

PROCEEDINGS  
OF THE  
BOARD OF SUPERVISORS  
Columbia County, Wisconsin

Portage, Wisconsin  
April 16, 2013  
9:48 A.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 Ross and was certified to be in compliance with the Wisconsin Open Meetings Law.

All Supervisors were present, except Sumnicht, absent without notice.

Members stood and recited the Pledge of Allegiance. The Chair asked that members remain standing for a moment of silence for the Boston Marathon tragedy.

A motion was made by Bradley, second by DeYoung to approve the Journal of March 20, 2013. Motion carried.

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

Karen Nelson of the UW-Extension Office gave a brief update on the F.L.A.G. program and thanked supervisors for their participation and continued support. The F.L.A.G. students gave a power-point presentation on the sessions they attended for 2012-2013 and entertained questions of the Board.

Tom Lorfeld, Columbia County Highway Commissioner, gave a power-point presentation on Columbia County Highway and Transportation 2012-2013 Winter Maintenance and addressed questions of the Board.

The following appointments were announced:

- (1) Health & Human Services: reappoint Susan Goethel, 3 year term to April, 2016. Motion by Gove, second by Cupery, to approve the appointment. Motion carried.
- (2) Commission on Aging: reappoint LeeAnn Perelli, 3 year term to April, 2016. Motion by Foley, second by Wingers, to approve the appointment. Motion carried.
- (3) Local Library Board (Portage): Chad Stevenson, to complete Beverly Hoffmann's remaining term to May, 2014. Motion by Martin, second by Bradley, to approve the appointment. Motion carried.

**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 Nelson Grain Farms, LLC, Poynette, WI, Petitioner and Owner, to rezone from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 169, Section 10, T10N, R10E in the Town of Leeds on the 18th day of February, 2013 to be approved as follows: To change from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 169, Section 10, T10N, R10E, Town of Leeds.
2. A petition by Donald A. Derr and Mary L. Derr, Columbus, WI, Petitioner and Owner, to rezone from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 326, Section 20, T10N, R12E in the Town of Columbus on the 11th day of March, 2013 to be approved as follows: To change from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 326, Section 20, T10N, R12E, Town of Columbus.

Fred C. Teitgen  
Mike Weyh  
Mary Cupery  
Harlan Baumgartner  
James E. Foley  
PLANNING AND ZONING COMMITTEE

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

**RESOLUTION NO. 8-13**

WHEREAS, the Executive Committee of the Columbia County Board of Supervisors approved the Future Leaders Active in Government (F.L.A.G.) Program to educate selected students concerning wide-ranging government knowledge; and,

WHEREAS, during the 2012-2013 school year, a total of (18) students from Columbus High School, Portage High School, and Poynette High School, will have participated in seven (7) different sessions focused on and pertaining to leadership and government; and,

WHEREAS, F.L.A.G. courses in recent years have shown to be successful and the achievements of the participants are documented in Capstone Projects and other files; and,

WHEREAS, school officials have said that the program is good for students attending because it helps develop their leadership skills to a sufficient and useful level; and,

WHEREAS, supervisors have stated that they enjoy seeing students active in programs like this and are delighted by how the students are motivated and go about learning; and,

WHEREAS, the past accomplishments have proven the effectiveness of F.L.A.G. and how it continues to positively teach students on topics regarding their local government; and,

WHEREAS, the F.L.A.G program has successfully helped students to gain further knowledge of government issues and the processes done to help our community progress.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors, upon request of the Executive Committee, will continue support of the F.L.A.G. Youth Leadership Program; and,

BE IT FURTHER RESOLVED that the Columbia County Board of Supervisors directs the Columbia County UW-Extension Office to maintain and coordinate the F.L.A.G. Program for the 2013-2014 school year.

Fiscal Note: \$1,000.00 is included in County Board Chair 2013 Budget

Fiscal Impact: None

Robert R. Westby  
Richard C. Boockmeier  
Mary Cupery, Secretary  
Vern E. Gove, Vice Chair  
Andy Ross, Chair  
EXECUTIVE COMMITTEE

The resolution being submitted before the Board was read by F.L.A.G. student. Motion was made to adopt the Resolution by Westby, second by Rashke. The resolution was adopted.

