

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
June 20, 2007
7:05 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 Landers and Nelson, absent.

Members stood and recited the Pledge of Allegiance.

A motion to approve the Journal of May 16, 2007, was made by Boockmeier, second by DeYoung. Motion carried unanimously.

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

The County Clerk indicated that the new 2007-2008 Columbia County Directory had been placed on supervisor's desks. The directory is also available for viewing on County's website.

Chair Baumgartner presented a Certificate of Appreciation to Taylor Herrick for recognition of her contribution to the 2007-2008 Columbia County Directory cover.

Chair Baumgartner held a Question and Answer Session regarding County Budget and Revolving Loan.

Supervisors are invited and encouraged to attend an Open House being held before County Board on Wednesday, July 18, 2007, on the "Recommended" Columbia County Comprehensive Plan 2030.

Motion by Pufahl, second by Martin, to approve the Building Space Needs Ad Hoc Committee: post Chairperson, current Chairperson, Vice Chairperson, 2 representatives from the Property & Insurance Committee, Agriculture and Land and Water Conservation Committee Chairperson, Cory Wiegel, Kurt Calkins, and Erik Pritzl.

Chair Baumgartner explained that the Land and Water Conservation Department requested to reunite and share building space with the Farm Service Agency (FSA) and Natural Resource Conservation Service (NRCS). He indicated the possibility of the UW-Extension Department joining them, as well as, additional space needs of the Health and Human Services Department. The Building Space Needs Ad Hoc Committee would research options available for sharing building space and future needs of Health and Human Services Department. Upon County Board approval of the Ad Hoc Committee, an organizational meeting will be held on June 28, 2007.

Motion carried unanimously.

RESOLUTION NO. 16-07

WHEREAS, Hugo J. Traub, of Peoria, Arizona, recently passed away, and

WHEREAS, prior to his death Hugo J. Traub faithfully served the residents of Columbia County as a member of the Columbia County Board of Supervisors, and

WHEREAS, Mr. Traub was elected to serve on the Columbia County Board of Supervisors to represent District 8 beginning April 17, 1984, until April 20, 1992, and

WHEREAS, Mr. Traub served on the following committees: County Library Systems Board; Property and Printing; and South Central Library Systems Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED that this Resolution be entered into the official records of the Columbia County Board of Supervisors in recognition of Hugo J. Traub's service to his county, his country, his community and that a copy will be sent to his family.

Brian L. Landers
Kenneth W. Hutler
Tom L. Jenkins
John H. Healy
Debra L. H. Wopat
Robert J. Lane
Andy Ross
Timothy J. O'Neil
John H. Tramburg
Philip Baebler

Donald P. Nelson
J. Robert Curtis
Vern E. Gove
Don DeYoung
Barry Pufahl
Neil M. Ford
Robert J. Stoltenberg
Gerald L. Salzwedel
Douglas S. Richmond
John G. Stevenson

Robert L. Hamele
Richard C. Boockmeier
Mary Cupery
Harlan Baumgartner
Susan Martin
Fred C. Teitgen
Robert J. Andler
Jack Sanderson
Robert R. Westby

Motion was made to adopt the Resolution by J. Curtis, second by Tramburg. The Board stood in a moment of silence to pass the Resolution.

RESOLUTION NO. 17-07

WHEREAS, Attorney Jeff Scott Olson filed a claim on behalf of Richard Mazur in the amount of \$40,000.00 for pain, suffering, mental and emotional distress and in the amount of \$10,000.00 for property damage, salvage expenses, and other out-of-pocket losses for a total amount of \$50,000.00 for a boating accident that occurred on May 22, 2006; 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 Jeff Scott Olson on behalf of Richard Mazur.

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 Boockmeier, second by Pufahl. The Resolution was unanimously adopted.

RESOLUTION NO. 18-07

WHEREAS, Attorney Peter J. Fox filed a claim on behalf of Danielle Mazur in the amount of \$50,000.00 for pain, suffering, mental and emotional distress for a boating accident that occurred on May 22, 2006; 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 Peter J. Fox on behalf of Danielle Mazur.

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 Jenkins, second by Stevenson. The Resolution was unanimously adopted.

