

PROCEEDINGS  
OF THE  
BOARD OF SUPERVISORS  
Columbia County, Wisconsin

Portage, Wisconsin  
March 15, 2023  
9:01 A.M.

The Board of Supervisors of Columbia County convened in regular session at the Administration Building at 112 East Edgewater Street, Portage pursuant to law. The meeting was called to order by Chair Polzer and was certified to be in compliance with the Wisconsin Open Meetings Law.

All Supervisors were present, except Ryan, absent with notice and Harvestine, absent without notice.

Members stood and recited the Pledge of Allegiance.

Motion by Balsiger to approve the Journal of January 18, 2023. Second by L. Miller. Motion carried.

Motion by Schroeder to approve the agenda, as printed. Second by Baumgartner.

Motion by Kolberg to amend the agenda to add “Adjourn” after “Miscellaneous Business” for today’s meeting. Second by Groves. The agenda, as amended, was approved.

Chair Polzer recognized Holly Wolfgram, Management Information Services (32 years); Todd Horn, Sheriff’s Office (26 years); and James Stilson, Sheriff’s Office (28 years); on their retirement and presented them with a Certificate of Appreciation for their years of service to Columbia County. They each spoke briefly to the Board.

Chair Polzer recognized and thanked Jason Kocovsky (not in attendance) for his 21 years of service with the Columbia County Sheriff’s Office.

Chair Polzer recognized and congratulated the employees of the Columbia County Highway and Transportation Department for the remarkable success of working safely through 2022. He presented a Certificate of Safety Achievement Recognition for completing 365 days with no lost time work related incidents to Chris Hardy, Highway Commission, for the Highway and Transportation Department and the following employees in attendance, Chris Killoran, Darren Smedema, Brian Lemanczyk and John Roche. Hardy spoke briefly before the Board.

Susan Lynch, Aging & Disability Resource Center Director, shared that a \$100,000 grant was received from the Lenz Charitable Trust and will help support the ADRC Senior Nutrition Program.

Supervisors heard comments from citizens regarding the two proposed resolutions regarding solar projects.

**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, Slough Paradise LLC, c/o Tanner Mulock, Petitioner, Wisconsin Dells, WI, to rezone from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcels 372.02 & 362, Section 4, T13N, R8E, Town of Lewiston to be approved as follows: To change from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcels 372.02 & 362, Section 4, T13N, R8E, Town of Lewiston.

2. A petition by, Rodney Frisch, Petitioner, Rio, WI, to rezone from A-1 Agriculture and C-1 Light Commercial to RR-1 Rural Residence and A-1 Agriculture with A-4 Agricultural Overlay, Parcels 828 & 828.2, Section 36, T12N, R10E, Town of Wyocena to be approved as follows: To change from A-1 Agriculture and C-1 Light Commercial to RR-1 Rural Residence and A-1 Agriculture with A-4 Agricultural Overlay, Parcels 828 & 828.2, Section 36, T12N, R10E, Town of Wyocena.
3. A petition by, Justin C Berg, Petitioner, Pardeeville, WI, to rezone from A-1 Agriculture to A-2 General Agriculture, Parcel 302.A, Section 8, T12N, R10E, Town of Wyocena to be approved as follows: To change from A-1 Agriculture to A-2 General Agriculture, Parcel 302.A, Section 8, T12N, R10E, Town of Wyocena.
4. A petition by, Oakwood Associates LLC, Petitioner, Farmington Hills, MI, to rezone from R-3 Manufactured/Mobile Home Park to I-2 General Industrial, Parcel 902.09, Section 35, T13N, R8E, Town of Lewiston to be approved as follows: To change from R-3 Manufactured/Mobile Home Park to I-2 General Industrial, Parcel 902.09, Section 35, T13N, R8E, Town of Lewiston.
5. A petition by, Paulson Investments, LLC c/o William M Paulson, Petitioner, Deforest, WI, to rezone from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 182.08, Section 10, T10N, R12E, Town of Columbus to be approved as follows: To change from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 182.08, Section 10, T10N, R12E, Town of Columbus.
6. A petition by, Nolden Properties LLC c/o Ethan Nolden, Petitioner, Marshall, WI, to rezone from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 678.01, Sections 36 & 25, T13N, R10E, Town of Marcellon to be approved as follows: To change from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, Parcel 678.01, Sections 36 & 25, T13N, R10E, Town of Marcellon.

Denise Brusveen  
 Doug Richmond  
 Adam Hahn  
 Harlan Baumgartner  
 Andrew Kolberg  
 PLANNING & ZONING COMMITTEE

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

The following appointments were announced:

1. Agriculture, Extension, Land and Water Conservation Committee: Samantha A. Miller, FSA Voting Member, term to April, 2024.  
 Motion by Cook to approve the appointment. Second by Richmond. Motion carried.

2. 2023 Columbia County Emergency Fire Wardens (listing was included in board packets and will be placed on file in the County Clerk’s Office). Motion by Baumgartner to approve the appointments. Second by K. Miller. Motion carried.
3. Traffic Safety Commission
  - Todd Horn, Citizen Member, term to April, 2024.
  - Troy Haase, Citizen Member, term to April, 2024.
  - Matthew Menard, Sheriff Designee, term to April, 2024.
 Motion by K. Miller to approve the appointments. Second by Richmond. Motion carried.

**RESOLUTION NO. 8-23**

WHEREAS, Columbia County has been awarded a total of \$11,174,917 under the American Rescue Plan Act (“ARPA”); and,

WHEREAS, under County Board Standing Rule 9, the expenditure of undesignated funds totaling \$50,000 or more annually must have County Board approval; and,

WHEREAS, the Executive Committee recommends the following requested expenditure of ARPA Funds to the full County Board for approval:

Solid Waste Transfer Station Floor: Contract Change Order - \$26,217

NOW, THEREFORE, BE IT RESOLVED, that the expenditure of ARPA funds totaling \$26,217 for the items detailed above is hereby authorized and approved.

Fiscal Note: \$26,217 cost to purchase items identified in this Resolution to be entirely paid from ARPA funds.

Fiscal Impact: NONE

Adam R. Field  
 Darren W. Schroeder, Secretary  
 Denise J. Brusveen, Vice Chair  
 Chris Polzer, Chair  
 EXECUTIVE COMMITTEE

Motion by Baumgartner to adopt the Resolution. Second by Hahn.

The Resolution was approved on a roll call vote as follows:

YES: 26; NO: 0; ABSTAIN: 0; ABSENT: 2

YES: Balsiger, Barker, Baumgartner, Brusveen, Carr, Cook, Field, Fischer, Groves, Hahn, Holtan, Kolberg, Leckwee, K. Miller, L. Miller, Polzer, Richmond, M. Rohrbeck, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

ABSENT: Harvestine and Ryan.

**RESOLUTION NO. 9-23**

WHEREAS, the County Board 2022 accounts are over budget by \$6,979; and,

WHEREAS, the primary reasons for the budget shortage were contracted attorney fees and meeting expenses.

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$6,979 be transferred from the pre-closing General Fund to the County Board Accounts.

Fiscal Note: Transfer \$6,979 from the pre-closing General Fund Account No. 100.388100 to the County Board Account numbers 1190 and 1191.

Fiscal Impact: Cost to County is \$6,979.

