

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Portage, Wisconsin
May 20, 2009
7:00 P.M.

The Board of Supervisors of Columbia County convened in annual session at the Carl C. Frederick Administration Building in Portage pursuant to law. The meeting was called to order by Chair Wopat and was certified to be in compliance with the Wisconsin Open Meetings Law.

All Supervisors were present.

Members stood and recited the Pledge of Allegiance.

A motion was made by O'Neil, second by Boockmeier to approve the Journal of April 21, 2009. Motion carried.

A motion to approve the agenda, as printed, was made by Richmond, second by Baebler. Motion carried.

Chair Wopat indicated that correspondence was received from Representatives Joel Kleefisch (38th Assembly District) and Fred Clark (42nd Assembly District) regarding the resolution to restore Health & Human Services funding in 2009-2011 State Budget.

There are several openings on various WCA steering committees. Anyone interested should contact Chair Wopat or the County Clerk.

Congratulations to Supervisor Ross for M.A.T.C. award.

Chair Wopat announced that the I.O.U.S.A. film based on rapidly growing national debt would be shown before County Board at future meeting. She strongly encourages attendance.

Hiroshi Kanno, Chair for the Town of Newport Planning Committee, addressed the Board regarding their concerns with short term rental properties, storm water/erosion and garlic mustard.

The following appointments were announced:

- (1) Aging and Disability Resource Center Governing Board (ADRC): Sara Shaver, 3 year term to January 2012. Motion by O'Neil, second by Westby, the appointment was approved.
- (2) Zoning Board of Adjustment: Carol Genrich Dugan, Roger Wetzel and Helen McDonald Rawson as alternate for 3 year terms to June 2012. Motion by DeYoung, second by Baebler, the appointments were approved.
- (3) Local Library Board: Sharon Quade (Cambria), Heather Tessmann (Cambria), Julie Moskal (Lodi), Eleanor McLeish (Portage), Harriet Keller (Poynette), Sharon Boehler (Rio) and Lonna Brooks (Rio) for 3 year terms to May 2012. Motion by Jenkins, second by Curtis, the appointments were approved.
- (4) Tourism: Steve Sobiek to replace Jeff Grothman and Mary Ann Harding to replace Marianne Hanson for remaining terms to March 2010. Motion by Wingers, second by Cupery, the appointments were approved.

Chair Wopat stated that the annual reports would be presented in the order listed in the book with committee chair/department heads giving a brief presentation and then opening up for comments.

A handout was provided to supervisors from the Building & Grounds Department regarding a four-day work week.

2008 Financial Report of Highway Operations was placed on supervisor's desks.

Chair Wopat stated due to time and only being midway through annual reports (Accounting-Human Resources) the Board would break and continue with remaining items on the agenda.

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 Greg Jones, Cambria, WI, Petitioner and Dennis Jones, Cambria, WI, Owner, to rezone from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, Parcels 114 & 172, Section 5, T12N, R12E in the Town of Courtland on the 14th day of April, 2009 be approved as follows: To change from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, Parcels 114 & 172, Section 5, T12N, R12E, Town of Courtland.
2. A petition by Charles E. Brown II, Lodi, WI, Petitioner and Owner, to rezone from Agricultural to Rural Residential, Parcel 616.01, Section 30, T10N, R8E, Town of West Point on the 4th day of December, 2008 be approved as follows: To change from Agricultural to Rural Residential, Parcel 616.01, Section 30, T10N, R8E, Town of West Point.
3. A petition by Donald and Denise Dohm, Lodi, WI, Petitioners and Owners, to rezone from Single Family Residential to Agricultural, Parcels 575, 578.1 & 580.1, Section 26, T10N, R8E in the Town of Lodi on the 7th day of January, 2009 be approved as follows: To change from Single Family Residential to Agricultural, Parcels 575, 578.1 & 580.1, Section 26, T10N, R8E, Town of Lodi.
4. A petition by Lynn & Clayton Beal, Fall River, WI, Petitioners and Helen Trapino, Rio, WI, Owner, to rezone from Agricultural and Commercial to Single Family Residential, Parcel 374, Section 23, T11N, R11E in the Town of Otsego on the 14th day of April, 2009 be approved as follows: To change from Agricultural and Commercial to Single Family Residential, Parcel 374, Section 23, T11N, R11E, Town of Otsego.
5. A petition by David Pafford, Poynette, WI, Petitioner and Owner, to rezone from Agricultural to Single Family Residential, Parcel 549.B, Section 36, T11N, R9E in the Town of Dekorra on the 24th day of March, 2009 be approved as follows: To change from Agricultural to Single Family Residential, Parcel 549.B, Section 36, T11N, R9E, Town of Dekorra.
6. A petition by Mary Jayne Pafford, Arlington, WI, Petitioner and Owner, to rezone from Agricultural to Single Family Residential and Agricultural to Agricultural with Agricultural Overlay, Parcels 549.04 & 549, Section 36, T11N, R9E in the Town of Dekorra on the 24th day of March, 2009 be approved as follows: To change from Agricultural to Single Family Residential and Agricultural to Agricultural with Agricultural Overlay, Parcels 549.04 & 549, Section 36, T11N, R9E, Town of Dekorra.

