks on Village property. Corporation Counsel Ruf responded to jurisdictional issues with Cabbage Road indicating there was no dispute with the public road. He stated " it was rather who owns the dirt underneath the pavement". Mr. Dideon clarified that the fermentation and distilling processes would be done in the Town of Courtland. He indicated the Village facility would continue the corn milling operation. Discharge water and concern that it was toxic was mentioned. Mr. Dideon indicated that the discharge water from the plant is non-contact water and would be ground discharged complying with DNR permits following the creek to the wetland area.

Former Supervisor Amato spoke in favor of the plant.

Dallas Buchholz indicated opponents, to locating the plant in the Town of Courtland, are not opposed because it is an ethanol plant; but rather, they are opposed to its close proximity to the Village and school district. In researching ethanol plant locations, Mr. Buchholz found most plants, for example in Iowa, are located 3-4 miles away from towns.

The motion to suspend the rules and have the third reading of Ordinance was approved on a roll call vote as follows:

AYES: 27; NOES: 2; ABSENT: 1

AYES: Hamele, Healy, Hutler, Landers, Lane, Martin, O'Neil, Pufahl, Richmond, Ross, Salzwedel, Sanderson, Stevenson, Stoltenberg, Teitgen, Tramburg, Westby, Wopat, Andler, Baebler, Boockmeier, Cupery, J. Curtis, DeYoung, Ford, Gove, and Baumgartner.

NOES: Lloyd and Nelson.

ABSENT: Jenkins.

Third reading of Ordinance.

Motion made by Supervisor Martin, second by Supervisor Gove to adopt the Ordinance.

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

AYES: 26; NOES: 3; ABSENT: 1

AYES: Healy, Hutler, Landers, Lane, Martin, Pufahl, Richmond, Ross, Salzwedel, Sanderson, Stevenson, Stoltenberg, Tietgen, Tramburg, Westby, Wopat, Andler, Baebler, Boockmeier, Cupery, J. Curtis, DeYoung, Ford, Gove, Hamele and Baumgartner.

NOES: Lloyd, Nelson and O'Neil.

ABSENT: Jenkins.

The Ordinance was declared passed and is to be known as Ordinance #Z339-06.

REPORT OF THE PLANNING AND ZONING COMMITTEE

The Planning and Zoning committee having held a public hearing 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 William and Debra Becker, Pardeeville, WI, to rezone from Agricultural to Rural Residential, property on Dolgner Road, located in NE ¼ of SE 1/4, Section 23, T13N, R10E, Town of Marcellon on the 30th day of May, 2006 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land located in Section 8, T10N, R11E, Town of Marcellon.
- (2) A petition by the Richard and Sue Lueptow, Rio, WI, to rezone from Agricultural to Rural Residential, property on CTH G, located in part of the SE ¼ of the SE ¼, Section 13, T12N, R10E, Town of Wyocena on the 26th day of May, 2006 be approved as follows: To change from Agricultural to Rural Residential, a parcel of land located in part of SE ¼ of the SE ¼, Section 13, T12N, R10E, Town of Wyocena.

Douglas Richmond
 John H. Healy
 Philip Baebler
 Fred C. Teitgen
 Timothy J. O'Neil
 PLANNING AND ZONING COMMITTEE

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

ORDINANCE NO. Z340-06
 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”, (William and Debra Becker) a parcel of land located in Section 23, Town 13 North, Range 10 East, Town of Marcellon more particularly described as follows: PARCEL NUMBER 427 Beginning at the east quarter corner of said Section 23; thence South 00°28’06” East along the east line of the Southeast Quarter of said Section 23, 502.00 feet; thence North 89°13’04” West, 433.97 feet; thence North 00°28’06” West, 502.00 feet to a point in the east – west quarter line of said Section 23; thence South 89°13’04” East along the east – west quarter line of said Section 23, 433.97 feet to the point of beginning. Containing 217,800 square feet, (5.00 acres), more or less. This rezoning shall become effective upon recording of a Certified Survey and the filing with the Planning and Zoning Department of a deed restriction for the remnant lands of the parent parcel as requested by the Town.

- (2) “To change from Agricultural to Rural Residential”, (Richard and Sue Lueptow) a parcel of land located in Section 13, Town 12 North, Range 10 East, Town of Wyocena, more particularly described as follows: PARCEL NUMBER 418 Beginning at the southeast corner of said Section 13; thence Westerly along the east – west quarter line of said Section 13, 66.00 feet; thence North parallel with the east line of the Southeast Quarter, 581.45 feet; thence West, 477.95 feet; thence North, 330.25 feet; thence East, 544.00 feet to a point in the east line of the Southeast Quarter of said Section 13; thence South along the east line of the Southeast Quarter of said Section 13, 911.7 feet to the point of beginning. Containing 5.00 acres more or less. This rezoning shall become effective upon recording of a Certified Survey and the filing with the Planning and Zoning Department of a deed restriction for the remnant lands of the parent parcel as requested by the Town.

Harlan Baumgartner, Chair
COLUMBIA COUNTY
BOARD OF SUPERVISORS
Jeanne Miller
COLUMBIA COUNTY CLERK

DATE PASSED: July 19, 2006

DATE PUBLISHED: July 26, 2006

First reading of Ordinance.

Motion by Supervisor Ross, second by Supervisor Pufahl to suspend the rules and have the second reading of the Ordinance by title only. The motion unanimously carried.

Second reading of Ordinance.

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

Supervisor Hamele asked if these petitions would become part of mapping in the Agricultural Overlay District? Mike Stapleton of the Planning and Zoning Department indicated that neither petition had made that request. He further explained that the rezoning petitions had already been filed prior to the Agricultural Overlay District Ordinance passage. It was noted that the overlay district is an option not a requirement.

The motion unanimously carried.

Third reading of Ordinance.

Motion made by Supervisor Salzwedel, second by Supervisor Healy, to adopt. Motion carried, not unanimously. The Ordinance was declared passed and is to be known as Ordinance Z340-06.

Supervisor J. Robert Curtis moved adjournment of this meeting to Wednesday, September 20 at 7:00 p.m. Second made by Supervisor Stoltenberg. The motion carried unanimously. The meeting adjourned at 8:32 p.m.

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