Adam Field  
Darren Schroeder, Secretary  
Denise Brusveen, Vice Chair  
Chris Polzer, Chair  
EXECUTIVE COMMITTEE

Motion by St. Maurice to adopt the Resolution. Second by K. Miller.

The Resolution was approved on a roll call vote as follows:

YES: 23; NO: 3; ABSTAIN: 0; ABSENT: 2

YES: Balsiger, Barker, Baumgartner, Brusveen, Carr, Cook, Field, Hahn, Holtan, Kolberg, Leckwee, K. Miller, L. Miller, Polzer, Richmond, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

NO: Fischer, Groves, M. Rohrbeck.

ABSENT: Harvestine and Ryan.

**RESOLUTION NO. 10-23**

WHEREAS, the Wisconsin Department of Administration (“DOA”) administers State ARPA funding and designated a portion of those funds, under the Tribal and Local Law Enforcement Agency Initiative, to each law enforcement agency in the state to purchase necessary equipment; and,

WHEREAS, the Columbia County Sheriff’s Office was allocated \$75,771 in grant funds by the DOA; and,

WHEREAS, upon acceptance, the Columbia County Sheriff’s Office must use the awarded grant funds pursuant to the terms and conditions of its existing Memorandum of Understanding with the DOA regarding the use of State ARPA funds.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to County Board of Supervisors Standing Rule 8, Columbia County accepts the Safer Community Funds for Law Enforcement Agencies Grant in the amount of \$75,771; and,

BE IT FURTHER RESOLVED, that the Columbia County Sheriff is authorized to sign all documents required to accept the Grant, and purchase necessary law enforcement equipment with grant funds.

Fiscal Note: The Grant of \$75,771 will be accounted for in business unit 2222.

Fiscal Impact: NONE

Adam R. Field  
Darren W. Schroeder, Secretary  
Denise Brusveen, Vice Chair  
Chris Polzer, Chair  
EXECUTIVE COMMITTEE

Motion by Hahn to adopt the Resolution. Second by Richmond.

The Resolution was approved on a roll call vote as follows:

YES: 26; NO: 0; ABSTAIN: 0; ABSENT: 2

YES: Balsiger, Barker, Baumgartner, Brusveen, Carr, Cook, Field, Fischer, Groves, Hahn, Holtan, Kolberg, Leckwee, K. Miller, L. Miller, Polzer, Richmond, M. Rohrbeck, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

ABSENT: Harvestine and Ryan.

**RESOLUTION NO. 11-23**

WHEREAS, in 1999 the Federal Highway Administration (FHWA) partnered with the American Association of State and Highway Officials (AASHTO) and more recently with the American Traffic Safety Services Association (ATSSA) to create the National Work Zone Safety Awareness campaign, held annually in April prior to construction season in much of the nation; and,

WHEREAS, the Wisconsin County Highway Association is asking all seventy-two (72) Wisconsin counties to unite and kick-off “Work Zone Safety Awareness Week” with a resolution and campaign to raise awareness for workers, the traveling public, and County partners; and,

WHEREAS, construction and maintenance activities on our streets and highways periodically require that work zones be established; and,

WHEREAS, Over 2,000 work zone crashes occurred in Wisconsin in each of the last 3 years; and,

WHEREAS, in 2022, there were 857 fatalities in 774 work zone crashes in the United States; and

WHEREAS, in 2017, Wisconsin suffered over 1,000 injuries and 6 fatalities in traffic zones;

WHEREAS, between 2012 and 2017, there were 55 fatalities recorded as a result of crashes in Wisconsin work zones including three Wisconsin County Highway workers which were killed in work zones in 2015; with another recently in Milwaukee County in 2023; and,

WHEREAS, FHWA has designated April 17 through April 21, 2023, as National Work Zone Awareness Week;

NOW, THEREFORE, BE IT RESOLVED, by the Columbia County Board of Supervisors that the week of April 17 through April 21, 2023, be designated as “Work Zone Safety Awareness Week” in Columbia County. The theme or slogan for 2023’s event is “You Play a Role in Work Zone Safety – Work With Us.”

Fiscal Note: N/A

Fiscal Impact: N/A

Darren Schroeder  
Henry St. Maurice  
Char Holtan  
Steven Balsiger  
Josiah Wynn  
HIGHWAY COMMITTEE

Motion by Schroeder to adopt the Resolution. Second by Holtan.

The Resolution was approved on a roll call vote as follows:

YES: 26; NO: 0; ABSTAIN: 0; ABSENT: 2

YES: Balsiger, Barker, Baumgartner, Brusveen, Carr, Cook, Field, Fischer, Groves, Hahn, Holtan, Kolberg, Leckwee, K. Miller, L. Miller, Polzer, Richmond, M. Rohrbeck, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

ABSENT: Harvestine and Ryan.

**RESOLUTION NO. 12-23**

WHEREAS, Columbia County is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and

WHEREAS, financial aid is required to carry out the project;

WHEREAS, the Columbia County Agriculture, Extension, Land and Water Conservation Committee (AELWCC), has been assigned duties of the Columbia County Board specific to snowmobile trail grants;

THEREFORE, BE IT RESOLVED, that Columbia County has budgeted a sum sufficient to complete the project or acquisition; and

HEREBY AUTHORIZES Kurt Calkins, Director, Land and Water Conservation Department, to act on behalf of Columbia County to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that maybe available:

- Submit reimbursement claims along with necessary supporting documentation within six (6) months of project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED, that Columbia County will comply with State or Federal rules for the programs to the general public during reasonable hours consistent with the type of facility and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Fiscal Note: Budgeted & Fully Grant Funded

Fiscal Impact: None

Andrew Fischer  
Andrew Groves  
Shawn “Woody” Barker, Secretary  
Brad Cook, Vice-Chair  
Mike Weyh, Chair  
AGRICULTURE, EXTENSION, LAND  
AND WATER CONSERVATION  
COMMITTEE

Motion by Weyh to adopt the Resolution. Second by Field.

The Resolution was approved on a roll call vote as follows:

YES: 26; NO: 0; ABSTAIN: 0; ABSENT: 2

YES: Balsiger, Barker, Baumgartner, Brusveen, Carr, Cook, Field, Fischer, Groves, Hahn, Holtan, Kolberg, Leckwee, K. Miller, L. Miller, Polzer, Richmond, M. Rohrbeck, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

ABSENT: Harvestine and Ryan.

## **RESOLUTION NO. 13-23**

WHEREAS, the Columbia County Board of Supervisors ~~Planning & Zoning Committee~~ is aware that the Wisconsin Public Service Commission has the authority to approve a solar project application under Wis. Stat. § 196.491(3)(d) if the commission determines that all of the requirements set forth in Wis. Stat. § 196.491(3)(d)(2) through Wis. Stat. § 196.491(3)(d)(8)(dm) are met.

WHEREAS, Wis. Stat. § 196.491(3)(d)(2) states that the facility would need to satisfy the reasonable needs of the public for an adequate supply of electric energy. However, solar panels are unable to generate an adequate amount of electricity during nighttime hours and on overcast days even with the addition of a battery storage system. Although the statute states that this provision does not apply to wholesale merchant plants such as Invenergy, precedent has been set through the sale of other utility-scale projects throughout the state of Wisconsin to public utilities immediately following Certificate of Public Convenience and Necessity (CPCN) approval and prior to construction. It is clear that this is a loophole being abused; and in light of this, wholesale merchant plants must be held to the same standard as public utilities when it comes to establishing the necessity of such projects to local communities.

