

PROCEEDINGS
OF THE
BOARD OF SUPERVISORS
Columbia County, Wisconsin

Wycocena, Wisconsin
January 20, 2010
9:50 A.M.

The Board of Supervisors of Columbia County convened in annual session at the Columbia Health Care Center in Wycocena 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, except Andler, Boockmeier, DeYoung, Jenkins, Sanderson and Wingers, absent.

Members stood and recited the Pledge of Allegiance.

A motion was made by Pufahl, second by Cupery to approve the Journal of December 16, 2009. Motion carried.

Motion to approve the agenda, as printed, was made by Ross, second by Baumgartner. Motion carried.

Supervisor Westby indicated that the 2010-2012 Committee Assignment Request forms had been placed in supervisor's packets. He asked that the forms be completed and returned to the County Clerk's Office by February 5, 2010.

Chair Wopat announced that she will be serving on a committee to plan the 2010 Wisconsin Counties Association Fall Conference. She urged supervisors to please contact her with suggestions for session topics that she could present to the committee.

Chair Wopat stated that the Finance Committee, at their meeting this month, discussed the state-imposed levy limit formula to compute dollar amount that can be collected from property taxpayers, equalized assessed valuation and the effect on Columbia County in the future.

Chair Wopat explained that during the 2010 budget process last year a list of capital improvements was requested by the Columbia Health Care Center, which prompted this off-site meeting and tour of facility today. The Columbia Health Care Center has maintained its own operating expense, however, might need the County's financial assistance for building upgrades. Chair Wopat indicated that an option would be to add the Health Care Center upgrade request to the bond with the radio equipment upgrade request for the Sheriff's Department.

Amy Yamriska, Columbia Health Care Center Administrator, reported that the Health Care Center was built in 1966 and has been well kept. However, repairs and improvements such as replacing the 27 year old roof and original single pane windows are needed. In December the Columbia Health Care Center Committee issued a request for proposals to qualified firms, that specialize in nursing home facilities, to conduct a study of the Columbia Health Care Center for improvements and compliance with Life-Safety Standards and Americans with Disabilities Act. Eight firms responded to the RFP. Interviews with the firms will begin in February.

Amy introduced Bob Becker, President of the Bridging Generations Foundation, Inc. Mr. Becker gave a brief presentation on the foundation and projects completed at the Columbia Health Care Center. He thanked the Board for their support and presented Chair Wopat with a check in the amount of \$4,500 towards current loan.

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 Jeff Nehmer, ETAL, Sun Prairie, WI, Petitioners and Owners, to rezone from Commercial to Single Family Residence, Parcels 701, 701.A, 701.A1, 701.A3, 701.01, 701.C & 703.A, Section 11, T10N, R7E in the Town of West Point on the 12th day of November, 2009 to be approved as follows: To change from Commercial to Single Family Residence, Parcels 701, 701.A, 701.A1, 701.A3, 701.01, 701.C & 703.A, Section 11, T10N, R7E, Town of West Point.
2. A petition by Philip Bennett, Sun Prairie, WI, Petitioner and Owner, to rezone from Agricultural to Agricultural No. 2, Parcel 79.D, Section 4, T10N, R8E, Town of Arlington in 1973 be approved as follows: To change from Agricultural to Agricultural No. 2, Parcel 79.D, Section 4, T10N, R8E, Town of Arlington.

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. 1-10

WHEREAS, in the 2010 Budget, Columbia County did appropriate \$26,609 as matching funds for a State Elderly and Disabled Specialized Transportation Services Grant Program, and

WHEREAS, funding levels now established have amended the grant and the required 20 percent County match, and

WHEREAS, provision of specialized transportation services improve and promote the maintenance of human dignity and self-sufficiency of the elderly and the disabled.

NOW, THEREFORE, BE IT RESOLVED, that the Elderly and Disabled Specialized Transportation Grant of \$136,545 be accepted.

BE IT FURTHER RESOLVED, that the County match be increased to the adjusted amount of \$27,309, thus requiring an additional appropriation of \$700.

Fiscal Note: In 2010, transfer \$700 from the Contingency Fund #100.350000 to Health and Human Service Account #562000000

Fiscal Impact: No 2010 Tax Levy Impact

Charles Boursier, MD, Community Member
Janet Gardner, RN, Community Member
Susan Goethel, Community Member
Robert J. Lane, Board Member
Jack Sanderson, Board Member
Tom L. Jenkins, Board Member
Mary Cupery, Secretary
Timothy O'Neil, MD, Vice Chair
J. Robert Curtis, DVM, Chair
HEALTH AND HUMAN SERVICES BOARD

Motion was made to adopt the Resolution by Curtis, second by Ford. The Resolution was adopted.