RESOLUTION NO. 19-07

WHEREAS, phosphorus delivered to public waterways causes excessive plant and algae growth, with one pound of phosphorus producing up to 500 pounds of algae, and

WHEREAS, such plant and algae growth causes murky water clarity, weed choked recreational areas and low dissolved oxygen levels, harming fish and aquatic life, and

WHEREAS, such diminished water quality from phosphorus pollution lowers property values and harms the tourism and outdoor recreation industry, and

WHEREAS, phosphorus discharges from industry, wastewater treatment plants and agriculture are limited by regulation, while unnecessary phosphorus enters the waters of the State from the use of lawn fertilizers, and

WHEREAS, statutory authority to limit the sale or application of lawn fertilizers containing phosphorus requires each local government in an affected area to enact similar regulatory ordinances, and

WHEREAS, a water body negatively affected by phosphorus is often not in the same municipality as the point of sale or use of lawn fertilizer which may affect the water body, and

WHEREAS, regulation in Wisconsin is patchwork at best, because of limited authority to regulate phosphorus uses,

~~WHEREAS, this proposal has been reviewed by the Legislation & Rules Committee, which has no objection,~~

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board requests its legislative delegation to sponsor new state law similar to laws of the State of Minnesota concerning this issue which prohibits the sale or application of lawn fertilizers containing unnecessary phosphorus components.

BE IT FURTHER RESOLVED, that we, the Columbia County Land and Water Conservation Committee, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Columbia County Board of Supervisors at its meeting held on June 20, 2007. A copy will be forwarded to the Governor's office and the Columbia County Legislative Representatives. Land and Water Conservation Director will forward copies to all municipalities, lake districts and lake associations located in Columbia County.

Fiscal Note: NONE

Fiscal Impact: NONE

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

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

Motion by Sanderson, second by Pufahl, to delete the eighth paragraph. Motion carried unanimously.

Motion by Tramburg, second by Wingers, to amend the last paragraph to include "Land and Water Conservation Director will forward copies to all municipalities, lake districts and lake associations located in Columbia County". Motion carried, not unanimously.

Motion by Sanderson, second by Lane, to table until July meeting. Motion to table failed.

The Resolution as amended was adopted, not unanimously.

RESOLUTION NO. 20-07

WHEREAS, Wisconsin's Governor and the Secretary of the Department of Health & Family Services have proposed establishing a statewide managed long-term care system for older people and adults with disabilities by 2011; and

WHEREAS, the redesigned care management system would serve all eligible consumers under a capitated (per person per month) payment system without the current waiting lists for services; and,

WHEREAS, a model redesigned system of care reflects the following values of:

- Choice - Provide individuals with better choices of services, supports, and providers,
- Access - Improve individuals access to quality services regardless of where they live,
- Quality - Improve quality by focusing on individually identified and supported health and social outcomes,
- Cost-effective - Create cost effective solutions by managing to achieve quality individualized care needs not simply by cost; and,

WHEREAS, the Wisconsin Department of Health & Family Services made planning and implementation grants available to support achievement of this managed long-term care system; and,

WHEREAS, Columbia County is one of eleven counties and three private partners comprising the Family Partnership Care Management Coalition which was awarded a \$100,000 grant in 2006 to plan and implement managed long-term care in the southern region of the State of Wisconsin; and,

WHEREAS, as a result of the ongoing planning and implementation efforts of the eleven county coalition, it has become evident that there is a need for a partnership among the State of Wisconsin, counties, and CMO's to assume responsibilities for current long-term services provided by county governments and for older people and adults with disabilities waiting for services; and,

WHEREAS, the Department of Health & Family Services has determined that Columbia County, in order to financially support expanding Family Care serving Columbia County citizens, is to commit the amount determined by the State of Wisconsin annually to serve current long-term care adults; and,

WHEREAS, application for annual funding of \$490,254 for establishing an Aging & Disabilities Resource Center (ADRC) in Columbia County is contingent upon formal action by Columbia County to commit Columbia County to managed long-term care reform; and,

WHEREAS, the implementation of Family Care in Columbia County will provide the opportunity to eliminate the waiting list for long term support services by 2009; and,

WHEREAS, the benefits of supporting this resolution include increased services for consumers, additional funding for the ADRC, elimination of waiting lists, future cost savings to taxpayers, and reduced liability for court ordered services; and,

WHEREAS, the Health & Human Services Board passed a motion supporting passage of this resolution at its June 12, 2007 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors hereby determines that long-term care reform and the establishment of an Aging & Disabilities Resource Center are in the best interests of Columbia County and therefore approves long-term care reform in Columbia County; and,

BE IT FURTHER RESOLVED, that the Columbia County Board of Supervisors authorizes the Director of the Columbia County Department of Health & Human Services to inform the Wisconsin Department of Health & Family Services of its readiness for implementation of managed long-term care in Columbia County, and authorizes the Chair of the Columbia County Board of Supervisors and the Columbia County Clerk to sign the necessary paperwork to begin implementation in Columbia County of Family Care.