WHEREAS, Wis. Stat. § 66.0401(1m)(c) grants the authority to restrict projects if there is an alternative system of comparable cost and efficiency available. There is already a power plant that utilizes coal to power homes and businesses in Columbia County that has a useful life extending beyond its current slated closure date, which exceeds these standards because it would not incur any additional construction costs; and it is capable of providing more reliable and consistent energy independent of weather conditions, which can sometimes be harsh during Wisconsin winters.

WHEREAS, the Columbia County Board of Supervisors ~~Planning & Zoning Committee~~ has several concerns for this project that fall within Wis. Stat. § 196.491(3)(d)(3) and (4), including:

1. Individual Hardships – Studies have been conducted that estimate a 1-7% decrease in property values for individuals who live within a mile of a solar project.<sup>i</sup> Given the size of this project, approximately 700 residences could be impacted, with an even greater number of individuals faced with financial hardship.

Additionally, ~~multiple at least two~~ agritourism businesses within the project area would suffer hardships as the number of visitors to their farms will likely decline because the scenic views and loss of rural character will cease to exist. Their crops themselves may also be negatively impacted by the surrounding panels. According to the USDA, “Agritourism has the potential to help revitalize rural economies, educate the public about agriculture, and preserve agricultural heritage. In addition, community-focused farms may find agritourism an attractive option because it provides more labor opportunities for local residents.”<sup>ii</sup>

2. Economic Factors – Electricity prices are already increasing for area residents, with at least one utility company raising rates by more than 5% already this year. Many county supervisors have received complaints from their constituents that they may soon be unable to pay for their electricity. Additionally, the County is being tasked with making tough budget decisions in light of the rapidly increasing rates amounting to tens of thousands of additional dollars in utility costs. The concern is compounded by the knowledge that Wis. Stat. § 196.378(2)(d) allows an electric utility to recoup the cost of providing renewable energy from the ratepayers. The High Noon Solar

project is slated to cost more than \$700,000,000 to construct, demanding an even higher sale price, which raises questions about how this financial burden might be passed on to local residents. This will only worsen after the government subsidies dry up for solar projects, making this form of electricity cost prohibitive for rate payers while public utilities will ensure that they remain profitable.

According to the USDA, more than a third of all Wisconsin farmland is leased.<sup>iii iv</sup> Solar companies are able to offer upwards of ten times the state average for rent per acre annually, resulting in the stealing of thousands of acres away from actual agricultural uses as defined in Wis. Stat. § 91.01(2).<sup>v</sup> This would leave those farmers wishing to continue farming unable to compete with merchant developers for available lease land. Aspiring farmers will be crowded out as the next generation will not be able to afford the inflated land rent or purchase prices.

Columbia County has just under 300,000 acres in active farmland use. The combined total of acres that would be taken out of production by the two projects currently seeking CPCN approval from the PSC in Columbia County is roughly 2% of that total, with both companies stating that future phases and project expansion within the county are likely. Additionally more than a half dozen other solar and battery projects are in queue according to the Midcontinent Independent System Operator, Inc. website as of this date.<sup>vi</sup> This will have a direct negative impact on local agricultural businesses including agritourism, equipment dealerships, food packing facilities, seed companies, fertilizer providers, and feed stores due to the potential of increased costs, decreased sales, and subsequent job losses. The High Noon CPCN application estimates a maximum of only five full-time employment positions will remain post-construction<sup>vii</sup>, whereas one local agritourism business within the project area currently employees 26-30 individuals annually. The loss of local businesses and net loss of jobs would have a grave economic impact on Columbia County and its rural communities.

In the event of severe weather in which significant damage occurs to the solar arrays or battery storage system, and High Noon or its successors determine that the clean-up, repair, or restoration of the facility exceeds the feasible cost effectiveness of the project prior to the bonding period's required initiation, Columbia County and its residents would be responsible for the entire cost of clean-up, neither of which are in a financial position to do so. Solar developers should be required to ensure financial commitment and security in the form of bonds or other means prior to the start of construction.

Wis. Stats. § 32.02(5)(b) and 32.07(1) allow a public utility to take land via eminent domain if current projects prove insufficient in meeting the electrical needs of the public, therefore requiring expansion. Those who support solar often use the argument that personal property rights should prevail, thus allowing them to enter into solar contracts if they so choose, regardless of how it affects neighboring property owners. It is those same neighboring property owners who are at risk of losing their personal property rights when their land is taken from them via eminent domain.

3. Environmental Factors – The Columbia County Board of Supervisors previously submitted a resolution passed by an overwhelming majority in December 2022 that stated the Board’s concerns regarding the environmental impact of the High Noon Solar Project and would again request at a minimum that an Environmental Impact Study be required due to the location of the project and its close proximity to multiple state and local wildlife areas, as well as intrusion into several delineated wetland boundaries comprising at least 44 acres of the total project area.<sup>viii</sup>

Invenergy stated in their Engineering Report in Section 3.1.3.1 concerning federally protected species that “based on a review of desktop resources, no known bald or golden eagle nests are located within the Project Area.”<sup>ix</sup> However, multiple residents have confirmed the presence of bald eagles within the Project Area. This is yet another reason that an Environmental Impact Study needs to be conducted rather than settling for a desktop review.<sup>x xi</sup>

Under Wis. Stat. § 196.491(3)(d)(4), the fugitive dust that may be generated during construction would not only have an environmental impact but also would threaten public health, safety, and welfare as this dust is considered hazardous to human health.<sup>xii</sup> A recent investigation conducted by the FDA concluded that fugitive dust from neighboring land use was likely the vehicle that sparked a nationwide salmonella outbreak in peaches in 2020 that sickened 101 individuals across 17 states and hospitalized 28.<sup>xiii xiv</sup> The High Noon Project surrounds at least one local farm that produces several specialty crops, including peaches, for public purchase and consumption. Residents that grow their own gardens or consume milk or meat from animals being fed crops grown on surrounding fields could also face possible dangers of consuming contaminated products well after the construction period.