Certificates of Achievements of Completion of the Program were presented to the F.L.A.G. students.

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the policy of the State of Wisconsin as stated in s. 19.81(1), Wis. Stats., is "that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business"; and

WHEREAS, Subsection 59.69(5), Wis. Stats, requires that a public hearing be held prior to enactment or amendment of a county zoning ordinance; and,

WHEREAS, Chapter 59, Wis. Stats, does not expressly require a public hearing prior to adoption or amendment of a county ordinance other than a zoning ordinance; and

WHEREAS, Columbia County has the discretion to conduct public hearings in addition to those expressly required by statute; and

WHEREAS, the use of public hearings is one effective way to encourage and assure openness and citizen participation in government; and

WHEREAS, the State of Wisconsin requires a public hearing before enactment or amendment of any state administrative rule; and

WHEREAS, the Columbia County Board has been and will continue to be strongly committed to the principles of open government and citizen participation; and,

WHEREAS, it is vitally important that the citizens of Columbia County have confidence in their County Board's commitment to open government.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board will not consider adoption or amendment of any county ordinance until at least one public hearing has been held before the sponsoring committee that has recommended adoption or amendment of the county ordinance; and,

BE IT FURTHER RESOLVED, that such public hearings may, at the discretion of the committee, be held at the regularly scheduled meeting of the sponsoring committee or at a different time and location chosen by the committee; and,

BE IT FURTHER RESOLVED, that, in addition to any statutory requirement, a public notice for any such public hearing shall be posted on the Columbia County website at least seven (7) days before the hearing is held and shall contain a brief synopsis of the subject matter of the proposed ordinance or amendment; and,

BE IT FURTHER RESOLVED, that the Columbia County website shall be modified to include a designated location for public hearing notices; and

BE IT FURTHER RESOLVED, that the governing committee recommending adoption or revision of any county ordinance shall provide to the County Board a brief hearing summary including the number of citizens that appeared "for" and "against" the proposal and a summary of the concerns that were expressed at the hearing; and,

BE IT FURTHER RESOLVED, that the County Corporation Counsel shall prepare a brief guidance document for County Board Supervisors on the process for conducting public hearings; and

BE IT FURTHER RESOLVED, that the Executive Committee shall propose amendments to Rule 5 of the Standing Rules of the County Board to reflect the policies and procedures for public hearings as contained in this resolution.

Fiscal Note: NONE

Fiscal Impact: NONE

Robert R. Westby  
Richard C. Boockmeier  
Mary Cupery  
Vern E. Gove  
Andy Ross  
EXECUTIVE COMMITTEE

Motion was made to adopt the Resolution by Baebler, second by Kessler.

Supervisors Baumgartner, Martin, Pufahl and Stevenson, spoke against this resolution for various reasons.

Supervisors Bradley, Kessler, Sleger and Westby, spoke in favor of the proposed resolution.

A motion was made by Boockmeier, to amend the resolution to "sunset" at the end of the current County Board of Supervisors term. Second by Weyh.

Chair Ross explained that if the resolution was adopted that the standing rules would need to be amended, as well, before the resolution could be enacted.

The motion to amend carried, not unanimously.

Supervisor Tramburg called for a roll call vote. The resolution as amended failed as follows:

AYES: 12; NOES: 15; ABSENT: 1

AYES: Basten, Bradley, Field, Kessler, Rashke, Sleger, Teitgen, Westby, Weyh, Zander, Ross and Baebler.

NOES: Baumgartner, Bechen, Boockmeier, Cupery, DeYoung, Foley, Gove, Hutler, Konkel, Martin, McClyman, Pufahl, Stevenson, Tramburg and Wingers.

ABSENT: Sumnicht.

The Executive Committee will be considering the proposed resolution "Supporting Open Meetings and Use of Wisconsin Department of Justice Guidance on Open Meeting Issues" at their May meeting.