Fiscal Note: Not yet determined by the State of Wisconsin.

Fiscal Impact: Not yet determined by the State of Wisconsin.

Mary Cupery
Jack Sanderson
JoAnn Wingers
Dr. Charles Boursier
Susan Goethel
Janet Gardner
Robert Lane (Secretary)
Dr. Timothy O'Neil (Vice Chair)
Dr. Robert Curtis (Chair)
HEALTH & HUMAN SERVICES BOARD

Motion was made to adopt the Resolution by J. Curtis, second by Salzwedel. The Resolution was unanimously adopted.

RESOLUTION NO. 21-07

WHEREAS, Establishment of an Aging & Disability Resource Center (ADRC) in Columbia County is a key element in Family Care Expansion and will demonstrate to the State of Wisconsin a readiness for the State initiative; and,

WHEREAS, Funding for the ADRC will increase when Family Care Expansion begins in Columbia County; and,

WHEREAS, Aging & Disability Resource Centers are a central source of information, assistance and access to community resources for older people and people with disabilities as well as their families; and,

WHEREAS, The ADRC will help people understand the various long term care options available to them; and,

WHEREAS, The ADRC will enable people to make informed cost-effective decisions about long term care; and,

WHEREAS, The ADRC will help people conserve their personal resources, health and independence; and,

WHEREAS, The ADRC will serve as the single access point for publicly funded long term care; and,

WHEREAS, The ADRC will provide outreach and services to young people with disabilities as they transition from the public school system to the adult service system; and,

WHEREAS, The Wisconsin Department of Health & Family Services is providing an opportunity to secure funding and technical support for developing and implementing an Aging & Disability Resource Center in Columbia County.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors approves the Columbia County Department of Health & Human Services to submit a proposal to the Wisconsin Department of Health & Family Services for funding, and to take all necessary action to establish an Aging & Disability Resource Center for Columbia County.

BE IT FURTHER RESOLVED, that the Columbia County Board of Supervisors authorizes the Columbia County Chair, Columbia County Clerk and the Director of the Columbia County Department of Health & Human Services to sign all documentation necessary to implement the Aging & Disability Resource Center in Columbia County.

Fiscal Note: Establish account in the grant amount for accounting purposes.

Fiscal Impact: None.

Jack Sanderson
JoAnn Wingers
Mary Cupery
Susan Goethel
Charles Boursier, MD
Janet Gardner
Robert Lane, Secretary
Timothy O'Neil, MD, Vice Chair
J. Robert Curtis, DVM, Chair
HEALTH & HUMAN SERVICES BOARD

Motion was made to adopt the Resolution by J. Curtis, second by O'Neil. The Resolution 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 Thomas & Jody Steinhaus, Wisconsin Dells, WI, to rezone from Agricultural to Agricultural No. 2, Parcel 418, Section 7, T13N, R8E, Town of Lewiston on the 7th day of February, 2007 be approved as follows: To change from Agricultural to Agricultural No. 2, parcel of land described as Parcel 418 located in Section 7, T13N, R8E, Town of Lewiston.

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. Z351-07

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 Agricultural No. 2" property (Thomas & Jody Steinhaus) property located in part of SW ¼ of the SW ¼, Section 7, T13N, R8E, Town of Lewiston more particularly described as follows: PARCEL 418 - Land to be Rezoned from Agricultural to Agricultural No.2 - Commencing at the southwest corner of Section 7; thence North 00°35'24" West along the west line of the Southwest Quarter of said Section 7, 541.86 feet to the point of beginning; thence continuing North 00°35'24" West along said west line of the Southwest Quarter of said Section 7, 595.49 feet; thence North 86°56'49" East, 732.68 feet to a point in the center line of Graack Road also being in the center line of the Southwest Quarter of said Section 7; thence South 00°14'44" East along said center line, 595.65 feet; thence South 86°56'49" West, 729.10 feet to the point of beginning. Containing 434,832 square feet, (9.98 acres), more or less. And being subject to Graack Road right-of-way lying along the easterly 33 feet thereof.