In recent testimony submitted to the High Noon docket, Invenergy’s Head of Vegetation Management stated, “there is a high degree of difficulty converting agricultural fields into grasslands.”<sup>xv</sup> Because of this fact, the likelihood of sedimentation runoff and waterway contamination during construction and establishment of adequate ground cover are greatly increased. This has been seen in several EPA investigations and lawsuit settlements involving at least four utility-scale solar installations in the United States in recent years.<sup>xvi</sup>

In a report issued by FEMA titled “Emerging Hazards of Battery Energy Storage System Fires,” the findings of a study conducted prior to a 2019 explosive fire at an Arizona energy storage facility that injured eight firefighters found that “lithium cells can experience thermal runaway which causes them to release very hot flammable, toxic gases. In large storage systems, failure of one lithium cell can cascade to include hundreds of individual cells. The hot flammable gases can result in an explosion, or a very difficult to extinguish fire.”<sup>xvii</sup> High Noon Solar is proposing 129 acres of farmland be used to host a 165 MW Battery Energy Storage System (BESS), Project Substation, operations and maintenance (O&M) area. According to the CPCN map, the system is slated to be located just over a mile from the Village of Arlington that has a population of 850 people. This poses a grave risk to public

health and welfare in the event of a fire, as well as extreme challenges for local fire departments that are under-equipped to deal with a potential catastrophic event that is often associated with lithium-ion battery fires.<sup>xviii xix</sup>

WHEREAS, Wis. Stat. § 196.491(3)(d)(6) states that the facility shall not unreasonably interfere with the orderly land use and development plans for the area involved; but Columbia County's Farmland Preservation Plan and Comprehensive plan do not align with removing several thousand acres from farmland for the purpose of a solar project. Doing so would, in fact, cause the County to be in violation of Wis. Stat. § 66.1001(3) and its legal obligation to institute zoning laws consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors ~~Planning & Zoning Committee~~ asks the Wisconsin Public Service Commission to deny the application for the High Noon Solar Project because it poses a threat to public health, welfare, and safety, which is in violation of Wis. Stat. § 66.0401(3m)(a) and Wis. Stat. § 196.491(3)(d)(4).

BE IT FURTHER RESOLVED, that an alternative option with better reliability of keeping the Columbia Energy Center in operation meets the requirement of Wis. Stats. § 66.0401(1m)(c), 196.491(3)(d)(2), and 196.491(3)(d)(3) as rationale to deny or significantly restrict the project.

BE IT FURTHER RESOLVED, the High Noon Solar Project does not meet all the criteria under par. (d), and thus the Wisconsin Public Service Commission must deny the application according to Wis. Stat. § 196.491(3)(e) if it values holding wholesale merchant plants to the same standards as public utilities.

BE IT FURTHER RESOLVED, that the Columbia County Board of Supervisors ~~Planning & Zoning Committee~~ implores the Wisconsin Public Service Commission to promulgate rules requiring solar developers to post financial security in the form of a bond or other means for the amount of decommissioning the project as estimated by a third party engineer prior to the beginning of construction. The Committee also requests that the Wisconsin Public Service Commission adds restrictions that would prohibit a public utility from taking land via eminent domain for the purpose of a solar installation because of the sheer scope of land use impact in agricultural areas due to the amount of land required per megawatt of potential energy.

BE IT FURTHER RESOLVED, that the County Clerk will send a copy of this Resolution to the Wisconsin Public Service Commission, all members of the State Legislature representing Columbia County, and Governor Tony Evers within three business days of the passage of this resolution.

Fiscal Note: None.

Fiscal Impact: None.

Andrew Kolberg  
Harlan Baumgartner  
~~Adam Hahn, Secretary~~  
Douglas Richmond, Vice Chair  
Denise Brusveen, Chair  
PLANNING & ZONING COMMITTEE

- i. <https://www.uri.edu/news/wp-content/uploads/news/sites/16/2020/09/PropertyValueImpactsOfSolar.pdf>
- ii. <https://www.ers.usda.gov/amber-waves/2019/november/agritourism-allows-farms-to-diversify-and-has-potential-benefits-for-rural-communities/>
- iii. [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/Wisconsin/st55\\_1\\_0011\\_0012.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Wisconsin/st55_1_0011_0012.pdf)
- iv. <https://farms.extension.wisc.edu/files/2022/09/WI-CtyEst-Cash-Rent-08-22.pdf>
- v. <https://farms.extension.wisc.edu/files/2022/09/WI-CtyEst-Cash-Rent-08-22.pdf>
- vi. <https://giqueue.misoenergy.org/PublicGiQueueMap/index.html>
- vii. <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=442007> (p. 56)
- viii. <https://giqueue.misoenergy.org/PublicGiQueueMap/index.html> (p. 72)
- ix. <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=421852>
- x. [https://dnr.wisconsin.gov/sites/default/files/topic/EndangeredResources/2020\\_SouthwestWI\\_NewEagleNests.pdf](https://dnr.wisconsin.gov/sites/default/files/topic/EndangeredResources/2020_SouthwestWI_NewEagleNests.pdf)
- xi. <https://dnr.wisconsin.gov/newsroom/release/40666>
- xii. <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=455995> (p. 40)
- xiii. <https://www.fda.gov/media/149804/download>
- xiv. <https://www.fda.gov/food/cfsan-constituent-updates/fda-releases-investigation-findings-following-summer-2020-outbreak-linked-peaches>
- xv. <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=458291>
- xvi. <https://www.epa.gov/newsreleases/epa-announces-settlements-resolve-clean-water-act-violations-four-solar-farm>
- xvii. <https://www.fema.gov/case-study/emerging-hazards-battery-energy-storage-system-fires>
- xviii. <https://www.utfireresearch.com/battery-fires>
- xix. <https://www.energy-storage.news/arizona-battery-fires-lessons-can-be-learned-by-industry-to-prevent-further-incidents-dnv-gl-says/>

Motion by Brusveen to adopt the Resolution with the following requirements:

- The document shall be updated to reflect the passage by the full board rather than just referencing the Planning & Zoning Committee.
- The resolution shall include the roll call vote totals.
- This resolution shall be submitted to the Public Service Commission via the ERF System into docket 9814-CE-100 as a document type of “Comments”.
- In the fourth paragraph replace “at least two” with “multiple”.

Second by Groves to adopt the Resolution as amended.

Brusveen spoke on the proposed resolution and referred to a handout provided to supervisors regarding Public Comments to Public Service Commission for High Noon Solar Project.

Richmond left the meeting at 12:21 p.m.

Motion was made by Carr to table. Second by L. Miller.

Brusveen called for point of order and asked for clarification on Rule 5(10)(b) to postpone to a date certain.

Ruf clarified the motion to table would be out of order unless it specified a date.

Motion was made by Carr to postpone until the next County Board meeting. Second by L. Miller.

Field moved to call the question. Second by K. Miller. Motion carried.

The motion to postpone until the next County Board meeting failed on a roll call vote as follows:

YES: 11; NO: 13; ABSTAIN: 1; ABSENT: 3

YES: Balsiger, Baumgartner, Carr, Cook, Hahn, Holtan, Leckwee, L. Miller, Polzer, Schroeder, St. Maurice.

NO: Barker, Brusveen, Field, Fischer, Groves, Kolberg, K. Miller, M. Rohrbeck, S. Rohrbeck, Shimpach, Stevenson, Valencia, Wynn.

ABSTAIN: Weyh.

ABSENT: Harvestine, Richmond and Ryan.

The Resolution as amended was approved on a roll call vote as follows:

YES: 14; NO: 10; ABSTAIN: 1; ABSENT: 3

YES: Barker, Brusveen, Field, Fischer, Groves, Holtan, Kolberg, K. Miller, M. Rohrbeck, S. Rohrbeck, Shimpach, Stevenson, Valencia, Wynn.

NO: Balsiger, Baumgartner, Carr, Cook, Hahn, Leckwee, L. Miller, Polzer, Schroeder, St. Maurice.

ABSTAIN: Weyh.

ABSENT: Harvestine, Richmond and Ryan.

