

PROCEEDINGS  
OF THE  
BOARD OF SUPERVISORS  
Columbia County, Wisconsin

Portage, Wisconsin  
May 21, 2014  
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 Gove and was certified to be in compliance with the Wisconsin Open Meetings Law.

All Supervisors were present, except Weyh absent with notice, and Zander absent without notice. Members stood and recited the Pledge of Allegiance.

A motion was made by Teitgen, second by Cupery to approve the Journal of April 15, 2014. Motion carried.

A motion to approve the agenda as printed was made by Foley, second by De Young. Motion carried.

Ross gave an update on the infrastructure project and indicated the next meeting of the Infrastructure Committee will be Monday, June 2, 2014, at 6:00 p.m. at the Law Enforcement Center.

Doug Kammer, Portage area lawyer, addressed the County Board during public input to express opposition of a new courthouse and moving court related services from the downtown area. He supports the need for a new health and human services building to be located in the downtown area near the courthouse.

The Executive Committee recommended the appointment of Matthew L. Rohrbeck to fill the Supervisory District 8 vacancy and appoint Rohrbeck to the Agriculture and Land and Water Conservation Committee and Health and Human Services Committee to expire April, 2016. On motion by Ross, second by Pufahl, the appointments were approved. The Honorable Daniel George administered the Oath of Office to Matthew L. Rohrbeck.

The following appointments were announced:

- (1) County Library Systems Board: Nancy M. Long, to complete Andy Ross' remaining term to January, 2017. Motion by Bradley, second by Baebler, the appointment was approved.
- (2) Highway Safety Commission: Harlan Baumgartner, Pat Beghin, Jerry Blystone, Michael Brouette, Eugene Brown, Pat Cadigan, Corey Foster, Doug Jarzynski, Penny Kiefer, William Laughlin, Avis Link, Ryan Mayer, Daniel Meister, Chuck Miller, Charles Poches, Dennis Richards, Joseph Ruf, Mike Vasquez, JoAnn Wingers and Tim Zander, 2 year terms to May, 2016. Motion by Field, second by Baebler, the appointments were approved.
- (3) Lake Management Districts:
  - Pardeeville Lakes Management District: Jim Buckley, 2 year term to April, 2016.
  - Wyona Lake Management District: Clark Hodgson, 2 year term to April, 2016.Motion by Foley, second by McClyman, the appointments were approved.
- (4) Local Library Boards:
  - Columbus: Mary Lou Sharpee, 3 year term to May, 2017.
  - Lodi: Margie Walstad and Peter Price, 3 year term to May, 2017.
  - Pardeeville: Karen Depries, 3 year term to May, 2017.
  - Portage: Chad Stevenson, 3 year term to May, 2017.Motion by Sumnicht, second by Basten, the appointments were approved.
- (5) South Central Library Systems Board: Nancy M. Long, to complete Susan G. Martin's remaining term to January, 2016. Motion by Kessler, second by Konkell, the appointment was approved.
- (6) TIF Board for City of Portage: Adam Field. Motion by Rashke, second by Wingers, the appointment was approved.

The 2013 annual reports for county departments were reviewed in the order listed in the book. Department heads were in attendance to address any questions and/or concerns of the Board.

**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 Ryan Franz, 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 District, Parcel 473.2, Section 26, T11N, R10E in the Town of Lowville 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 District, Parcel 473.2, Section 26, T11N, R10E, Town of Lowville.