**RESOLUTION NO. 9-13**

WHEREAS, on January 18, 2012, the Columbia County Board of Supervisors enacted Ordinance No. 128-12 which amended Columbia County Code of Ordinances Title 7 – Human Resources; and,

WHEREAS, as part of Ordinance No. 128-12, the County Board adopted new Policies and Procedures for General Employees, Field Employees of the Highway and Transportation Department, Columbia Health Care Center Employees and Non-Sworn Staff of the Sheriff’s Office, and a new Operations Manual for Management; and,

WHEREAS, since the enactment of Ordinance No. 128-12, several County Board Committees determined that certain provisions of the Policies and Procedures and the Operations Manual for Management should be amended.

NOW, THEREFORE BE IT RESOLVED, that the Policies and Procedures and the Operations Manual for Management are hereby amended as follows:

Policies and Procedures for General Employees:

Page 30:

Special Provisions for Building and Grounds Management Staff

On-Call and Call-In Pay for Managerial Employees

The Mechanic/Maintenance Engineer shall receive compensation in addition to regular salary according to the following schedule:

<u>Weekend on-call duty</u>	<u>\$100.00 per weekend</u>
<u>Holiday on-call duty</u>	<u>\$50.00 for a 1 to 2 day holiday that falls on Monday – Friday</u>
<u>Call in pay</u>	<u>\$25.00 for each event to which managerial employees are required to respond in person. Paid in addition to on-call pay listed above.</u>

Operations Manual for Management Page 14:

Special Provisions for Building and Grounds Management Staff

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<u>Holiday on-call duty</u>	<u>\$50.00 for a 1 to 2 day holiday that falls on Monday – Friday</u>
<u>Call in pay</u>	<u>\$25.00 for each event to which managerial employees are required to respond in person. Paid in addition to on-call pay listed above.</u>

BE IT FURTHER RESOLVED, that all other provisions of the Policies and Procedures and the Operations Manual for Management that were enacted in Ordinance No. 128-12, as amended by Resolution Nos. 4-12, 21-12, 29-12, 32-12 and 2-13 are unchanged and remain in full force and effect; and,

BE IT FURTHER RESOLVED, that these amendments to the Policies and Procedures and the Operations Manual for Management are effective upon passage by the County Board.

Fiscal Note: Required funds are included in the 2013 County Budget.

Fiscal Impact: NONE

Robert R. Westby  
Richard C. Boockmeier  
Mary Cupery  
Vern E. Gove  
Andy Ross  
EXECUTIVE COMMITTEE

Motion was made to adopt the Resolution by McClyman, second by Hutler. The resolution was adopted.

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the popularity of recreational target and sport shooting has greatly increased in Columbia County ("County"); and,

WHEREAS, the unregulated use of undeveloped public lands in the County for recreational shooting has raised noise, litter and safety concerns for other users of those public lands; and,

WHEREAS, the construction of a professionally designed shooting range in the County would provide a controlled, safe environment for recreational target and sport shooting; and,

WHEREAS, prior to the development of a publicly owned shooting range on County property, a comprehensive engineering study should be conducted to address issues including the location, design, construction, operation and maintenance of the proposed shooting range.

NOW THEREFORE BE IT RESOLVED THAT, the Columbia County Board of Supervisors supports an engineering study directed and paid for by the Wisconsin Department of Natural Resources and addressing issues including the location, design, construction, operation and maintenance of a public shooting range in Columbia County with a written report showing the results of that study provided to the County Board.

Fiscal Note: None

Fiscal Impact: None

Kirk Konkel  
Richard C. Boockmeier  
Bruce J. Rashke  
James L. Bechen  
Kenneth W. Hutler  
JUDICIARY AND PROPERTY COMMITTEE

Motion was made to adopt the Resolution by Konkel, second by Sleger.

Supervisors Martin, Pufahl, Teitgen, Stevenson and Westby, spoke in opposition of the proposed resolution, while, Bechen, spoke in favor.