### **RESOLUTION NO. 14-23**

WHEREAS, Wisconsin counties possess limited authority to regulate solar energy systems in their communities as a result of Wisconsin State law; and,

WHEREAS, the regulation of solar energy systems is generally dependent on size, with smaller solar energy systems being subject to within Wis. Stat. § 66.0401(1m), and those above one hundred (100) megawatts the Wisconsin Public Service Commission (PSC);

WHEREAS, while Wis. Stat. § 66.0401(1m) provides a mechanism for counties to consider areas of local concern, it provides little ability for counties to restrict or even deny a project based on local concerns from residents, environmental impact, or economic impact. Within Wis. Stat. § 66.0401(1m), terms like “public health” or “safety” are undefined, a clear evidentiary threshold was never included; and, while found with Wis. Stat. § 59.69, the term “welfare” was not included with the reason for its omission uncertain; and,

WHEREAS, there are currently 14 solar and battery energy storage systems being proposed in the Midcontinent Independent System Operator, Inc. queue as of February 23, 2023 to be constructed within Columbia County, totaling 1220 MW of solar energy generation potential and 1000 MW of battery storage potential; and with many of these developers stating that there will be a phase 2 for their projects, an untold number of acres of prime farmland,

wildlife habitat, threatened and endangered species of plants and animals that have been documented within project areas, scenic country views, lives, and livelihoods could be destroyed with little to no opportunity for the County to intervene; and,

WHEREAS, public utilities and private developers are using a loophole in Wis. Stat. § 196.491(3)(d)2 and 3 that exempts wholesale merchant plants from meeting the same standards as public utility companies in order to receive their Certificate of Public Convenience and Necessity (CPCN) and then immediately turn around and sell the project to a public utility company.

WHEREAS, the State has given planning and zoning authority to the County through Wis. Stat. § 59.69, specifically in order to “promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base” and to “preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life.” However, when it comes to utility-scale solar, the County process and authority is completely circumvented.

NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of Supervisors hereby requests that the Wisconsin State Legislature revise Wis. Stat. § 66.0401(1m) and Wis. Stat. § 196.491 as follows in order to grant Wisconsin counties the authority to responsibly site utility-scale solar installations in order to maintain orderly planning and comply with the statutory requirement laid out in Wis. Stat. § 66.1001(3) to adhere to the objectives, goals, and policies contained in the County’s comprehensive plan:

~~66.0401(1m) Authority to restrict systems limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by the commission under s. 196.378 (4g) (b). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:~~

~~(a) Serves to preserve or protect the public health or safety.~~

~~(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.~~

~~66.0401(1m)(c)~~

~~(c) Allows for an alternative system of comparable cost and efficiency.~~

~~196.491(3)(d)2 Except as provided under par. (e), the commission shall approve an application filed under par. (a) 1. for a certificate of public convenience and necessity only if the commission determines all of the following:~~

~~196.491(3)(d)2.~~

~~2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. This subdivision does not apply to a wholesale merchant plant.~~

~~3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors, except that the commission may not consider alternative sources of supply or engineering or economic factors if the application is for a wholesale merchant plant. In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ch. 285.~~

BE IT FURTHER RESOLVED, that the County Clerk will send a copy of this Resolution to Governor Tony Evers, all members of the State Legislature representing Columbia County, the Wisconsin Counties Association and an electronic copy to all Wisconsin county board supervisors and the full State Legislature.

Fiscal Note: None.

Fiscal Impact: None.

Andrew Kolberg  
Harlan Baumgartner  
~~Adam Hahn, Secretary~~  
Douglas Richmond, Vice Chair  
Denise Brusveen, Chair  
PLANNING & ZONING COMMITTEE

Motion by Brusveen to adopt the Resolution. Second by Kolberg.

St. Maurice said a new bill was just introduced in the State Assembly (AB 46) regarding proposed large solar energy facilities and made a motion to postpone to the April 18, 2023, County Board meeting for more information. He also, asked that Columbia County legislators be invited to attend meeting to address questions of the Board. Second by Carr.

Field called the question on the motion to postpone. Second by K. Miller.

The motion to postpone failed on a roll call vote as follows:

YES: 8; NO: 16; ABSTAIN: 1; ABSENT: 3

YES: Balsiger, Baumgartner, Carr, Cook, Hahn, Leckwee, Schroeder, St. Maurice.

NO: Barker, Brusveen, Field, Fischer, Groves, Holtan, Kolberg, K. Miller, L. Miller, Polzer, M. Rohrbeck, S. Rohrbeck, Shimpach, Stevenson, Valencia, Wynn.

ABSTAIN: Weyh.

ABSENT: Harvestine, Richmond and Ryan.

The Resolution was approved on a roll call vote as follows:

YES: 18; NO: 6; ABSTAIN: 1; ABSENT: 3

YES: Barker, Baumgartner, Brusveen, Cook, Field, Fischer, Groves, Holtan, Kolberg, K. Miller, L. Miller, Polzer, M. Rohrbeck, S. Rohrbeck, Shimpach, Stevenson, Valencia, Wynn.

NO: Balsiger, Carr, Hahn, Leckwee, Schroeder, St. Maurice.

ABSTAIN: Weyh.

ABSENT: Harvestine, Richmond and Ryan.

Field left meeting at 1:12 p.m.

### **RESOLUTION NO. 15-23**

WHEREAS, the Corporation Counsel's 2022 account is over budget by \$29,370; and,  
WHEREAS, the primary reason for the budget shortage is the cost of contracted attorney fees.

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$29,370 be transferred from the pre-closing General Fund to the Corporation Counsel Account.

Fiscal Note: Transfer \$29,370 from the pre-closing General Fund Account No. 100.388100 to the Corporation Counsel Account No. 1640.

Fiscal Impact: Cost to County is \$29,370.

Jeffrey Leckwee  
~~Joe Harvestine~~  
Tess Carr, Secretary  
John Stevenson, Vice Chair  
Eric Shimpach, Chair  
JUDICIARY COMMITTEE

Motion by Baumgartner to adopt the Resolution. Second by K. Miller.

Ruf gave a brief report of the proposed resolution.

The Resolution was approved on a roll call vote as follows:

YES: 19; NO: 5; ABSTAIN: 0; ABSENT: 4

YES: Balsiger, Barker, Baumgartner, Carr, Cook, Hahn, Holtan, Leckwee, K. Miller, L. Miller, Polzer, S. Rohrbeck, Schroeder, Shimpach, St. Maurice, Stevenson, Valencia, Weyh, Wynn.

NO: Brusveen, Fischer, Groves, Kolberg, M. Rohrbeck.

ABSENT: Field, Harvestine, Richmond and Ryan.

**ORDINANCE NO. 16-2023**

The Columbia County Board of Supervisors do ordain as follows: That Chapter 7 of the Columbia County Code of Ordinances, is hereby amended as follows:

**Chapter 7 - Fees**

**SEC. 7.05 DISTRICT ATTORNEY.**

<b>DISTRICT ATTORNEY</b>	
<b>Type</b>	<b>Cost</b>
Photocopying for <del>criminal</del> <u>paper</u> discovery	\$0.20 per page
Copy of DVD, CD, <del>VCR</del> , or audio cassette tape for <del>criminal discovery</del> <u>other disc</u>	\$5.00 per disc <del>or cassette</del>
Copy of photographs for criminal discovery	\$0.50 per print if 5x7 inches or less and \$1.00 per print for all others
<u>Copy of USB (up to 32 GB)</u>	<u>\$5.00 for State Public Defender cases</u> <u>\$10.00 for all others</u>

<b>DISTRICT ATTORNEY</b>	
<b>Type</b>	<b>Cost</b>
<u>Copy of USB (larger than 32 GB)</u>	<u>\$6.00 for State Public Defender cases</u> <u>\$10.00 for all others</u>
<u>eDiscovery</u>	<u>\$0.03/5 MB of data</u>
<u>Email reports</u>	<u>\$0.10 per page</u>

All remaining provisions of the Columbia County Code of Ordinances are unaffected by this amendment and remain in full force and effect.

