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**LA CROSSE COUNTY BOARD OF SUPERVISORS ORGANIZATIONAL  
MEETING PROCEEDINGS; TUESDAY, APRIL 20, 2010**

The La Crosse County Board of Supervisors Organizational Meeting was held on Tuesday, April 20, 2010 in the Administrative Center, Room B410. County Clerk Linda Stone called the meeting to order at 6:00 P.M. The Deputy County Clerk, Ginny Dankmeyer, took attendance. All supervisors were present except as noted:

| <b>District</b> | <b>Name</b>        | <b>Attendance</b>  |
|-----------------|--------------------|--------------------|
| 1               | Richmond, Andrea   | Present            |
| 2               | Geary, Ralph       | Present            |
| 3               | Feehan, Bill       | Present            |
| 4               | Johnson, Jai       | Present            |
| 5               | Konkel, Bradley    | Present            |
| 6               | Billings, Jill     | Present            |
| 7               | Plesha, Roger      | Present            |
| 8               | Freedland, Maureen | Present            |
| 9               | Hampson, Sharon    | Excused            |
| 10              | Wood, Margaret     | Present            |
| 11              | Kader, Audrey      | Present            |
| 12              | Flood, Bridget     | Excused at 6:10 PM |
| 13              | Brockmiller, Bill  | Present            |
| 14              | Medinger, John     | Present            |
| 15              | Mach, Beverly      | Present            |
| 16              | Sebranek, Gerald   | Present            |
| 17              | Meyer, Donald      | Excused            |
| 18              | Johnson, Tara      | Present            |
| 19              | Keil, Robert       | Present            |
| 20              | Bina, Donald       | Present            |
| 21              | Manthei, Dennis    | Excused at 7:02 PM |
| 22              | Ebert, Ray         | Present            |
| 23              | Gamroth, Tammy     | Present            |
| 24              | Pfaff, Leon        | Present            |
| 25              | Schroeder, Jeffrey | Present            |
| 26              | Burke, Vicki       | Present            |
| 27              | Pedretti, Marilyn  | Present            |
| 28              | Doyle, Steve       | Present            |
| 29              | Kruse, Monica      | Present            |
| 30              | Spiker, Charles    | Present            |
| 31              | Ferries, Dan       | Excused at 7:01 PM |
| 32              | Benrud, Arlene     | Present            |
| 33              | Berns, Jim         | Present            |
| 34              | Wehrs, Tina        | Present            |
| 35              | Bilskemper, Joe    | Present            |

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## **PLEDGE OF ALLEGIANCE**

### **OATH OF OFFICE**

All Supervisors present, being duly elected to office at the April 6, 2010 Spring Election, were sworn in by the Honorable Judge Dale Pasell.

### **ELECTIONS/ORGANIZATION**

- County Clerk Stone opened nominations for Chair of the County Board of Supervisors for the current term. Benrud/Kruse nominated Steve Doyle. There being no other nominations, Steve Doyle was elected to the position of Chair of the County Board of Supervisors on a voice vote with 32 ayes, 1 present – Ebert and 2 excused – Hampson and Meyer.
- County Clerk Stone opened nominations for First Vice-Chair of the County Board of Supervisors for the current term. Plesha/Konkel nominated Tara Johnson. There being no other nominations, Tara Johnson was elected to the position of First Vice-Chair of the County Board of Supervisors on a unanimous voice vote with 2 excused – Hampson and Meyer.
- County Clerk Stone opened nominations for Second Vice-Chair of the County Board of Supervisors for the current term. Spiker/Konkel nominated Jill Billings. There being no other nominations, Jill Billings was elected to the position of Second Vice-Chair of the County Board of Supervisors on a unanimous voice vote with 2 excused – Hampson and Meyer.

### **THE RE-ELECTED CHAIRPERSON, STEVE DOYLE, TOOK THE CHAIR**

#### **CORPORATION COUNSEL REPORT – William Shepherd**

- **ABSTAINING:** With the aid of a power point presentation Shepherd explained the rules and effect of abstaining from a vote. He referred to State statute, County Ordinance, Roberts Rules of Order and judicial rulings throughout. He explained while it is the duty of all supervisors present to vote yes or no, a supervisor may abstain for any reason and cannot be compelled to vote. Nor can he/she be compelled to abstain even though he should if he has a direct personal or pecuniary interest not common to the other Board members. Voting in that situation is bad form and may be in violation of the Ethics Code and other state laws. Corporation Counsel Shepherd explained the effect of an abstention on various scenarios. A majority vote is more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions. Therefore when an item calls for a majority vote, as most do, if one supervisor chooses to abstain, he/she is not voting so the number required for a majority would be reduced by one. This is not the case when an item requires two-thirds of those present, two-thirds of the entire Board or three-fourths of members elect. In these cases, an abstention is not functionally different from a “no” vote. When a member abstains from voting, the number of affirmative votes required to pass does not change. Therefore the measure can fail for lack of a sufficient number of affirmative votes, particularly if a number of members abstain. Any supervisors with questions should seek advice from our Corporation Counsel.
- **CORPORATION COUNSEL DUTIES:** This information was requested in regards to staff initials on our County resolutions under “Reviewed Only”, “Recommended” or “Not Recommended”. Each supervisor was given a hand-out with information from the County Official’s Handbook, a section of La Crosse County Ordinance 1.21(4) specifying the Corporation Counsel duties and 2.02(7)(b) which reads: “..... Corporation Counsel shall review all resolutions prior to introduction before the County Board and shall initial on each resolution one of the following: Recommended, Not Recommended, or Reviewed Only”. Discussion ensued and he responded to questions and comments from the Board.