Keith Warnke of the DNR addressed questions of the Board.

Pufahl called for point of order.

Westby relinquished time to Debra Wopat, former supervisor and resident of Columbia County, to address the Board. She expressed concerns with using county tax dollars for the proposed study and possible operation and maintenance of a future shooting range. She felt a better option would be to present a resolution to band recreational target and sport shooting in Columbia County.

Pufahl relinquished time to George Meyer, Executive Director for the Wisconsin Wildlife Federation, who addressed the Board and requested to proceed with the study.

Gove relinquished time to Judy Elko, owner of goat dairy and seasonal greenhouse in Columbia County. She had concerns with the proposed location of a future shooting range being located near her property, indicating it would affect her livelihood.

DeYoung called for the vote.

Pufahl requested a roll call vote. The resolution failed on a roll call vote as follows.

AYES: 1; NOES: 26; ABSENT: 1

AYES: Bechen.

NOES: Baumgartner, Boockmeier, Bradley, Cupery, DeYoung, Field, Foley, Gove, Hutler, Kessler, Konkel, Martin, McClyman, Pufahl, Rashke, Sleger, Stevenson, Teitgen, Tramburg, Westby, Weyh, Wingers, Zander, Ross, Baebler and Basten.

ABSENT: Sumnicht.

**ORDINANCE NO. 136-13**

The Columbia County Board of Supervisors do ordain as follows: The Columbia County Code of Ordinances as adopted by the Board of Supervisors on April 21, 1998, is hereby amended and revised as follows:

The Columbia County Board of Supervisors adopted a comprehensive revision to the Columbia County Zoning Ordinance on March 21, 2012, as Title 16, Chapter 100, of the Code of Ordinances.

Wireless communications facilities in Columbia County are currently regulated under Title 16, Chapter 16-125-200, which replaced the County's previous Wireless Communications Facilities Ordinance, Title 16, Chapter 6.

NOW THEREFORE BE IT ORDAINED, by the Columbia County Board of Supervisors that Title 16, Chapter 6 of the Columbia County Code of Ordinances (Wireless Communications Facilities) is hereby repealed in its entirety and will be removed from the Code or Ordinances.

Andy Ross, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: April 16, 2013

DATE PUBLISHED: April 20, 2013

Motion was made by Teitgen, second by Baumgartner, to adopt. The Ordinance passed and is to be known as Ordinance 136-13.

**ORDINANCE NO. Z409-13**

The Columbia County Board of Supervisors do ordain as follows: That Title 16 – Chapter 100, entitled "Zoning", of the County Code, as passed by the Board of Supervisors on March 21, 2012 is hereby amended and added thereto as follows:

- (1) "To change from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture District to A-1 Agriculture with A-4 Agricultural Overlay District", (Nelson Grain Farms, LLC, Petitioner and Owner) parcel of land located in Section 10, T10N, R10E, Town of Leeds more particularly described as follows: Land to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Commencing at the East ¼ corner of Section 10, Town 10 North, Range 10 East; thence South 89° 39' 56" West 668.83 feet along the east-west ¼ line, also being the north line of Lot 1, Certified Survey Map No 2602 and the north line of Lot 2, Certified Survey Map No. 5303 and the extension thereof to the southeast corner of the west ½ of the Southeast ¼ of the Northeast 1/4 , being the point of beginning of this description; thence continue South 89° 39' 56" West 103.27 feet along the east-west ¼ line; thence North 07° 12' 37" West 582.39 feet; thence North 05° 20' 18" East 237.28 feet; thence North 14° 47' 56" East 54.75 feet; thence North 04° 38' 03" West 52.30 feet; thence South 88° 10' 34" East 67.91 feet; thence North 01° 07' 03" East 414.27 feet to the north line of the Southeast ¼ of the Northeast ¼; also being the south line of Lot 2, Certified Survey Map No. 4164; thence North 89° 42' 05" East 94.54 feet along the north line of the Southeast ¼ of the Northeast ¼, also being the south line of Lot 2, Certified Survey Map No. 4164, to the northeast corner of the west ½ of the Southeast ¼ of the Northeast ¼; thence S 01° 07' 03" W 1331.26 feet along the east line of the west ½ of the Southeast ¼ of the Northeast ¼ to the point of beginning. Containing 182,153 square feet or 4.18 acres. Land to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District - Commencing at the East ¼ corner of Section 10, Town 10 North, Range 10 East; thence South 89° 39' 56" West 772.10 feet along the east-west ¼ line to the point of beginning of this description; thence North 07° 12' 37" West 582.39 feet; thence North 05° 20' 18" East 237.28 feet; thence North 14° 47' 56" East 30.51 feet; thence South 89° 39' 56" West 1840.11 feet to the north-south ¼ line of Section 10; thence South 01° 21' 00" West 844.14 feet along the north-south ¼ line to the Center ¼ corner of Section 10; thence North 89° 39' 56" East 1903.22 feet along the east-west ¼ line of Section 10 to the point of beginning. Containing 35.82 acres. All effective upon recording the Certified Survey Map.