Fiscal Note: None.

Fiscal Impact: Anticipated increased revenue is included in the 2023 Budget.

Chris Polzer, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: March 15, 2023

DATE PUBLISHED: March 21, 2023

Motion by K. Miller to adopt the Ordinance. Second by L. Miller. The Ordinance was declared passed and is to be known as Ordinance 16-2023.

**ORDINANCE NO. 17-2023**

The Columbia County Board of Supervisors do ordain as follows: That Chapter 7 of the Columbia County Code of Ordinances, is hereby amended as follows:

**Chapter 7 - Fees**

**SEC. 7.17 SOLID WASTE.**

<b>SOLID WASTE</b>	
<b>Type</b>	<b>Cost</b>
Tipping Fees	\$70.00 per ton

<b>SOLID WASTE</b>	
<b>Type</b>	<b>Cost</b>
Construction and Demolition	\$5.00 minimum/\$95.00 per ton
Freon Appliances	\$20.00 each
Non-Freon Appliances	\$5.00 each
Brush/Leaves/Grass/Ag Bags	\$45.00 per ton
Fluorescent Bulbs - Ballast	\$5.00 per each
Fluorescent Bulbs – Other	\$1.00 each
Incandescent Bulbs	\$0.50 each
Bulbs in Bulk	\$200.00
Anti-Freeze	\$1.00/gallon
Oil Filter	\$0.25/each
Box Clean Out	\$50.00
Furniture – Couch	\$15.00 each
Furniture – Chair	\$7.00 each
Garbage	\$1.00/ <u>small bag</u> <u>\$2.00/large bag</u> <u>greater than 15 gallons</u> \$70.00/ton
Mattress/Box Spring	\$5.00 each
Tires	\$10.00 each
Tractor Tires - by weight (any load with ten (10) or more tires is charged by weight)	\$285.00 per ton
Monitors/Televisions – 32” or Larger	\$25.00 each

<b>SOLID WASTE</b>	
<b>Type</b>	<b>Cost</b>
Monitors/Televisions – less than 32”	\$15.00 each
Electronics – Large (i.e. copiers, etc.)	\$40.00 each
Electronics – Small (i.e. VCR/Receivers/Radios, etc.)	\$2.00 each
Single Stream	\$0 min- \$40.00 max ton charge

The Solid Waste Director is authorized to adjust the fee schedule for single stream and commingle, on a monthly basis. On or before the 15th day of each month, the Solid Waste Director shall set single stream and commingle fees within the minimum to maximum range established in this Ordinance. Current monthly fees will be posted at the Solid Waste Department Office and on the Solid Waste Department Website. The Solid Waste Director shall report any changes in current monthly fees to the Solid Waste Committee, Finance Committee, and to the County Board.

**Price List 1/1/2023**  
**Container Rental/Garbage**  
**(Commercial/County Departments)**

Size	Every Other Week	Weekly	Twice a Week	<u>Once a Month</u>	Additional Pickup	Customer Owned Pickup
2 Cubic Yard	\$62.00	\$ 89.00	\$150.00	<u>N/A</u>	\$35.00	\$45.00
4 Cubic Yard	\$70.00	\$108.00	\$181.00	<u>N/A</u>	\$35.00	\$45.00
6 Cubic Yard	\$83.00	\$127.00	\$212.00	<u>\$67.00</u>	\$60.00	\$60.00
8 Cubic Yard	\$92.00	\$147.00	\$240.00	<u>N/A</u>	\$60.00	\$60.00
10 Cubic Yd	\$114.00	\$181.00	\$296.00	<u>N/A</u>	\$60.00	<u>N/A</u>

**Container Rental/Recycling**

Size	Every Other Week	Weekly	Twice a Week	Monthly	Additional Pickup
2 Cubic Yard	\$49.00	\$72.00	\$114.00		\$30.00
4 Cubic Yard	\$53.00	\$78.00	\$122.00		\$30.00
6 Cubic Yard	\$57.00	\$81.00	\$125.00	\$62.00	\$30.00
8 Cubic Yard	\$62.00	\$83.00	\$129.00		\$30.00
10 Cubic Yd	\$72.00	\$86.00			

**Container Rental/Construction**

Size	1 Week Rental	Minimum Disposal*	Add'l Rental/Day	Add'l Rental/Week	Monthly
15 Cubic Yard	\$240.00	\$190.00/2 tons	\$15.00	\$90.00	\$350.00
20 Cubic Yard	\$240.00	\$285.00/3 tons	\$15.00	\$90.00	\$350.00
30 Cubic Yard	\$240.00	\$285.00/3 tons	\$15.00	\$90.00	\$350.00

\*If the actual weight is over the minimum included, an additional demolition charge will be billed at \$95.00/ton.

Municipality/Other Contracts are approved by the Solid Waste Committee.

Cart Rental Contracts: Garbage \$13.00/month; Recycling \$11.00/month

County Hauling Rate: \$110.00

Out of County Hauling Rate: \$150.00

Volume Discount:     Garbage \$65/ton  
                               Demolition \$80/ton

All remaining provisions of the Columbia County Code of Ordinances are unaffected by this amendment and remain in full force and effect.

Fiscal Note: None.

Fiscal Impact: Anticipated increased revenue is included in the 2023 Budget.

Chris Polzer, Chair  
 COLUMBIA COUNTY  
 BOARD OF SUPERVISORS  
 Susan M. Moll  
 COLUMBIA COUNTY CLERK

DATE PASSED: March 15, 2023

DATE PUBLISHED: March 21, 2023

Motion by St. Maurice to adopt the Ordinance. Second by Balsiger. The Ordinance was declared passed and is to be known as Ordinance 17-2023.