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**ADMINISTRATOR REPORT - Steve O'Malley**

- WCA DISTRICT MEETINGS: There will be a meeting of the Western District on Tuesday April 27<sup>th</sup> from 3-6 pm. There is also Local Government Center County Officials Workshops brochure in the packets. Supervisors should contact the Chair's office if interested in attending any of these outside events. He also reminded Supervisors about the County Board Retreat on Thursday April 22<sup>nd</sup> and briefly spoke on the agenda for that.

**PROCLAMATION: NATIONAL VOLUNTEER WEEK APRIL 18 – 24 2010**

Motion by Wood/Plesha to approve passed on a unanimous voice vote with 32 ayes and 3 excused - Hampson, Meyer and Flood.

**STARTING TIME: THE TIME APPROVED WILL BE IN EFFECT FOR THE ENSUING TERM UNLESS CHANGED FOR SPECIAL OCCASIONS.**

Motion by Sebranek/Medinger to make no change and continue to hold the County Board meetings at 6:00 p.m. passed on a unanimous voice vote with 32 ayes and 3 excused - Hampson, Flood and Meyer.

**COMMUNICATIONS AND ANNOUNCEMENTS**

**COUNTY BOARD CHAIR REPORT – Steve Doyle**

- BULLETIN BOARD: Chair Doyle noted, particularly for the new supervisors, the bulletin board on the South wall where communications and announcements can be found.
- RECOGNITION – SUPERVISOR DON BINA: Chair Doyle presented Supervisor Bina with appreciation for his 20 years of service to the County Board. Bina spoke briefly about the changes he's seen, thanked his colleagues and was applauded by the Board.
- VOTING SYSTEM – County Clerk Linda Stone: Clerk Stone gave brief instructions on the new voting system, which was being used live for the 2<sup>nd</sup> time. The most important change is that supervisors use the "log in" and "log out" buttons every time they leave or enter the room so the system can keep track of who was present for voice votes. She also requested that the supervisors log out, per the instructions on each desk, when the meeting is over, but not until after the adjourn vote has been closed.
- COUNTY CLERK ANNOUNCEMENTS – County Clerk Linda Stone:
  - BUSINESS CARDS/STATIONARY: Any supervisor wishing to purchase business cards or County Board letterhead stationary can do so through the DGS center, formerly know as the Printing Department
  - REQUIRED DOCUMENTS: The forms on supervisors' desks, such as the Ethics and Conflict of Interest Statements, Public Directory information release, requests for hard copies of meeting minutes, etc. need to be completed and submitted to the County Clerk tonight or at the Retreat on Thursday.
  - REQUIRED INSURANCE: Any supervisor that intends to be reimbursed for mileage must have their vehicle insurance on file with the county clerk and it must meet the required liability limits.
- JAIL TOUR: Chair Doyle has scheduled a tour of the jail for his students at WTC. It is a public tour and any supervisor wishing to be included should be at the North door of the LEC by 1:30 on Saturday, April 24<sup>th</sup>. Supervisor Sebranek requested that a tour of the Grand River Station be scheduled sometime if possible. Chair Doyle will look into it.
- ATTIRE, DECORUM, PARKING, APPOINTMENTS AND MISCELLANEOUS: Chair Doyle reminded supervisors that we are a responsible government body and that appropriate attire should be worn to all regular Board meetings. All debate should be respectful and professional. Eating at the desks is unacceptable and strongly discouraged. The Chair and Administrator parking spots, when unoccupied, can be used by any supervisor here on County business. He will be distributing his Standing Committee appointment list at the Retreat. Health and Human Services Board appointments are being made tonight because that is a statutory committee whose terms don't necessarily coincide with ours. He is also looking for another supervisor interested in Couleecap, Inc. as there is another vacancy that needs to be filled.