Douglas Richmond
John H. Healy
Philip Baebler
Fred C. Teitgen
Harlan Baumgartner
PLANNING AND ZONING COMMITTEE

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

RESOLUTION NO. 17-09, 2009-2010

WHEREAS, the Governor's proposed biennial state budget, Assembly Bill 75, proposes to make the prevailing wage law applicable to any public works contract over \$2,000; and

WHEREAS, under current law the prevailing wage requirements only apply to multiple-trade public works projects over \$234,000 and single-trade public works projects over \$48,000; and

WHEREAS, reducing the threshold to \$2,000 will increase the cost of small public works projects previously exempted from the prevailing wage requirement in many communities; and

WHEREAS, the cost increase to pay prevailing wages on all public works projects over \$2,000 will force counties and other local governments to reduce the number and/or size of public works projects or raise taxes to meet the increased costs, which would further burden property taxpayers; and

WHEREAS, the Governor's proposed budget also for the first time proposes to make the prevailing wage law applicable to private projects that receive public financing; and

WHEREAS, the requirement to pay prevailing wages on all public works projects over \$2,000 will take away the competitive advantage that many smaller local contractors have on smaller public works projects over larger contractors from outside a local community, thus hurting the local economy in these communities while still increasing the costs of these projects; and

WHEREAS, the proposed changes to the prevailing wage law in the budget are non-fiscal policy items that should be addressed as separate legislation so that lawmakers can give more thoughtful consideration to changing the cost threshold for public works projects and clarifying statutory language to distinguish between routine maintenance and construction projects.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors opposes the changes to the prevailing wage law proposed in AB 75, and urges the Legislature and the Governor to remove these items from the budget bill.

BE IT FURTHER RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Governor of the State of Wisconsin, the Majority Leader of the Wisconsin State Senate, the Speaker of the Wisconsin State Assembly, Joint Committee on Finance, all Columbia County legislative representatives and the Wisconsin Counties Association.

Fiscal Note: NONE

Fiscal Impact: NONE

Timothy J. O'Neil
Harlan Baumgartner
Richard C. Boockmeier, Secretary
Robert R. Westby, Vice Chair
Debra L.H. Wopat, Chair
EXECUTIVE COMMITTEE

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

Motion was made by Tramburg, second by Sanderson, to amend last paragraph to include Joint Committee on Finance. Motion to amend carried.

The Resolution as amended was adopted.

RESOLUTION NO. 18-09

WHEREAS, State levy limits have placed severe financial constraints on Wisconsin municipalities; and

WHEREAS, municipal budgets are typically set in November and run from January 1 to December 31st of each year; and

WHEREAS, an increased State garbage surcharge that goes into effect mid-year will create an additional financial burden on municipalities who already are required to comply with State imposed taxation limits; and

WHEREAS, the current proposed State budget would increase the recycling surcharge while cutting funds for community recycling programs that were the original purpose of the recycling surcharge; and

WHEREAS, the current proposed State Budget would increase the environmental repair fund surcharge from \$1.60 to \$5.00 per ton and the recycling surcharge from \$4.00 per ton to \$5.00 per ton, both of which will unfairly burden municipal budgets.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors opposes the proposed increased landfill tipping fee surcharges because of the undue burden that will be placed on all Wisconsin municipalities; and

BE IT FURTHER RESOLVED, that the Columbia County Board of Supervisors opposes the reduction or elimination of recycling and solid waste grant programs that are supposed to be funded by landfill tipping fee surcharges; and

BE IT FINALLY RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Governor of the State of Wisconsin, the Joint Committee on Finance, all Columbia County legislative representatives, the Wisconsin Counties Association, the Wisconsin Towns Association, the League of Wisconsin Municipalities, and the Wisconsin Alliance of Cities.

Fiscal Note: NONE

Fiscal Impact: Approximately \$107,496.44 per year based on 2008 figures.