**ORDINANCE NO. Z23-2023**

The Columbia County Board of Supervisors do ordain as follows: That Chapter 12 – Subchapter 100, entitled “Columbia County Zoning Ordinance”, of the County Code, as passed by the Board of Supervisors on March 17, 2021 is hereby amended and added thereto as follows:

- (1) “To change from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay”, (Slough Paradise LLC c/o Tanner Mulock, Petitioner), a parcel of land located in Section 4, T13N, R8E, Town of Lewiston, more particularly described as follows: Lands to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay - Being the East 28.4 acres of Government Lot 6 of Section 4, Town 13 North, Range 8 East, Town of Lewiston, Columbia County Wisconsin. Effective upon recording of the Certified Survey Map.
- (2) “To change from A-1 Agriculture and C-1 Light Commercial to RR-1 Rural Residence and A-1 Agriculture with A-4 Agricultural Overlay”, (Rodney Frisch, Petitioner), parcels of land located in Section 36, T12N, R10E, Town of Wyocena, more particularly described as follows: Lands to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Being a part of the Northwest Quarter of the Southwest Quarter of Section 36, Town 12 North, Range 10 East, Town of Wyocena, Columbia County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 36; thence South 01°43’20” East along the west line of the Southwest Quarter, 893.54 feet to the point-of-beginning; thence continuing South 01°43’20” East along the west line of the Southwest Quarter, 208.71 feet to the northwest corner of Lot 1, Certified Survey Map No. 1558; thence North 88°16’40” East along the north line of said Lot 1, 208.71 feet; thence North 01°43’20” West, parallel with the west line of the Southwest Quarter, 208.71 feet; thence South 88°16’40” West, parallel with the north line of said Lot 1, 208.71 feet to the point-of-beginning. Containing 1.00 acre, (43,560 square feet), more or less. Lands to be Rezoned from A-1 Agriculture and C-1 Light Commercial to A-1 Agriculture with A-4 Agricultural Overlay - Being a part of the Northwest Quarter of the Southwest Quarter of Section 36, Town 12 North, Range 10 East, Town of Wyocena, Columbia County, Wisconsin, described as follows: Beginning at the West Quarter corner of Section 36; thence North 88°13’14” East along the north line of the Northwest Quarter of the Southwest Quarter, 1,105.05 feet to a point on the southwesterly right-of-way line of the Canadian Pacific Railway; thence South 48°17’36” East along said right-of-way line, 297.58 feet to a point on the east line of the Northwest Quarter of the Southwest Quarter; thence South 01°46’50” East along the east line of the Northwest Quarter of the Southwest Quarter, 1,123.18 feet to the southeast corner thereof; thence South 88°13’30” West along the south line of the Northwest Quarter of the Southwest Quarter, 678.31 feet to a point on the east line of Lot 1 of Certified Survey Map No. 1558; thence North 01°43’20” West along said east line of Lot 1, 225.03 feet to the northeast corner thereof; thence South 88°16’40” West along the north line of said Lot 1, 435.29 feet; thence North 01°43’20” West, 208.71 feet; thence South 88°16’40” West, 208.71 feet to a point on the west line of the Northwest Quarter of the Southwest Quarter; thence North 01°43’20” West along the west line of the Northwest Quarter of the Southwest Quarter, 893.54 feet to the point-of-beginning. Less and except the following described parcel: Commencing at the West Quarter corner of Section 36; thence

North 88°13'14" East along the north line of the Northwest Quarter of the Southeast Quarter, 233.96 feet to a point on the southwesterly right-of-way line of State Trunk Highway "16"; thence South 46°21'42" East along said right-of-way line, 432.24 feet to the point-of-beginning; thence continuing South 46°21'42" East along said right-of-way line, 340.65 feet; thence South 43°38'18" West, 97.41 feet; thence North 83°28'52" West, 186.57 feet; thence North 46°21'42" West, 191.88 feet; thence North 43°38'18" East, 210.00 feet to the point-of-beginning. Containing 34.00 acres, (1,481,084 square feet), more or less. All effective upon recording of the Certified Survey Map.

- (3) "To change from A-1 Agriculture to A-2 General Agriculture", (Justin C Berg, Petitioner), parcels of land located in Section 8, T12N, R10E, Town of Wyocena, more particularly described as follows: Lands to be Rezoned from A-1 Agriculture to A-2 General Agriculture - Being a part of the Northwest Quarter of the Northwest Quarter of Section 8, Town 12 North, Range 10 East, Town of Wyocena, Columbia County, Wisconsin, described as follows: Beginning at the northwest corner of said Section 8; thence North 89°35'24" East along the north line of the Northwest Quarter of Section 8, 396.00 feet; thence South 01°07'34" East, 660.00 feet; thence South 89°35'24" West, 396.00 feet to a point in the west line of the Northwest Quarter of said Section 8; thence North 01°07'34" West along the west line of the Northwest Quarter of said Section 8, 660.00 feet to the point of beginning. Containing 6.00 acres, more or less.
- (4) "To change from R-3 Manufactured/Mobile Home Park to I-2 Industrial", (Oakwood Associates LLC, Petitioner), a parcel of land located in Section 35, T13N, R8E, Town of Lewiston, more particularly described as follows: Lands to be Rezoned from I-2 General Industrial and R-3 Manufactured/Mobile Home Park to I-2 General Industrial - Being a part of Lot 1, Certified Survey Map No. 4033, recorded in Volume 28 of Certified Survey Maps, Page 26, as Document No. 695622 and Lot 1, Certified Survey Map No. 5851, recorded in Volume 41 of Certified Survey Maps, Page 101, as Document No. 891779, all in the Northwest Quarter of the Southwest Quarter of Section 35, Town 13 North, Range 8 East, Town of Lewiston, Columbia County, Wisconsin, described as follows: Commencing at the Northwest Quarter corner of the Southwest Quarter of said Section 35; thence South 00°08'09" East along the west line of the Northwest Quarter of the Southwest Quarter, 393.13 feet; thence North 89°50'11" East, 66.51 feet to the northwest corner of Lot 1, Certified Survey Map No 5851 and the point of beginning; thence continuing North 89°50'11" East along the north line of said Lot 1, 451.37 feet to the northeast corner thereof; thence South 00°08'09" East along the east line of said Lot 1, 223.63 feet; thence South 88°25'53" East, 798.22 feet; thence South 00°09'52" East, 228.59 feet; thence South 61°16'59" West, 385.02 feet; thence South 89°33'53" West, 459.88 feet; thence North 00°08'09" West, 348.83 feet to the southeast corner of said Lot 1; thence North 30°03'44" West, 26.29 feet; thence North 88°49'11" West, 126.73 feet; thence South 89°50'11" West, 249.23 feet to the southwest corner of said Lot 1; thence North 00°09'49" West along the west line of said Lot 1, 285.00 feet to the point of beginning. Containing 10.09 acres, (439,468 square feet), more or less. All effective upon recording of the Certified Survey Map.