Fred C. Teitgen  
~~Mike Weyh~~  
Kevin Kessler  
Harlan Baumgartner  
John A. Stevenson  
PLANNING AND ZONING COMMITTEE

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

**RESOLUTION NO. 19-14**

WHEREAS, the Town of Courtland has been granted the authority to exercise village powers under Wis Stat. § 60.12(2)(c); and

WHEREAS, a public hearing was held by the Town Board of the Town of Courtland in accordance with Wis Stat. § 60.61(4)(c) on April 15, 2014, for an amendment to the Town of Courtland Zoning Ordinance to change the zoning on a 12 acre parcel from AR-1 Low Density Residential to R-1 Rural Residential; and

WHEREAS, the Courtland Town Board, on April 15, 2014 voted to approve the ordinance amendment; and

WHEREAS, the Columbia County Board of Supervisors approved the Town of Courtland Zoning Ordinance on December 18, 2013; and

WHEREAS, Wis Stat. § 60.62(3) states that no town zoning ordinance or amendment to a town zoning ordinance may be adopted unless approved by the county board in counties having a county zoning ordinance in effect; and

WHEREAS, your Committee, based upon the facts of the request, does recommend that the amendment to the Town of Courtland Zoning Ordinance, as referenced in Appendix A, be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Columbia County Board of Supervisors that the amendment to the Town of Courtland Zoning Ordinance which changes the zoning on a parcel of land from AR-1 Low Density Residential to R-1 Rural Residential as represented by "Exhibit A" attached to a made a part of this resolution be approved.

Fiscal Impact: None

Fred C. Teitgen  
~~Mike Weyh~~  
Harlan Baumgartner  
Kevin Kessler  
John A. Stevenson  
PLANNING AND ZONING COMMITTEE

Motion was made to adopt the Resolution by Teitgen, second by Kessler. The resolution was adopted.

**RESOLUTION NO. 20-14**

WHEREAS, on September 18, 2013, the Columbia County Board of Supervisors adopted Resolution No. 25-13, which authorized hiring Potter Lawson, a highly regarded professional consulting firm located in Madison, Wisconsin, to complete Phase I of a facilities analysis and planning project to assess the condition of County buildings and to develop a master plan for the County's current and future building needs; and,

WHEREAS, the Infrastructure Committee recommends that the County retain Potter Lawson to continue the work first authorized in Resolution No. 25-13.

NOW THEREFORE BE IT RESOLVED, that the Columbia County Board of Supervisors authorizes hiring Potter Lawson to complete Phase II of a facilities analysis and master plan development project as follows:

- Refine and present one of the master plan options, updated preliminary cost estimate and financial package to the County Board at the October County Board meeting.
- Estimated time of completion – five (5) months following approval.
- Total cost not to exceed Fifty Thousand Dollars (\$50,000.00).

BE IT FURTHER RESOLVED, that the County Board Chair and County Clerk are authorized to sign a contract and all other documents required to complete Phase II of a facilities analysis and master plan development project by Potter Lawson.

Fiscal Note: Transfer an amount not to exceed \$50,000.00 from the General Fund Account No. 100.341100 to the County Board Contracted Services Account No. 1190.521100

Fiscal Impact: None.

Mark Sleger  
Barry Pufahl  
Kirk Konkel  
Kenneth Hutler  
Don DeYoung  
Harlan Baumgartner  
Mary Cupery, Secretary  
Teresa Ann Sumnicht, Vice Chair  
Andy Ross, Chair  
INFRASTRUCTURE COMMITTEE

Motion was made to adopt the Resolution by Ross, second by Hutler.

Field expressed concern about advocacy of a plan by Potter Lawson. Pufahl replied all plans will be reviewed. Ross responded stating Potter Lawson services would be to educate rather than advocate. The focus will be to narrow the options down and present to the County Board and public.

Teitgen questioned if there was sufficient support of the County Board to "entertain the notion" of future bonding to move forward with the proposed resolution. Joseph Ruf, Corporation Counsel/Human Resources Director, addressed the subject of a "straw vote". He explained transfers from the general fund require a two-thirds vote of the entire membership of the Board and bonding would require a three-fourths vote of the entire membership of the Board.

Tramburg asked what the next step would be when Phase II is completed. Ross explained the proposed resolution would allow Potter Lawson to assist the Infrastructure Committee with moving forward with Phase II to narrow the options to one option with a financial plan and present to the County Board at the October Board meeting.