Donald Nelson
Barry Pufahl
Ollie W. Mielke
Gerald Salzwedel
John Healy
SOLID WASTE COMMITTEE

Motion was made to adopt the Resolution by Pufahl, second by Salzwedel. The resolution was adopted.

RESOLUTION NO. 19-09

WHEREAS, in 1998 the Wisconsin Attorney General created the Wisconsin Child Death Review Program to help reduce preventable childhood deaths; and,

WHEREAS, one of the goals of the Wisconsin Child Death Review Program is to facilitate the development of local child death review teams ("CDRT"); and,

WHEREAS, the goals of a local CDRT include: 1) improving our understanding of how and why children die; 2) identifying the need to influence policies and programs; 3) improving child health, safety and protection; and 4) preventing other child deaths; and,

WHEREAS, under the auspices of the Wisconsin Child Death Review Program, Columbia County formed the Columbia County CDRT, which is a multidisciplinary interagency group of professionals who meet regularly to review the deaths of children in our County; and,

WHEREAS, the membership of the Columbia County CDRT currently includes an Assistant District Attorney, the County Medical Examiner, a Lieutenant from the City of Portage Police Department, the County Health and Human Services Director, the Public Health Administrator/Health Officer from the County Health and Human Services Department, the Children and Families Administrator from the County Health and Human Services Department, the Detective Lieutenant from the County Sheriff's Department and a Medical Doctor from the Divine Savior Hospital Emergency Medicine Department.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors recognizes the Columbia County CDRT, supports the CDRT's effort to prevent child deaths in Columbia County and supports the active participation of the Columbia County CDRT in the Wisconsin Child Death Review Program including submitting applications for State and Federal grants for programs to promote child safety and prevent child deaths.

Fiscal Note: NONE

Fiscal Impact: NONE

Andy Ross
Tom L. Jenkins
Robert J. Lane
Robert L. Hamele
Richard C. Boockmeier
JUDICIARY COMMITTEE

Motion was made to adopt the Resolution by Gove, second by Boockmeier. The Resolution was adopted.

RESOLUTION NO. 20-09

WHEREAS, Columbia County has been involved in planning efforts to preserve prime agricultural land and to prevent rural-urban land use conflicts since the late 1960's; and

WHEREAS, Columbia County was one of the counties that adopted a zoning ordinance in 1973 designed to protect agricultural land from nonfarm development, which was one of the ordinances that provided the basis for the zoning provisions of the Farmland Preservation Law adopted in July 1977; and

WHEREAS, Columbia County has participated in the Wisconsin Farmland Preservation Program since the Program was created by Chapter 91 of Wisconsin Statutes, which Statute has not changed significantly since it was adopted over 30 years ago; and

WHEREAS, part of the Governor's Working Lands Initiative was to evaluate the Farmland Preservation Program and make recommendations regarding the Farmland Preservation Program; and

WHEREAS, the Governor's proposed biennial state budget, Assembly Bill 75 (AB 75), proposes several significant policy changes pertaining to the planning and zoning provisions of Chapter 91 including but not limited to:

- Mandating that Counties must develop a new Farmland Preservation Plan;
- Implementing a conversion fee, payable to the State, that depending upon the town, ranges between \$942 and \$1,047 per acre for rezoning any land out of Agriculture Zoning regardless of whether the land owner ever claimed a tax credit under the Farmland Preservation Program;
- Applying the conversion fee to a rezoned lot created under the residential development option of our state mandated Comprehensive Plan, which simply stated says you must have at least 35 acres if you are going to build a house but that the lot must be between 1 and 5 acres with the remaining land being restricted from future development, but would not apply the fee if the same residential development were allowed by a Conditional Use Permit.
- Making many definitions, including such basic terms as a "farm" and "agricultural use" so broad that they will allow for more houses and commercial uses to be developed in our agricultural areas than currently permitted;
- Eliminates the Land and Water Conservation Board; and

WHEREAS, the proposed Chapter 91 statutory language in AB 75 is excessively detailed and very confusing, which was a problem that was cited by the Working Lands Initiative Steering Committee Report as a limitation of the current Farmland Preservation Program Statutes; and

WHEREAS, it is simply not good public policy to only allow a window of two to three months for public comment on a program that has been in place for more than 30 years and to require that comments must be made within the process of developing a state budget; and

WHEREAS, there has been very little or no effort by the State to involve the professionals and elected officials of the counties and towns who for over 30 years have been responsible for administration of the Farmland Preservation Program or the land owners and citizens who will be subject to the provisions of the revised Chapter 91 Farmland Preservation.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors opposes the inclusion of Farmland Preservation Program regulatory policies in AB 75 and requests these policies be removed from the Budget Bill and be considered as a separate legislation in order to provide the opportunity for local governments and the public to be involved in any attempt to revise a program that is as important to saving agriculture and agriculture land as the Wisconsin Farmland Preservation Program.