- (2) "To change from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture District to A-1 Agriculture with A-4 Agricultural Overlay District", (Donald A. Derr and Mary L. Derr, Petitioner and Owner) parcel of land located in Section 20, T10N, R12E, Town of Columbus more particularly described as follows: Land to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Commencing at the west quarter corner of said Section 20; thence North 89°01'42" East along the east-west quarter line of said Section 20, 2,205.75 feet to the point of beginning; thence continuing North 89°01'42" East along the east-west quarter line of said Section 20 and the center line of County Trunk Highway K, 423.71 feet to the center quarter corner of said Section 20; thence South 00°11'14" East along the east line of the Southwest Quarter of said Section 20, 529.60 feet; thence South 89°48'46" West, 33.00 feet to a point in the west right-of-way line of Weiner Road; thence South 76°39'00" West, 45.00 feet; thence North 88°21'30" West, 346.00 feet; thence North 00°18'00" West, 523.01 feet to the point of beginning. Containing 224,737 square feet, (5.16 acres) - Land to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District - Beginning at the southwest corner of said Section 20; thence North along the west line of the Southwest Quarter of the Southwest Quarter, 188.5 feet more or less; thence North 45°47' East, 438 feet; thence North 03°27' East, 179 feet more or less to a point in the northern right-of-way line of Sanderson Road; thence North 86°32'25" West along the northern right-of-way line of Sanderson Road, 291 feet more or less to a point in the east right-of-way line of Wendt Road; thence North along the east right-of-way line of Wendt Road, 472 feet more or less; thence East parallel with the south line of the Southwest Quarter of the Southwest Quarter, 1,290 feet more or less to a point in the east line of the Southwest Quarter of the Southwest Quarter of said Section 20; thence South 1,161 feet more or less to the southeast corner of the Southwest Quarter of the Southwest Quarter; thence West along the south line of the Southwest Quarter of the Southwest Quarter, 1,322.5 feet more or less to the point of beginning. Containing 1,411,712 square feet, (32.41 acres), more or less. All effective upon recording the Certified Survey Map.

Andy Ross, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: April 16, 2013

DATE PUBLISHED: April 20, 2013

Motion was made by Teitgen, second by Pufahl, to approve the rezone request from Nelson Grain Farms, LLC, Petitioner and Owner. Motion carried.

Motion was made by Baumgartner, second by Teitgen, to approve the rezone request from Donald A. Derr and Mary L. Derr, Petitioner and Owner. Motion carried.

The Ordinance was declared passed and is to be known as Ordinance Z409-13.

The 2012 Annual Reports were distributed to County Board Supervisors. The reports will be placed on the May County Board agenda and open for review/discussion at that time.

Westby moved adjournment of this meeting to Wednesday, May 15, 2013 at 7:00 p.m. Second was made by Kessler. The motion carried. The meeting adjourned at 11:38 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](http://www.co.columbia.wi.us) after publication.**