Several supervisors suggested informing and educating the public and receiving feedback on the future needs of the County.

Chair Gove called for a roll call vote. The resolution was adopted as follows:

AYES: 25, NOES: 1, ABSENT: 2

AYES: Baumgartner, Bradley, Collins, Cupery, De Young, Drew, Foley, Hutler, Kessler, Konkell, Long, McClyman, Pufahl, Rashke, Rohrbeck, Ross, Sleger, Stevenson, Sumnicht, Teitgen, Tramburg, Wingers, Baebler, Basten and Gove.

NOES: Field.

ABSENT: Weyh and Zander.

#### **ORDINANCE NO. Z422-14**

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 to A-1 Agriculture with A-4 Agricultural Overlay District", (Ryan Franz, Petitioner and Owner) parcel of land located in Section 26, T11N, R10E, Town of Lowville more particularly described as follows: Land to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Commencing at the North Quarter Corner of Section 26; thence North 88°02'16" East, 1411.83 feet (recorded as North 89°57'37" East, 1411.94 feet) along the north line of the Northeast Quarter of Section 26 and the north line of C.S.M. No. 4026 to the Northeast corner of said C.S.M. No. 4026 and the point of beginning; thence continuing North 88°02'16" East (recorded as North 89°57'37" East), 579.18 feet along the north line of the Northeast Quarter of Section 26; thence South 20°57'31" West, 83.03 feet; thence South 88°10'03" West, 225.05 feet; thence South 32°11'18" West, 353.04 feet; thence South 89°00'34" West, 129.83 feet to the east line of Lot 2, C.S.M. No. 4026; thence North 00°59'26" West (recorded as North 00°55'59" East), 365.98 feet along the east line of Lot 2, C.S.M. No. 4026 to the point of beginning. Containing 108,900 square feet, (2.50 acres), more or less. Land to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District - Beginning at the Northeast Quarter Corner of Section 26; thence South 20°57'31" West, 83.03 feet; thence South 88°10'03" West, 225.05 feet; thence South 32°11'18" West, 353.04 feet; thence South 89°00'34" West, 129.83 feet to the east line of Lot 2, C.S.M. No. 4026; thence South 00°59'22" East, 875.81 feet along the east line of Lot 2, C.S.M. No. 4026; thence North 88°02'16" East, 1229.13 feet to the east line of the Northeast Quarter of the Northeast Quarter of Section 26; thence North 01°06'03" West, 1241.75 feet along the east line of the Northeast Quarter of the Northeast Quarter of Section 26 to the point of beginning. Containing (32.50 acres), more or less. All effective upon recording the Certified Survey Map.

Vern E. Gove, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: May 21, 2014

DATE PUBLISHED: May 28, 2014

Motion was made by Teitgen, second by Sleger, to approve the rezone request for Ryan Franz, Petitioner and Owner. Motion carried.

The ordinance was declared passed and is to be known as Ordinance Z422-14.

**ORDINANCE NO. 141-14**

The Columbia County Board of Supervisors do ordain as follows: The Columbia County Code of Ordinances as adopted by the Board of Supervisors on March 21, 2012, is hereby amended and revised as follows:

Section 59.69(5)(d) of the Wisconsin Statutes establishes the authority of the County to repeal an existing Zoning Ordinance and enact a comprehensive revision.

The current Department of Agriculture, Trade and Consumer Protection (DATCP) certification of the March 21, 2012 Columbia County Zoning Code making property owners eligible for Farmland Preservation Tax Credits expires on December 31, 2014.

The comprehensive revision is necessary to ensure that the Columbia County Zoning Code is consistent with the Department of Agriculture, Trade and Consumer Protection Order signed by the Secretary of DATCP on May 2, 2014 which under s. 91.36 Wis. Stats. will make the Code date May 21, 2014 a certified Farmland Preservation Zoning Code until December 31, 2024.

