

PROCEEDINGS  
OF THE  
BOARD OF SUPERVISORS  
Columbia County, Wisconsin

Portage, Wisconsin  
April 17, 2007  
9:53 A.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 Gove, absent.

Members stood and recited the Pledge of Allegiance.

A motion to approve the Journal of March 21, 2007, was made by O'Neil, second by Stevenson. Motion carried unanimously.

A motion to approve the agenda, as published, was made by Boockmeier, second by Sanderson. Motion carried unanimously.

Erik Pritzl, Health & Human Services Director, gave a power point presentation on current departmental operations.

Jane Kohlwey, District Attorney, spoke on Check Enforcement Program.

Chair Baumgartner indicated that the WCA Conference would be held at the Kalahari Resort in Wisconsin Dells on October 7,8 and 9. Anyone interested in attending should contact the County Clerk or Chair Baumgartner.

The following appointments were announced:

- (1) Railroad Consortium: Don DeYoung, replacing Andy Ross. Motion by Martin, second by Ross, the appointment was unanimously approved.
- (2) Arlington TIF Board: John Stevenson. Motion by DeYoung, second by Baebler, the appointment was unanimously approved.

Joseph Ruf, Corporation Counsel/Human Resources Director reported that the 2007-2008 Columbia County Sheriff's Sworn Contract had been ratified. Motion was made to approve the Contract by O'Neil, second by Lane. Motion carried unanimously. He also updated the Board on status of open labor negotiations.

**RESOLUTION NO. 12-07**

WHEREAS, Columbia County ("County"), the Town of West Point, and the State of Wisconsin, Department of Natural Resources ("DNR"), are in agreement that the transfer of ownership of Gibraltar Rock from the County to the DNR would best protect the natural area and facilitate its operation and maintenance; and

WHEREAS, the County will transfer Gibraltar Rock, including Richmond Memorial Park ("Park") and adjoining County land totaling approximately fifty-five (55) acres to the DNR; and

WHEREAS, the County will transfer County Trunk Highway ("CTH") VA, the single purpose road that provides the only access to Gibraltar Rock, to the Town of West Point and will remove current CTH VA from the County Trunk Highway System.

WHEREAS, the DNR will operate the Park and County will contribute its portion of the Payment in Lieu of Taxes ("PILT") for the Park and adjoining Horton Property; and,

NOW, THEREFORE, BE IT RESOLVED, that the transfer of Gibraltar Rock, including Park and adjoining County land totaling approximately fifty-five (55) acres from the County to the DNR is approved; and

BE IT FURTHER RESOLVED, that the transfer of CTH VA to the Town of West Point and the removal of CTH VA from the County Trunk Highway System is approved; and

BE IT FURTHER RESOLVED, that the donation of the PILT money from the Park and Horton property to the DNR is approved; and

BE IT FINALLY RESOLVED, that the Columbia County Board Chairman and Columbia County Clerk are authorized to sign memoranda of understanding, deeds, and all other documents required to complete the transfer of Gibraltar Rock, CTH VA, and all associated property from the County to the DNR.

Fiscal Note: None.

Fiscal Impact: None.

Donald P. Nelson  
John H. Healy  
John G. Stevenson  
Robert J. Stoltenberg  
Robert L. Hamele  
AGRICULTURE AND LAND  
AND WATER CONSERVATION  
COMMITTEE

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

John G. Stevenson  
Susan Martin  
Kenneth W. Hutler  
Andy Ross  
Robert J. Andler  
HIGHWAY COMMITTEE

Motion was made to adopt the Resolution by Richmond, second by Ford.

Kurt Calkins, Land and Water Conservation Director, gave a brief overview of agreement to transfer ownership of Gibraltar Rock.

Steve Schmelzer and Rick Evans from the Department of Natural Resources spoke regarding the Resolution being presented and entertained questions of the Board.

Dawn Marquardt, Assistant Corporation Counsel, clarified donation of the Payment in Lieu of Taxes.

Motion by Ross, second by Pufahl, to amend the last sentence after "transfer of" to read "CTH VA to the Town of the Westpoint and Gibraltar Rock and all associated property from the County to the DNR."

Motion to amend failed.

Motion by Sanderson, second by Martin, to amend the last sentence by deleting "to the DNR."

Motion to amend carried.

The Resolution as amended was unanimously adopted.