BE IT FURTHER RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Governor of the State of Wisconsin, the Majority Leader of the Wisconsin State Senate, the Speaker of the Wisconsin State Assembly, all Columbia County legislative representatives, DATCP Secretary Rod Nilsestuen, all Wisconsin County Chairs or Clerks, the Wisconsin Counties Association, all Town Clerks in Columbia County and the Wisconsin Towns Association.

Fiscal Note: None

Fiscal Impact: Undetermined at this time.

John Healy
Philip Baebler
Fred C. Teitgen
Harlan Baumgartner
Douglas S. Richmond
PLANNING & ZONING COMMITTEE

Resolution placed on supervisor's desks.

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

Supervisor Nelson placed a handout regarding "Support the Working Lands Initiative" on supervisor's desks.

The Resolution was adopted.

Maier Drive and the southwesterly extension thereof, 193.76 feet to the point of beginning. Containing 120,853 square feet (2.77 acres) more or less. Land To Be Rezoned From Agricultural to Agricultural with Agricultural Overlay: Part of the NW ¼-SE ¼ and the SW ¼ - SE ¼, Section 7, T12N, R12E, commencing at the south quarter corner of said Section 7; thence North along the quarter line, 1393.12 feet to the point of beginning; thence S89°49'East, 151.20 feet; thence South 3°14' East, 123.84 feet; thence North 87°49'30" East to the east line of said SW ¼ -SE ¼; thence Northerly on the east line of said SW¼-SE¼ and east line of said NW¼-SE¼ to the northeast corner of said NW¼-SE¼; thence Westerly on the north line of said NW¼-SE¼ to the north-south quarter line; thence South on said quarter line to the point of beginning. Containing 41.4 acres, more or less. This rezoning shall become effective upon recording of the Certified Survey Map.

- (2) "To change from Agricultural to Rural Residential", (Charles and Kim Brown) parcel of land located in Section 30, T10N, R8E, Town of West Point more particularly described as follows: Land to be Rezoned from Agricultural to Rural Residential - Commencing at the South 1/4 corner of said Section 30; thence North 00°03'07" West, 1967.94 feet along the North - South 1/4 line of said section to the center line of Reynolds Road; thence along said center line on a curve to the right having a radius of 7179.76 feet, a delta angle of 00°37'04", a chord bearing North 58°25'38" East 77.42 feet, an arc distance of 77.42 feet to the Northwest corner of said Lot 1 and the Point of Beginning; thence continuing along said center line on said curve having a radius of 7179.76 feet, a delta angle of 01°26'41", a chord bearing North 59°27'31" East 181.04 feet, an arc distance of 181.05 feet; thence continuing along said center line North 61°12'47" East 425.48 feet; thence South 01°39'09" West 487.16 feet, thence North 81°31'18" West 55.76 feet; thence North 87°06'48" West 141.00 feet; thence South 01°39'09" West 312.88 feet; thence North 85°28'40" West 377.16 feet to the Point of Beginning; containing 5.4592 acres to the centerline of Reynolds Road. This rezoning shall become effective upon recording of the Certified Survey Map.
- (3) "To change from Single Family Residential to Agricultural", (Donald & Denise Dohm) parcel of land located in Section 26, T10N, R8E, Town of Lodi more particularly described as follows: Lands to be Rezoned from Single Family Residential to Agricultural - The E ½ of the NW ¼, except 1.5 acres in the southwest corner, also a parcel of land located in the NW ¼ of the NW ¼ and the NE ¼ of the NW ¼ commencing at the centerline of US 60 and Lindsay Road; thence Easterly along the centerline of US 60 580 feet; thence North parallel with section line 940 feet; then Westerly to centerline of Lindsay Road; thence Southerly along centerline of Lindsay Road to point of beginning; except for approximately 1 acre described in R105-36. Said parcel containing 78.42 acres more or less, and, The N ½ of the NE ¼, except for 11 acres in the southeast corner. Said parcel containing 66 acres more or less.
- (4) "To change from Agricultural and Commercial to Single Family Residential", (Helen Trapino) parcel of land located in Section 23, T11N, R11E, Town of Otsego more particularly described as follows: Land to be Rezoned from Agricultural and Commercial to Single Family Residential: Commencing at the southwest corner of said Section 23; thence Northerly along the west line of the Southwest Quarter of said Section 23, 1,359.57 feet to an existing PK nail at the intersection of the center line of Columbus Road; thence continuing Northerly along the west line of the Southwest Quarter of said Section 23, 164.5 feet to the point of beginning; thence Easterly at right angles to the west line of the Southwest Quarter of said Section 23, 214.5 feet; thence Northerly 201.3 feet to a point in the center line of State Trunk Highway 16; thence Northwesterly along said center line of State Trunk Highway 16, 231.7 feet to a point on the west line of the Southwest Quarter of said Section 23; thence Southerly along the west line of the Southwest Quarter of said Section 23, 295.7 feet to the point of beginning.
- (5) "To change from Agricultural to Single Family Residential", (David Pafford) parcel of land located in Section 36, T11N, R9E, Town of Dekorra more particularly described as follows: Land to be Rezoned from Agricultural to Single Family Residential - Lot 1, Certified Survey Map 948.