RESOLUTION NO. 2-10

WHEREAS, Columbia County has participated in the Wisconsin Farmland Preservation Program since the Columbia County Farmland Preservation Plan was adopted by the County Board in 1978 and exclusive agricultural zoning was adopted in 1978; and

WHEREAS, Columbia County's participation in the Wisconsin Farmland Preservation Program has resulted in the preservation of productive agricultural land and allowed farmers to collect tax credits since 1978; and

WHEREAS, the authorizing statute, Chapter 91 Wisconsin Statutes, remained largely unchanged for nearly 30 years until Governor Doyle and the Department of Agriculture, Trade, and Consumer Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to Chapter 91 in Assembly Bill 75, the proposed 2009-2011 state budget; and

WHEREAS, Assembly Bill 75 was signed into law as 2009 Wisconsin Act 28 on June 29, 2009, and it revised Chapter 91 to require landowners to pay a rezoning conversion fee beginning on January 1, 2010 when they rezone their land from the Agriculture zoning district to any other zoning district, whether or not they ever farmed the land or ever collected farmland preservation tax credits; and

WHEREAS, Chapter 91 requires all counties to update their farmland preservation plan over the next 5 years and, within one year after plan adoption, requires counties to update their exclusive agricultural zoning ordinances to maintain certification for tax credit eligibility; and

WHEREAS, Chapter 91 imposes the rezoning conversion fee on January 1, 2010, based on existing plans, ordinances and zoning maps, without the benefit of an updated farmland preservation plan or ordinance; and

WHEREAS, charging the rezoning conversion fee is a burden on property owners who are not farmers, whose land is not currently being farmed, and who never collected farmland preservation tax credits in the past; and

WHEREAS, the implementation of the rezoning conversion fee is an imposition on county government and places undue pressure on counties to act immediately to revise their plans and ordinances, without the benefit of state financial assistance; and

WHEREAS, delaying implementation of the rezoning conversion fee until after revised plan and ordinance adoption and certification allows counties and landowners time to properly address all the planning and zoning requirements of the new Working Lands Program.

NOW THEREFORE BE IT RESOLVED, the Columbia County Board of Supervisors hereby requests that legislation be introduced and passed to delay the implementation of the farmland preservation rezoning conversion fee under §91.48(1)(b) Wisconsin Statutes until a county updates its farmland preservation plan and zoning ordinance and the plan and ordinance are certified by DATCP, and

BE IT FURTHER RESOLVED, that this resolution be sent to Governor Doyle, Senator Mark Miller, Senator Luther Olsen, Rep. Fred Clark, Rep. Keith Ripp, the Senate Committee on Agriculture and Education, the Assembly Committee on Agriculture, DATCP Secretary Nilsestuen, all county clerks of Wisconsin counties with exclusive agricultural zoning and the Wisconsin Counties 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

Robert Hamele

~~Donald Nelson~~

John Stevenson

~~JoAnn Wingers~~

Philip Baebler

LAND & WATER CONSERVATION COMMITTEE

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

Chair Wopat indicated a letter was placed in supervisor's packets from John Bluemke, Planning & Zoning Director, regarding the resolution before them.

Supervisor Nelson spoke in opposition of the resolution and stated he would not support.

The Resolution was adopted, not unanimously.

ORDINANCE NO. Z378-10

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", (Kris Millard, Petitioner and Owner) parcel of land located in Section 7 & 13, T12N, R10E, Town of Wyocena more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of the Southwest Quarter (SE ¼, SW ¼), Section 7, Town 12, Range 10 East and running North on East line of said Southeast Quarter of Southwest Quarter (SE ¼, SW ¼) until it intersects the ditch which is the outlet of the lake situated on said Section 7, thence West along said ditch and outlet until it strikes the hard land on West Side of lake; thence running along the edge of said lake until intersects the South line of said Southeast Quarter of the Southwest Quarter (SE ¼, SW ¼) thence East along the South line of said Southeast Quarter of Southwest Quarter (SE ¼, SW ¼) to the place of beginning. Lands shown in Fence View Map recorded March 1, 1967 in Volume 38 of Records at Page 189, Document No. 328134. Also lands described as follows: A tract of land in the Northwest Quarter of the Northeast Quarter (NW ¼, NE ¼), of Section 18, Township 12 North, Range 10 East, Columbia County, Wisconsin, more particularly described as follows: Beginning at an iron pipe at the north quarter corner of Section 13, Town 12 North, Range 10 East; thence South along an old fence line, 404.25 feet; thence North 87 degrees 42 minutes East, along an old fence line,

1077.96 feet to the center of Abraham Road; thence South 02 degrees 14 minutes East, along the center line of Abraham Road 66.00 feet; thence South 87 degrees 42 minutes West, 1146.59 feet; thence North 472.94 feet to the north line of said Section 18; thence East 66.00 feet to the point of beginning. The above described tract contains 2.35 acres, more or less. This rezoning shall become effective upon recording of the Certified Survey Map that combines the parcels into one single lot.