#### **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 Kathleen Kessenich, Columbus, WI, to rezone from Agricultural to Rural Residential & Agricultural to Agricultural with Agricultural Overlay, Parcel 528, Section 31, T10N, R12E, Town of Columbus on the 11<sup>th</sup> day of September, 2006 be approved as follows: To change from Agricultural to Rural Residential & Agricultural to Agricultural with Agricultural Overlay, a parcel of land described as Parcel 528 located in Section 31 T10N, R12E, Town of Columbus.
2. A petition by Frank Bagneski Estate - Theresa Anderson, Administrator, Randolph, WI, to rezone from Agricultural to Rural Residential & Agricultural to Agricultural with Agricultural Overlay, Parcels 444 & 447, Section 21, T12N, R12E, Town of Courtland on the 10<sup>th</sup> day of April, 2007 be approved as follows: To change from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, parcels of land described as Parcel 444 & 447 located in Section 21, T12N, R12E, Town of Courtland.
3. A petition by Edward Funk, Poynette, WI, to rezone from Agricultural to Single Family Residential, Parcels 516.01 & 516.03, Section 33, T11N, R9E, Town of Dekorra on the 13<sup>th</sup> day of March, 2007 be approved as follows: To change from Agricultural to Single Family Residential, parcels of land described as Parcel 516.01 & 516.03 located in Section 33, T11N, R9E, Town of Dekorra.

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. Z349-07**

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 and Agricultural to Agricultural with Agricultural Overlay", (Kathleen Kessenich) parcel of land located in Section 31, T10N, R12E, Town of Columbus more particularly described as follows: PARCEL NUMBER 528 - Land to be Rezoned from Agricultural to Rural Residential commencing at the south quarter of said Section 31; thence south 89°16'56"West along the south line of the Southwest Quarter of said Section 31, 330.00 feet; thence North 00°31'08"East, 330.08 feet; thence North 89°16'56"East, 330.00 feet to a point in the north – south quarter line of Section 31; thence South 00°31'08"West along the north – south quarter line of said Section 31, 330.08 feet to the point of beginning. Containing 108,900 square feet, (2.50 acres), more or less. Land to be Rezoned from Agricultural to Agricultural with Agricultural Overlay being a part of the Southeast Quarter of the Southwest Quarter of Section 31, Town 10, range 12 East, Town of Columbus, Columbia County, Wisconsin, except the following described parcel: Commencing at the south quarter of said Section 31; thence South 89°16'56"West along the south line of the Southwest Quarter of said Section 31, 330.00 feet; thence North 00°31'08"East, 330.08 feet; thence North 89°16'56"East, 330.00 feet to a point in the north-south quarter line of said Section 31; thence South 00°31'08"West along the north-south quarter line of said Section 31, 330.08 feet to the point of beginning. This rezoning shall become effective upon recording of the Certified Survey Map.
- (2) "To change from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay" property (Frank Bagneski Estate – Theresa Anderson, Administrator) property located in part of SE ¼ of the NE¼, and a part of the NE¼ of the NE¼, Section 21, T12N, R12E, Town of Courtland more particularly described as follows: PARCELS 444 & 447 Land to be Rezoned from Agricultural to Rural Residential commencing at the East Quarter corner of said Section 21; thence South 88°31'24"West along the east-west quarter line of said Section 21, 1,324.17 feet to the southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 21; thence North 00°45'33"West along the west line of the Southeast Quarter of the Northeast Quarter of said Section 21, 1,332.53 feet to the northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 21; thence North 88°20'32"East along the north line of the Southeast Quarter of the Northeast Quarter of said Section 21, 11.24 feet to a point in the center line of County Trunk Highway A; thence northeasterly along a 1,200.00 foot radius curve to the left in the center line of County Trunk Highway A having a central angle of 16°06'33"and whose long chord bears North 57°29'47" East, 336.28 feet; thence North 49°26'31"East along the center line of County Trunk Highway A, 1,345.60 feet to a point in the east line of the Northeast Quarter of said Section 21; thence South 00°35'24" East along the east line of the Northeast Quarter of said Section 21, 2,354.36 feet to the point of beginning. Containing 2,405,349 square feet (55.22 acres), more or less. Land to be Rezoned from Agricultural to Agricultural with Agricultural Overlay commencing at the East Quarter corner of said Section 21; thence North 00°35'24"West along the east line of the Northeast Quarter of said Section 21, 1060.41 feet to the point of beginning; thence South 52°20'55" West, 1,074.23 feet; thence South 46°17'48"West, 184.71 feet; thence South 61°09'13"West, 343.29 feet; thence North 00°45'33"West , 785.68 feet; thence North 64°09'58"East, 311.19 feet; thence North 08°02'09"West, 420.00 feet to a point in the center line of County Trunk Highway A; thence Northeasterly along a 1,200.00 foot radius curve to the left in the center line of County Trunk Highway A having a central angle of 02°21'20" and whose long chord bears North 50°37'11" East, 49.33 feet; thence North 49°26'31" East along the center line of County Trunk Highway A, 1,345.60 feet to a point in the east line of the Northeast Quarter of said Section 21; thence South 00°35'24" East along the east line of the Northeast Quarter of said Section 21, 1,293.96 feet to the point of beginning. Containing 1,503,657 square feet (34.52 acres), more or less. This rezoning shall become effective upon recording of the Certified Survey Map.