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

DATE PASSED: June 20, 2007
DATE PUBLISHED: June 28, 2007

First reading of Ordinance.

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

Motion carried unanimously.

Second reading of Ordinance.

Motion by O'Neil, 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 Healy, second by Baebler, to adopt. Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance Z351-07.

ORDINANCE NO. 97-07

The Columbia County Board of Supervisors do ordain as follows: That Title 16, Chapter 7, Entitled "Nonmetallic Mining Reclamation" of the County Code is hereby amended:

Section 16-7-6 is amended as follows:

- (a) Overall Applicability. The requirements of this chapter apply to all operators of nonmetallic mining sites within Columbia County ~~operating on or commencing to operate after August 1, 2001~~ except as exempted in sub. (b) and for nonmetallic mining sites located in a city, village or town within Columbia County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a ~~municipality~~ county, or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in Sec. 16-7-13 (d).
- (b) (7) Nonmetallic mining at nonmetallic mining sites ~~that affect~~ where less than one acre of total ~~area affected~~ acreage occurs over the life of the mine other than those sites qualifying for exemption under (3) above.

Section 16-7-9 is amended as follows:

~~(8) Existing mine means a nonmetallic mine where nonmetallic mining takes place before August 1, 2001.~~

(8) Financial assurance means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in Sec. 16-7-13 and is sufficient to pay for reclamation activities required by this chapter.

- (8m) Highwall means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1 horizontal to vertical incline.
- (9) Landowner means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
- (10) Licensed professional geologist means a person who is licensed as a professional geologist pursuant to ch. 470 Stats.
- (17) Operator means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- ~~(18) Registered geologist means a person who is registered as a professional geologist pursuant to ss. 443.037 and 443.09, Stats.~~
- (18) Person means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.
- (19) Registered professional engineer means a person who is registered as a professional engineer pursuant to ss. 443.04 and 443.09, Stats.
- (20) Regulatory authority means one of the following:
- (a) Columbia County, for nonmetallic mine sites located within its jurisdiction or within any municipality which has not adopted an applicable reclamation ordinance, or The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under s. 295.13, Stats., except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).
 - (b) A municipality other than the county in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance, or The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under s. 295.14, Stats.
 - (c) The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located. The Wisconsin Department of Natural Resources, in cases where a county mining reclamation program is no longer in effect under s. 295.14, Stats., but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.
- (26) Unreclaimed acre or unreclaimed acres means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Sec. 16-7-28 (c). However the term "unclaimed acre" or "unclaimed acres" does not include any of the following:

Section 16-7-10 is amended as follows:

(d) TOPSOIL MANAGEMENT

- (1) REMOVAL. Topsoil and topsoil substitute material shall be removed, protected and redistributed to support reclamation and site stabilization. Topsoil and topsoil substitute material shall be managed provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation. No topsoil or topsoil substitute material shall be removed from any site subject to the requirements of this chapter unless specifically provided for in the reclamation permit and any conditional use permit that may be required under Title 16, Chapter 1, the Columbia County Zoning Code.

(e) FINAL GRADING AND SLOPES

- (1) ~~All areas affected by mining shall be graded in accordance with the reclamation plan approved pursuant to this chapter to achieve a stable and safe condition consistent with the post mining land use. The reclamation plan may designate areas such as stable slopes and rock faces which do not require final grading. All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to Sec. 16-7-12 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 horizontal to vertical incline slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.~~
- (2) ~~Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved under Sec. 16-7-17, and stable slopes can be demonstrated based on site-specific engineering analysis. The engineering analysis shall show that a minimum acceptable slope stability factor is attainable at a steeper slope and that the post-mining land use specified in the reclamation plan is not adversely affected. When the slope occurs at the edge of a body of water, this approved slope shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements re approved under Sec. 16-7-17; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.~~
- 3) ~~All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material. When the approved post-mining land includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 horizontal to vertical incline shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.~~

Section 16-7-11 is amended as follows:

- (a) ~~No person may engage in nonmetallic mining or in nonmetallic mining reclamation without ordinance unless the activity is specifically exempted in Sec. 16-7-6 (b).~~
- (b) ~~Required Submittal. All operators of nonmetallic mining sites operate on or after August 1, 2001 shall apply for a reclamation permit from Columbia County. All applications for reclamation permits under this section shall be accompanied by the following information:~~
- (b) ~~Existing Mines. The operator of any existing nonmetallic mining site in operation on August 1, 2001 may apply for an automatic reclamation permit from Columbia County by providing the information set forth below no later than on August 1, 2001 to the Planning and Zoning Department.~~
 - (1) ~~The information required by sub. (a).~~
 - (2) ~~The first year's annual fee, as required by Sec. 16-7-26.~~

(3) — A certification signed by the operator that he or she will provide Columbia County with a complete reclamation plan required by Sec. 16-7-12 and financial assurance required by Sec. 16-7-13 no later than the times established pursuant to this chapter.

- (c) New Mines. Reclamation Permit Application. The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining that will begin operations after August 1st, 2001 or which has not applied for an automatic reclamation permit pursuant to Sec. 16-7-11 shall submit an application that meets the requirements specified below to the Planning and Zoning Department prior to beginning operations. This application shall be accompanied by a plan review fee as specified in Sec. 16-7-25.

Section 16-7-12 is amended as follows:

- (a) Reclamation Plan Requirements Required. All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements:

(1) PLAN REQUIRED. All operators who conducts conduct, or plans plan to conduct nonmetallic mining on or after August 1st, 2001 shall submit to Columbia County a reclamation plan that meets the requirements of this section and complies with the standards of Part II, Sec. 16-7-10. To avoid duplication, the reclamation plan may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(2) SITE INFORMATION. Post-Mining or Land Use. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

(a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of groundwater, the location of surface waters and the existing drainage patterns. For sites of 40 acres or less in area, maps shall be at a scale of not less than 1 inch to 100 feet. For sites greater than 40 acres in area, maps shall be at a scale of not less than 1 inch to 200 feet. the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

(b) Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

(b)(c) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.

(e)(d) Existing topography as shown on contour maps of the site at a contour interval of not less than 10 feet.

(d)(e) Location of manmade features on or near the site.

(e)(f) For existing mines, proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

Section 16-7-12(a)(4) is amended as follows:

- (a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer.

- (j) The reclamation plan shall contain criteria for assuring successful reclamation in accordance with Sect. 16-7-10 (h). A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

Section 16-7-12(a)(6) is amended as follows:

CERTIFICATION OF RECLAMATION PLAN

- (a) The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. ~~The landowner and lessee, if~~ If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in par. (b) below.
- (b) For the following situations, ~~the landowner and lessee, if different from the mine operator, are not required to submit a written certification in accordance with par. (a). The operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan, and that:~~
- (1) ~~The mine operator has submitted a reclamation plan for an existing mine in accordance with Sec. 16-7-11 (b), or~~
 - (2) ~~The operator has submitted a reclamation plan for a new or reopened mine in accordance Sec. 16-7-11 (b) which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior to August 1st, 2001.~~

Section 16-7-12(a)(7) is amended as follows:

- (7) ~~APPROVAL. The operator shall keep a copy of the reclamation plan required by this section, once approved by Columbia County under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.~~

Section 16-7-12(b) is amended as follows:

- (b) ~~Existing Mines. The operator of any nonmetallic mining site that submits an automatic permit application in conformance with Sec. 16-7-11 (b) shall submit the reclamation plan required by Sec. 16-7-12 (a) within three (3) years of the date of approval of the automatic permit.~~

Section 16-7-12(c) is amended as follows:

- (c) ~~New Mines. The operator of any nonmetallic mining site not in operation prior to August 1, 2001 that applies for a permit in conformance with Sec. 16-7-11 (c) shall submit the reclamation plan required by Sec. 16-7-12 (a) with its application for a reclamation permit.~~

Section 16-7-12(d) is amended as follows:

- (d)(b) Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by ~~Sec. 16-6-12 .this section (a)~~ may, by reference, incorporate existing plans or materials that meet the requirements of this chapter. Previous approvals for nonmetallic mining sites in operation on August 1st, 2001 shall satisfy the requirements of Sec. 16-7-12 (a) if they meet the following requirements.
- (1) ~~The document has been approved by a county or municipality; and~~
 - (2) ~~Columbia County finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.~~

Section 16-7-12(e) is amended as follows:

- (e)(c) Approval of Reclamation Plan. Columbia County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with ~~Sec. 16-7-15 (c)(4) for existing mines and~~ Sec. 16-7-15 (d). for mines that apply for a reclamation permit in conformance with Sec. 16-7-11 (c). Conditional approvals of reclamation plans shall be made according to Sec. 16-7-15 (g) and denials of reclamation plans shall be made pursuant to Sec. 16-7-16. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

Section 16-7-13 is amended as follows:

- (b) ~~Existing Mines. The operator of any nonmetallic mining site that applies for an automatic reclamation permit in conformance with Sec. 16-7-11 (b) shall submit the proof of financial assurance required by Sec. 16-7-13 (a) no later than three years after receipt of the automatic permit.~~

- ~~(c) — New Mines.~~(b) The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with Sec. 16-7-11 (c) shall submit the proof of financial assurance required by Sec. 16-7-13 (a) as specified in the reclamation permit issued to it under this chapter.
- (d)(c) Public Nonmetallic Mining. The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

Section 16-7-14 is amended as follows:

- (a) ~~New Mines~~ Reclamation Plan Hearing. The County shall, ~~except as provided in Sec. 16-7-14 (b)~~, provide public notice and the opportunity for a public informational hearing as set forth below:
- (1) Public Notice. ~~Except as provided in sub. (b) for existing mines,~~ When the County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies Sec. 16-7-11 (c).
- (a) The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 2 1 notice pursuant to s. 985.07(2)(1), Stats., in the official newspaper of Columbia County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.
- (b) Copies of the notice shall be forwarded by the County to the county or applicable ~~local~~ municipal-zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the tax parcel or parcels of land on which the site is located.
- (2) Hearing. ~~Except as provided in sub. (b) for existing mines,~~ The County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:
- ~~(b) — Existing Mines~~
- (1) ~~No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued pursuant to Sec. 16-7-15 (b) for an existing mine, except as provided in par. (3).~~
- (2) ~~If the regulatory authority accepts a previously approved reclamation plan for that mine as provided in Sec. 16-7-15 (c)(2), no further public notice or informational hearing is required.~~
- (3) ~~If Columbia County requires the submittal of a new reclamation plan, public notice and the opportunity for public informational hearing shall be provided following the receipt of the reclamation plan in accordance with Sec. 16-7-14 (a). In this case, the subject matter and testimony at that hearing, if held, shall be limited to the new reclamation plan.~~
- (e)(b) Local Transportation-Related Mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to Sec. 16-7-15 (e).

Section 16-7-15 is amended as follows:

- (a) Permit Required. ~~Every operator of a~~ No person may engage in nonmetallic mining site or non metallic mining reclamation in the County who engages in or plans to engage in nonmetallic mining after September 1st, 2001 without first shall obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under Sec. 16-7-6 (b). ~~No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1st, 2001 without a reclamation permit issued pursuant to this chapter.~~
- ~~(b) — Automatic Permit for Existing Mines.~~ The County shall issue an automatic reclamation permit to the operator of a nonmetallic mining site that submits an application meeting the requirements of Sec. 16-7-11 (b), according to the following provisions:
- (1) ~~The permit shall be issued within 30 days of such application.~~