- (6) "To change from Agricultural to Single Family Residential and Agricultural to Agricultural with Agricultural Overlay", (Mary Jayne Pafford) parcel of land located in Section 36, T11N, R9E, Town of Dekorra more particularly described as follows: Land to be Rezoned from Agricultural to Single Family Residential - Lot 2, Certified Survey Map - Land to be Rezoned from Agricultural to Agricultural with Agricultural Overlay: The North Half of the Southeast ¼ of Section 36, Town 11 North, Range 9 East, Town of Dekorra, Columbia County, Wisconsin. EXCEPTING therefrom the following parcels of real estate previously conveyed: Parcel A (Tax No. 550) - Commencing at the Northeast corner of the Southeast ¼ of Section 36, Town 11 North, Range 9 East, Town of Dekorra, Columbia County, Wisconsin, which point is in the center of the highway; thence Southerly along the East line of said quarter-quarter 20 rods; thence directly west and parallel to the highway 16 rods; thence directly north to the center of the highway 20 rods; thence East along the center of the highway to the point of beginning. Parcel B (Tax No. 549.A) - A parcel of land which is a portion of the Northeast one-quarter of the Southeast one-quarter of Section 36, Town 11 North, Range 9 East, Township of Dekorra, Columbia County, Wisconsin, which is more fully described as follows: Commencing at the east one-quarter corner of said Section 36, thence south along the east line of said Section 30, 330 feet to the southeast corner of the parcel described in Volume 279 of Deeds on Page 478, Columbia County Registry and the point of beginning of this description, thence continuing South along said East line of this Section, 294.6 feet, thence North 89 Degrees, 42 Minutes West, 294 feet, thence North 624.6 feet to the North line of said quarter section, thence South 89 Degrees, 42 Minutes East along said North line of the quarter section 30 feet, thence South 330 feet, thence South 89 Degrees, 42 Minutes East, 264 feet to the point of beginning. Parcel C (Tax No. 549.B) - Lot One (1) of Columbia County Certified Survey Map No. 948. Parcel D (Tax No. 549.03) - Lot One (1) of Columbia County Certified Survey Map No. 2368. Parcel E (Tax No. 549.04) - Lot Two (2) of Columbia County Certified Survey Map No. 2368. Said parcel containing ± 53.8 acres.

Debra Wopat, Chair
COLUMBIA COUNTY
BOARD OF SUPERVISORS
Susan M. Moll
COLUMBIA COUNTY CLERK

DATE PASSED: May 20, 2009
DATE PUBLISHED: May 28, 2009

First reading of Ordinance.

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

The motion carried.

Second reading of Ordinance.

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

The motion carried.

Third reading of Ordinance.

Motion made by Westby, second by Richmond, to adopt. Motion carried. The Ordinance was declared passed and is to be known as Ordinance Z370-09.

Chair Wopat indicated the Board would resume with the annual reports (Land and Water Conservation-Land Information).

Sanderson moved to postpone remaining annual reports and adjourn this meeting to Wednesday, June 17, 2009, at 7:00 p.m. Second by DeYoung. The motion carried by a hand vote. The meeting adjourned at 10:00 p.m.

Minutes of Columbia County Board of Supervisor meeting are considered Draft until approved at a subsequent County Board Meeting. Complete minutes are on file in the County Clerk's Office or can be viewed on the County Website at www.co.columbia.wi.us after publication