- (3) "To change from Agricultural to Single Family Residence" property (Edward Funk) a parcel of land located in Section 33,T11N, R9E, Town of Dekorra more particularly described as follows: PARCELS 516.01 & 516.03 Lot 1 and Lot 3, Certified Survey Map No. 3840.

Harlan Baumgartner, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: April 17, 2007  
DATE PUBLISHED: April 25, 2007

First reading of Ordinance.  
Motion by Boockmeier, second by Pufahl, to suspend the rules and have the second reading of the Ordinance by title only.  
Motion carried unanimously.  
Second reading of Ordinance.  
Motion by Pufahl, second by Baebler, to suspend the rules and have the third reading of the Ordinance by title only.  
The motion carried unanimously.  
Third reading of Ordinance.  
Motion made by Healy, second by Salzwedel, to adopt. Motion carried, not unanimously. The Ordinance was declared passed and is to be known as Ordinance Z349-07.

**ORDINANCE NO. 95-07**

Section 16-1-9 (a)(2)(k) is amended as follows:

- k. Adult bookstore or adult motion picture theater/ adult entertainment facility, provided that:

Section 16-1-23(a)(4) is amended as follows:

- (4) Adult Motion Picture Theater/Adult entertainment facility. An enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this section for observation by patrons therein.

Harlan Baumgartner, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: April 17, 2007  
DATE PUBLISHED: April 25, 2007

First reading of Ordinance.  
Motion by Boockmeier, second by O'Neil, to suspend the rules and have the second reading of the Ordinance by title only.  
The motion carried, not unanimously.  
Second reading of Ordinance.  
Motion by Martin, second by Richmond, to suspend the rules and have the third reading of the Ordinance by title only.  
The motion carried unanimously.  
Third reading of Ordinance.  
Motion made by Richmond, second by DeYoung, to adopt. Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance 95-07.

**ORDINANCE NO. 96-07**

The Columbia County Board of Supervisors do ordain as follows: That Title 21, Chapter 4, Entitled "Water Safety" of the County Code is hereby amended to add new subsection (f) as follows:

- (f) No Sport Tow Zone – Wisconsin River. A no sport tow zone is hereby established on Saturdays, Sundays and holidays on that portion of the Wisconsin River from 43° 25' 9.93" N: 89° 32' 6.47" W (the confluence of the Wisconsin River and Lake Wisconsin) on the south to 43° 25' 58.39" N: 89° 30' 21.10" W on the north. This subsection shall be in effect on Saturdays, Sundays and holidays from the second weekend in May through the second weekend in September of each year. The no sport tow zone shall ban waterskiing, parasailing, aquaplaning (including tubing and boarding) and all similar sport tow activities.

DATE PASSED: April 17, 2007  
DATE PUBLISHED: April 25, 2007

Harlan Baumgartner, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

First reading of Ordinance.

Motion by Pufahl, second by Lane, 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 Hamele, second by 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 made by Hamele, second by Lane, to adopt. Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance 96-07.

**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                   | TOWN  |
|------------------------|-------|
| Bruce & Sandra Witthun | Scott |

Robert Hamele  
John Healy  
Robert Stoltenberg  
Don Nelson  
John G. Stevenson  
LAND & WATER CONSERVATION COMMITTEE

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

The 2006 Annual Reports were placed on supervisor's desks and will be presented at next months meeting. The Chair asked that they please review and bring back to the May meeting.

J. Robert Curtis moved adjournment of this meeting to Wednesday, May 16, 2007, at 7:00 p.m. Second made by Stoltenberg. The motion carried unanimously. The meeting adjourned at 11:30 a.m.