- (2) Existing mines that are granted a reclamation permit pursuant to this subsection shall, within three years of receipt of the permit, submit to the County the following:
- (a) A reclamation plan that meets the requirements of Sec. 16-7-12; and
 - (b) Financial assurance required pursuant to Sec. 16-7-13.
- (3) The County may grant a reasonable extension to the deadline in par. (2) when it finds extenuating circumstances exist.
- (c) Evaluation of Follow-Up Submittals for Existing Mines. Mines covered by automatic permits issued under Sec. 16-7-15 (b) shall submit a reclamation plan in accordance with Sec. 16-7-12 (b) and proof of financial assurance in accordance with Sec. 16-7-13 (b). Reasonable extensions to these deadlines may be granted in writing by the County where extenuating circumstances exist. These follow-up submittals shall be evaluated as set forth below:
- (1) The reclamation plan and financial assurance shall meet the requirements of Sec. 16-7-15 (b)(2).
 - (2) The County shall accept, as satisfaction of the requirement for submittal of a reclamation plan pursuant to Sec. 16-7-15 (b)(2)(a), submittal of a previously-completed document that includes plans for reclamation so long as:
 - (a) The document has been approved by a county or municipality; and
 - (b) The County finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.
 - (3) If the County determines that a document with reclamation plans previously approved meets some, but not all of, the requirements of this chapter, it shall request the supplemental information needed to satisfy the reclamation plan requirements of this section. In that case, the County shall determine whether or not to provide public notice and opportunity for public hearing pursuant to Sec. 16-7-14 (b)(3), depending on the nature and extent of the supplemental information.
 - (4) Within 30 days of receipt of the reclamation plan and evidence of financial assurance as required under Sec. 16-7-15 (b)(2), the County shall affirm in writing its decision whether to approve these submittals and continue the nonmetallic mining reclamation permit issued pursuant to Sec. 16-7-15 (b). A reclamation permit with this written affirmation shall satisfy the requirements of this chapter without further action, submittal or approval.
- (d)(b) Permit Issuance for New Mines. Applications for reclamation permits for nonmetallic mining sites not in operation on August 1st, 2001 that satisfy Sec. 16-7-11 (c) shall be issued a reclamation permit or otherwise acted on as provided below.
- (1) Unless denied pursuant to Sec. 16-7-16, the County shall approve in writing a request that satisfies the requirements of Sec. 16-7-11 (c) to issue a nonmetallic mining reclamation permit for a nonmetallic mine where mining has not yet taken place before August 1st, 2001 or an existing nonmetallic mine where mining is not taking place on or after August 1, 2001. the proposed nonmetallic mine.
 - (2) The County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of Sec. 16-7-12. The regulatory authority may issue a reclamation permit subject to conditions in Sec. 16-7-15 (g) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in 16-7-11 and reclamation plan pursuant to this subchapter, that meets the requirements in 16-7-12 unless a public hearing is held pursuant to Sec. 16-7-14. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to Sec. 16-7-15 (g) if appropriate, or shall deny the permit as provided in Sec. 16-7-16, no later than 60 days after completing the public hearing.
- (e) (c) Automatic Permit for Local Transportation Related Mines

Section 16-7-15(c)(3)(e) is amended as follows:

- (e) Mines permitted under this subsection shall pay an annual fee to the County as provided in Sec. 16-7-26, but shall not be subject to the plan review fee provided in Sec. 16-7-25. The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of Section 16-7-26.

Section 16-7-15(c)(3)(g) is amended as follows:

- (1) The County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

Section 16-7-24 (a) (2) is amended as follows:

- (2) Deadline. The annual report shall cover activities ~~for~~ on reclaimed acreage for the previous a calendar year and be submitted ~~within 60 days following the end of the year~~ by January 31.

Section 16-7-25(a) is amended as follows:

- (a) Amount and Applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Sec. 16-7-11 (c) shall submit a non-refundable plan review fee as provided for in the fee schedule in Title 9 of the Columbia County Code of Ordinances. No plan review fee may be assessed under this section for ~~any existing nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of Sec. 16-7-11 (b) or for any local transportation-related mining receiving an automatic permit under Sec. 16-7-15 (e).~~ A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to Sec. 16-7-22.

Section 16-7-26 is amended as follows:

- (a) Areas Subject to Fees, Procedures, and Deadline and Amount.
 - (1) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the County. ~~Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under par. (b) and a share for the County under par. (c) that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining sites.~~
 - (2) (b) (5) Those areas within a nonmetallic mining site which the ~~regulatory authority has~~ have been determined to have been successfully reclaimed on an interim basis in accordance with Sec. 16-7-28 (b) and (c).
 - (3) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under Sec. 16-7-28. Fees shall be paid no later than ~~December~~ January 31 for the ~~subsequent~~ previous year.
 - (4) ~~For new or reopened mines that submit a reclamation permit application under Sec. 16-7-11 (c), the first year's annual fee shall be based upon the unreclaimed acres which are anticipated at the end of that calendar year. Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.~~
 - (6) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in (b), the share of Columbia County described in (c) and, if applicable, the reclamation plan review fee described in Sec.16-7-25.
- (b) Wisconsin Department of Natural Resources Share of Fee.
 - (1) Fees paid under this section shall, except where provided in par. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in ~~Table 1 under s. NR 136.39 (3)~~ .