- (5) “To change from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay”, (Paulson Investments, LLC c/o William M Paulson, Petitioner), a parcel of land located in Section 10, T10N, R12E, Town of Columbus, more particularly described as follows: Lands to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Being a part of Lots 1-4 of Certified Survey Map No. 4835, recorded in Volume 34 of Certified Survey Maps, Page 34, as Document No. 774339, located in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 10, Town 10 North, Range 12 East, Town of Columbus, Columbia County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 10; thence North 00°35’44” West, 54.06 feet along the west line of the Southwest Quarter of Section 10 to the southwest corner of Certified Survey Map No. 4835 and the point of beginning; thence continuing North 00°35’44” West, 2105.05 feet along the west line of Certified Survey Map No. 4835 and the west line of the Southwest Quarter of Section 10; thence North 49°09’12” East, 375.41 feet; thence South 48°36’48” East, 426.78 feet; thence South 36°34’34” East, 725.00 feet; thence South 37°02’38” West, 385.00 feet; thence North 59°54’43” West, 691.39 feet; thence South 89°24’16” West, 167.00 feet; thence South 00°35’44” East, 1,522.95 feet to the south line of Certified Survey Map No. 4835; thence South 88°36’49” West, 33.00 feet along the south line of Certified Survey Map No. 4835 to the point of beginning. Containing 16.64 acres, (724,391 square feet), more or less. Lands to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay - Being a part of Lots 1-4 of Certified Survey Map No. 4835, recorded in Volume 34 of Certified Survey Maps, Page 34, as Document No. 774339 and Lots 2 and 3, Certified Survey Map No. 4836, recorded in Volume 34 of Certified Survey Maps, Page 35, as Document No. 774340, all located in the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section 10, Town 10 North, Range 12 East, Town of Columbus, Columbia County, Wisconsin, described as follows: Beginning at the West Quarter corner of said Section 10; thence North 00°06’42” West, 25.00 feet; thence North 50°11’53” West, 70.00 feet; thence North 20°38’11” West, 70.00 feet; thence North 48°03’15” East, 330.00 feet; thence North 56°04’02” East, 300.00 feet; thence South 51°23’21” East, 125.00 feet; thence North 87°21’23” East, 75.00 feet; thence North 54°00’46” East, 260.00 feet; thence South 59°10’48” East, 50.00 feet; thence South 44°52’05” East, 265.00 feet; thence North 51°54’19” East, 700.00 feet; thence North 38°08’31” East, 510.00 feet; thence North 83°36’07” East, 125.00 feet; thence North 75°12’06” East, 165.00 feet; thence North 79°05’46” East, 325.00 feet; thence North 88°55’54” East, 177.84 feet to the east line of Lot 3, CSM No. 4836 and the North-South Quarter line of Section 10; thence South 00°11’51” East, 2577.24 feet along the North-South Quarter line of said Section 10; thence South 88°56’53” West, 1,751.30 feet; thence North 37°02’38” East, 179.76 feet; thence North 36°34’34” West, 725.00 feet; thence North 48°36’48” West, 426.78 feet; thence South 49°09’12” West, 375.41 feet to the west line of Lot 1, Certified Survey Map No. 4835 and the west line of the Southwest Quarter of Section 12; thence North 00°35’44”

West, 505.06 feet along the west line of Lot 1, Certified Survey Map No. 4835 and the west line of the Southwest Quarter of Section 10 to the point of beginning. Containing 110.06 acres, (4,794,213 feet), more or less. All effective upon recording of the Certified Survey Map.

- (6) “To change from A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay”, (Nolden Properties LLC c/o Ethan Nolden, Petitioner), a parcel of land located in Sections 36 & 25, T13N, R10E, Town of Marcellon, more particularly described as follows: Lands to be Rezoned from A-1 Agriculture to RR-1 Rural Residence - Being part of Lot 2, Certified Survey Map, No. 6533 as recorded in Volume 48 of Certified Survey Maps, page 90 as Document No. 956172 located in the Northeast Quarter of the Northeast Quarter of Section 36, Town 13 North, Range 10 East, Town of Marcellon, Columbia County, Wisconsin, described as follows: Commencing at the Northeast corner of Section 36; thence South 00°17’11” East along the East line of the Northeast Quarter, 437.37 feet to the Southwest corner of Lot 1, Certified Survey Map, No. 6533 and the point of beginning; thence continuing South 00°17’11” East along the East line of the Northeast Quarter, 51.16 feet; thence North 78°03’54” West, 625.95 feet; thence North 00°17’11” West, 263.44 feet; thence North 89°43’33” East, 411.35 feet; thence South 05°08’37” West, 296.54 feet; thence South 78°03’54” East, 233.77 feet to the point of beginning. Containing 132,700 square feet, (3.05 acres), more or less. Lands to be Rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay - Being part of Lot 2, Certified Survey Map, No. 6533 as recorded in Volume 48 of Certified Survey Maps, page 90 as Document No. 956172 located in the Southeast Quarter of the Southeast Quarter, Section 25, Town 13 North, Range 10 East, Town of Marcellon, Columbia County, Wisconsin, described as follows: Commencing at the Southeast corner of Section 25; thence North 00°18’50” West, 233.50 feet to the point of beginning; thence South 89°39’57” West, 1,278.92 feet to a point in the West line of the Southeast Quarter of the Southeast Quarter; thence North 00°21’29” West along the West line of the Southeast Quarter of the Southeast Quarter, 1,087.99 feet to the Northwest corner thereof; thence North 89°39’57” East along the North line of the Southeast Quarter of the Southeast Quarter, 1,279.76 feet to the Northeast corner thereof; thence South 00°18’50” East along the East line of the Southeast Quarter, 1,087.99 feet to the point of beginning. Containing 1,391,900 square feet, (31.95 acres), more or less. All effective upon recording of the Certified Survey Map.

Chris Polzer, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: March 15, 2023  
DATE PUBLISHED: March 21, 2023

Motion by Baumgartner to adopt the Ordinance. Second by Hahn. The Ordinance was declared passed and is to be known as Ordinance Z23-2023.

**ORDINANCE NO. P6-2023**

The Columbia County Board of Supervisors do ordain as follows: That Chapter 13, entitled “Columbia County Comprehensive Plan” of the County Code, as passed by the Board of Supervisors on March 17, 2021, is hereby amended and added thereto as follows:

Pursuant to section 59 of the Wisconsin Statutes, Columbia County, is authorized to amend a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

The Planning and Zoning Committee of Columbia County, by a majority vote of the entire committee recorded in its official minutes, has recommended to the County Board the adoption of the document dated December 1, 2009 and entitled “Amendments to the Columbia County Comprehensive Plan 2030” as specified in section 66.1001(2) of the Wisconsin Statutes.

The “Amendments to the Columbia County Comprehensive Plan 2030” include the following items:

Map Amendment – Future Land Use Map: Multi-Family Residential to Industrial; Oakwood Associates LLC, Petitioners, and Axley Brynelson, LLP, D.Clarke Sugar, Applicant, Town of Lewiston, Reference File No. P6-2023 in the Planning & Zoning Department.

This amendment shall become effective upon recording of the Certified Survey Map associated with this request.

The County Planning and Zoning Committee has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

The County Board of Columbia County, Wisconsin, does, by enactment of this ordinance, formally adopt the document dated December 1, 2009 and entitled “Amendments to the Columbia County Comprehensive Plan 2030” pursuant to section 66.1001.(4)(c) of the Wisconsin Statutes.

This ordinance shall take effect on November 9, 2021 upon passage by a majority vote of the members-elect of the County Board and posted as required by law.

Chris Polzer, Chair  
COLUMBIA COUNTY  
BOARD OF SUPERVISORS  
Susan M. Moll  
COLUMBIA COUNTY CLERK

DATE PASSED: March 15, 2023

DATE PUBLISHED: March 21, 2023

Motion by Baumgartner to adopt the Ordinance. Second by Hahn. The Ordinance was declared passed and is to be known as Ordinance P6-2023.

Motion by Kolberg to hold a Public Hearing at the next full Board meeting to consider and act on a moratorium on issuance of any zoning or conditional use permits for the purpose of constructing a solar facility or battery storage system. Second by Groves. The motion carried, not unanimously.

It was clarified the public hearing would be for discussion only and no action would be taken. Groves stated this would need to be legally and publicly noticed 30 days prior to County Board meeting.

Motion by M. Rohrbeck to adjourn. Second by Groves. The meeting adjourned at 1:36 p.m.

**Please note that supporting documents (i.e. addendums, exhibits and handouts) are filed in the County Clerk's Office.**

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