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

DATE PASSED: January 20, 2010
DATE PUBLISHED: January 28, 2010

Chair Wopat indicated we would proceed with the second reading of the Ordinance.
Second reading of Ordinance.

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

Supervisor Healy relinquished time to Lorri Knutson who spoke in opposition of the rezone.

Supervisor Pufahl relinquished time to Jim Grothman and Kris Millard. Jim Grothman explained that the parcels were created in the mid 1960's and does qualify for Agriculture No. 2. The property mainly consists of wetland, however, there is a buildable area near the east side of the pond which is accessed by the long driveway. The rezone went before Town Board and was approved.

Supervisor Gove relinquished time to Elliott Carr who spoke in opposition of the rezone.

Supervisor Baumgartner stated that the Planning and Zoning Committee approved because it met all Agriculture No. 2 requirements.

The Chair called the question and indicated that a two-thirds majority vote was needed to suspend the rules and go to the third reading of the Ordinance by title only.

The motion to suspend the rules carried on a roll call vote as follows:

AYES: 22, NOES: 2, ABSENT: 6

AYES: Ross, Salzwedel, Teitgen, Tramburg, Westby, Wopat, Baebler, Baumgartner, Cupery, Curtis, Ford, Gove, Hamele, Healy, Hutler, Landers, Lane, Martin, Mielke, O'Neil, Pufahl and Richmond.

NOES: Stevenson and Nelson.

ABSENT: Sanderson, Wingers, Andler, Boockmeier, DeYoung and Jenkins.

Third reading of Ordinance.

Motion made by Pufahl, second by Teitgen, to adopt.

Chair Wopat stated a three-fourths vote of members present was required and called for a roll call vote. The motion to adopt carried as follows:

AYES: 21, NOES: 3, ABSENT: 6

AYES: Salzwedel, Teitgen, Tramburg, Westby, Wopat, Baebler, Baumgartner, Cupery, Curtis, Ford, Gove, Hamele, Healy, Hutler, Landers, Lane, Martin, Mielke, Pufahl, Richmond and Ross.

NOES: Stevenson, Nelson and O'Neil.

ABSENT: Sanderson, Wingers, Andler, Boockmeier, DeYoung and Jenkins.

The Ordinance was declared passed and is to be known as Ordinance Z378-10.

ORDINANCE NO. Z379-10

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 Commercial to Single Family Residence", (Jeff Nehmer, ETAL, Petitioners and Owners) parcel of land located in Section 11, T10N, R7E, Town of West Point more particularly described as follows: Land To Be Rezoned From Commercial To Single Family Residence: Beginning at the Southwesterly corner of Lot 90, Pleasant View Park; thence N84°57'12"E along the Northerly right of way line of Oak Ridge Road (as platted), 170.37 feet; thence, N61°07'42"E along the Northerly right of way line of said Oak Ridge Road (as platted), 203.02 feet; thence 61°31'46"W along the Southwesterly right of way line of Pleasant Valley (as platted), 136.32 feet; thence N61°28'57"W along the said Southwesterly right of way line of said Pleasant Valley (as platted), 403.03 feet; thence S18°51'08"E along the Easterly right of way line of Lake View (as platted), 391.41 feet to the point of beginning.
- (2) "To change from Agricultural to Agriculture No. 2", (Philip Bennett, Petitioner and Owner) parcel of land located in Section 4, T10N, R8E, Town of Arlington more particularly described as follows: Land To Be Rezoned From Agricultural to Agriculture No. 2: PCL in E ½ SW 1/4, COM ¼ Sec 4, NO E1642.98' POB: S63 W159.25' S45 W54.86' S88W1138.76' NO 490' S89 E1318.98' SO W353.54' POB. R. 107-57.

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

DATE PASSED: January 20, 2010
DATE PUBLISHED: January 28, 2010

First reading of Ordinance.

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

The motion carried, not unanimously.

Third reading of Ordinance.

Motion made by Ross, second by Richmond, to adopt. Motion carried, not unanimously. The Ordinance was declared passed and is to be known as Ordinance Z379-10.

J. Robert Curtis moved adjournment of this meeting to Wednesday, March 17, 2010, 9:45 a.m. Second was made by Ross. The motion carried. The meeting adjourned at 10:54 a.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