TABLE 1:

Wisconsin Department of Natural Resources Share of Fees Collected by Columbia County

Mine Size in Unreclaimed Acres,
Rounded to the Nearest Whole Acre Annual Fee

<u>1 to 5 acres, (does not include mines <1 acre</u>	<u>\$35.00</u>
<u>6 to 10 acres</u>	<u>\$70.00</u>
<u>11 to 15 acres</u>	<u>\$105.00</u>
<u>16 to 25 acres</u>	<u>\$140.00</u>
<u>26 to 50 acres</u>	<u>\$160.00</u>
<u>51 acres or larger</u>	<u>\$175.00</u>

(3) The County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st of the year for which they were collected.

(c) Columbia County’s Share of Fee. Fees paid under this section shall also include an annual fee due to the County which shall be as specified in the fee schedule in Title 9 of the Columbia County Code of Ordinances.

(1) Fees paid under this section shall also include an annual fee due to the County which shall be (dollar amount) to be established on an unreclaimed acre basis, and equal as closely as possible the county or municipal cost of administering the reclamation program – see s. 295.13 (3) (e) 1. Stats for details. Section NR 135.39 (4) (b) (preamble). Wis. Admin. Code further requires that annual fees must equal as closely as possible the county or municipality’s expenses to administer the program, including but not limited to the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this ordinance. Section NR 135.39 (4) (b) 1. Wis. Admin. Code also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program).

(2) The annual fee collected by Columbia County under this subsection for local transportation – related mines issued permits under sub. 16.30 may not exceed the amounts set forth in Table 2. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Columbia County.

TABLE 2:

Limit on Total Annual Fees for Automatically Permitted Local Transportation Project-Related Mines

Mine Size in Unreclaimed Acres,
Rounded to the Nearest Whole Acre Annual Fee

<u>1 to 5 acres, does not include mines <1 acre</u>	<u>\$175.00</u>
<u>6 to 10 acres</u>	<u>\$350.00</u>
<u>11 to 15 acres</u>	<u>\$525.00</u>
<u>16 to 25 acres</u>	<u>\$700.00</u>
<u>26 to 50 acres</u>	<u>\$810.00</u>
<u>51 acres or larger</u>	<u>\$870.00</u>

Documentation of Columbia County’s Share of Fee
Columbia County shall document in writing its estimated program costs and the need for fees established in Section 16-7-26 on or before June 1st, 2001. This documentation shall be available for public inspection at the Planning and Zoning Department.

TABLE 3:
Annual Fees Due Where the Department of Natural Resources is the Regulatory Authority

<u>Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre</u>	<u>Annual Fee</u>
<u>1 to 5 acres, does not include mines <1 acre</u>	<u>\$175.00</u>
<u>6 to 10 acres</u>	<u>\$350.00</u>
<u>11 to 15 acres</u>	<u>\$525.00</u>
<u>16 to 25 acres</u>	<u>\$700.00</u>
<u>26 to 50 acres</u>	<u>\$810.00</u>
<u>51 acres or larger</u>	<u>\$870.00</u>

Section 16-7-27 (a) is amended as follows:

- (a) Reporting. Columbia County shall send an annual report to the Wisconsin Department of Natural Resources by March 31st ~~of each~~ for the calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:
(4) The number of acres being mined or unreclaimed acres.

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

DATE PASSED: June 20, 2007
DATE PUBLISHED: June 28, 2007

John Bluemke, Planning & Zoning Director, explained that the Ordinance is mandated by the State and was adopted in 2001. The revisions were necessary to remain compliant with the Wisconsin Administrative Code.

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.

Motion carried unanimously.

Second reading of Ordinance.

Motion by O'Neil, 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 Ross, second by Ford, to adopt. Motion carried unanimously. The Ordinance was declared passed and is to be known as Ordinance 97-07.

J. Robert Curtis moved adjournment of this meeting to Wednesday, July 18, 2007, at 7:00 p.m. Second was made by Stoltenberg. The motion carried unanimously. The meeting adjourned at 8:26 p.m.

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