The Columbia County Farmland Preservation Steering Committee provided direction and advice on the development of the comprehensive revision.

The Columbia County Planning and Zoning Committee conducted a public hearing on the comprehensive revision on May 6, 2014 and is recommending the County Board adopt the comprehensive revision.

NOW THEREFORE BE IT ORDAINED, by the Columbia County Board of Supervisors that Title 16 Chapter 100 of the Columbia County Code of Ordinances (Zoning Code) adopted on March 21, 2012 is repealed and that the comprehensive revision of the County Zoning Ordinance dated May 21, 2014 is hereby enacted as Title 16 Chapter 100 of the Columbia County Code of Ordinances; and,

BE IT FURTHER ORDAINED, that in any town that adopted Title 16 Chapter 100 dated May 21, 2012 this Code will remain in effect for a period of one (1) year following the County Board's adoption of Title 16 Chapter 100 dated May 21, 2014, or until the town adopts Title 16 Chapter 100 dated May 21, 2014 whichever period is shorter; and,

BE IT FURTHER ORDAINED, that Title 16, Chapter 100 dated May 21, 2014 of the Columbia County Code of Ordinances shall take effect in a town immediately upon approval by the town.

Vern E. Gove, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: May 21, 2014

DATE PUBLISHED: May 28, 2014

John Bluemke, Planning and Zoning Director, explained the proposed Ordinance. He indicated two minor changes approved by the Planning and Zoning Committee as was provided in the supervisor packets. Motion was made by Teitgen, second Tramburg, to adopt the Code including additional changes provided to Subchapter 145 as follows:

- Section 16-145-030(B)(6) The maximum height of any freestanding sign shall be 20 feet above the average elevation at the site of the sign, except as otherwise allowed by this Code. on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where there can be one sign with the maximum height of 50 feet.
- Section 16-145-040(B)(3)(e) The maximum height of any freestanding sign shall be 20 feet above the average elevation at the site of the sign, except on premises which are within 3,500 feet from the center point of a highway interchange which provides access to and from Interstate Highways 39, 90, or 94 where there can be one sign with the maximum height of 50 feet.

Teitgen made a motion, second by Baumgartner, to amend the code to follow court actions regarding language to the code, referred to a handout placed on supervisor's desks, as follows:

- Section 16-125-110(A)(6) In addition to any state required license fee, each operator of a tourist rooming house approved under this Code or determined to be a legal nonconforming use shall provide Columbia County with an annual fee and an annual report on a form furnished by the County to enable the County to confirm compliance with any conditions of approval, the standards of this chapter and any state reporting requirements.
- Section 16-125-110(B)(6) In addition to any state required license fee, each operator of a bed and breakfast establishment approved under this or previous County codes or ordinances shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
- Section 16-135-010 Nonconforming Uses to create Section 16-135-010(F) Nonconforming Tourist Rooming House: To qualify as a legal nonconforming use a tourist rooming house must meet the following criteria:
  - Must provide suitable evidence that can be substantiated by a second party that the house was rented for more than 10 days during the period from May 21, 2011 to May 21, 2012.
  - Must have had during the period from May 21, 2011 to May 21, 2012 and continue to have a valid state sales tax number.
  - Must have been licensed by the State of Wisconsin at the time the house was rented and the license must still be in effect.
  - Cannot be the principal residence of the property owner(s) at the time that it was rented nor have been the principal residence of the owner(s) at any time since it was rented.
- Section 16-160-020 Definitions to add:
  - PERMANENT ADDRESS: The address of a person's principal residence.
  - PRINCIPAL RESIDENCE: The residence of a person where the person's habitation is fixed, without any intent to move, and to which when absent, the person intends to return.

The motion to amend carried.

The Ordinance, as amended, was passed and is to be known as Ordinance 141-14.

Foley moved adjournment of this meeting to Wednesday, June 18, 2014 at 7:00 p.m. Second was made by Teitgen. The motion carried. The meeting adjourned at 8:03 p.m.