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- GOVERNMENT WEB SITES: Chair Doyle noted that improving our web site and making our County government more transparent is one of the items on the Retreat agenda; supervisors are encouraged to go out on the internet and visit some of the sites listed to generate ideas and to bring those and any other suggestions to the Retreat discussion.
- LEGISLATIVE AND LEC COMMITTEES: There is no limit to the number of members on the Legislative or the Law Enforcement Center Construction committees. A sheet was passed around for interested supervisors to sign up for either or both of them.
- COMMITTEE MEETINGS: All supervisors are welcome to attend and speak at any and all committee meetings, whether they are members of that committee or not.
- QUESTIONS: Stone, Chair Doyle and Corporation Counsel responded to questions from the Board on the various announcements and forms through-out.
- EXCUSED SUPERVISORS: Chair Doyle pointed out that two of the supervisors, Dennis Manthei and newly elected Dan Ferries, had to leave the meeting early due to Village Board meetings that required their attendance. Sharon Hampson is stuck overseas where all flights have been cancelled due to the volcanic ash. He wanted to point out that they would be here if they could.
- SUPERVISOR CONFERENCE REPORTS
  - Supervisor Benrud reported she attended the WCHA meeting in Wausau where they discussed constitutional amendments. She always drives to Tomah for this monthly meeting and rides to Wausau with the Monroe County commissioner to save the County the extra mileage expense. She also attended an ITBEC meeting and put a folder in everyone's packet which explains what ITBEC (International Trade, Business and Economic Development Council) does; she encouraged everyone to read it.
  - Supervisor Pedretti reported that as part of her duties on the Planning, Resources & Development Committee, she accompanied UW Extension Department Head Mary Meehan-Strub to the 5<sup>th</sup> District meeting in Eau Claire. It was very informational. As part of that she will also be attending a 3 day conference in Washington with UW Extension, not at County Board expense.
  - Supervisor Bina reported he attended a County Association Agriculture Committee meeting in Stevens Point. Russ Rasmussen from the DNR reported they are in the process of changing the nitrate run-off rule to a phosphate run-off rule and reducing required creek buffers to less than the 20-30 feet now required, which Bina thought could eliminate some small fields. The Executive Secretary for the Humane Society of the United States (HSUS) spoke about their concerns regarding farming practices such as docking tails, dehorning, castration and penned animals. Upon questioning she said they will not be protesting penned animals at the fair. She said she will come to the committee for input before they propose any bills to the legislature.
  - Supervisor Ebert read a statement from Supervisor Manthei that he requested go into the record: In the County Public Works & Infrastructure + Aging & Long Term Care Committee Meeting Minutes of April 12 included in the packet for tonight's County Board meeting is a statement "The proposal has not yet been presented to the Village of West Salem Planning Commission, but there were plans to do so in May, 2010." Please note this is a FALSE statement. Specifically, back in October 2009 Mr. Seno met with and presented his proposal to the West Salem Planning Commission. Charlie Handy was sent a copy of these meeting minutes as well as the Village Board meeting minutes on that subject. The Planning Commission expressed interest in the concept at that time. There is no schedule to meet with Mr. Seno in May of 2010 since this was already done last October. Until such time as there is an identified piece of land on which Mr. Seno could build his project and has plans to accompany his request there will be no further meeting scheduled with the West Salem Planning Commission. Simply letting the above comment reside in the meeting minutes gives the impression that Mr. Seno is just starting the process. In fact, this process started last October with the Village and has just now finally come to a County Committee(s) for initial action on one of the possible sites for Mr. Seno in the Village.

CHAIR DOYLE TURNED THE CHAIR OVER TO FIRST VICE CHAIR T. JOHNSON.

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**APPOINTMENTS:**

- Re-appoint Margaret Wood and Monica Kruse to the Health And Human Services Board for a three year term to expire April 30, 2013.
- Appoint Bill Feehan to the Health and Human Services Board for a three year term to expire April 30, 2013.
- Re-appoint David Trapp as a citizen member to the Health and Human Services Board for a three year term to expire April 30, 2013.
- Re-appoint Sharon Hampson, Dr. Troy Harcey, Dennis Montabon and Rita Zindorf to the Criminal Justice Management Council for a 3 year term to expire April 30, 2013.
- Appoint Bill Feehan to the Criminal Justice Management Council to replace Joe Veenstra for the remainder of a three year term to expire April 30, 2012.
- Re-appoint Sharon Hampson to the Commission on Aging for a three year term to expire April 30, 2010.
- Re-appoint Leon Pfaff to the Solid Waste Policy Board for a three year term to expire April 30, 2013.
- Appoint Jarrod Holter to the Solid Waste Policy Board to replace Jason Gilman for a three year term to expire April, 30, 2013.
- Re-appoint Steve Hogden to the Solid Waste Policy Board for a three year term to expire April 30, 2013.
- Re-appoint Gerald Sebranek to the Southwest International Trade, Business and Economic Development Council (ITBEC) for a two year term to expire April 30, 2012.
- Appoint Monica Kruse to replace Jill Billings on Couleecap, Inc.

Motion by Doyle/Schroeder to approve all appointments as presented, with a correction to Feehan's term expiration on the Criminal Justice Management Council from 2013 to 2012, passed on a unanimous roll call vote with 30 ayes and 5 excused – Ferries, Hampson, Flood, Meyer and Manthei.

CHAIR DOYLE RESUMED THE CHAIR.

**APPROVAL OF THE MINUTES AND THE CLAIMS LIST BY CONSENT AGENDA**

Motion by Plesha/Sebranek to approve the Minutes of the County Board of Supervisors Monthly Meeting held March 18, 2010 and the Claims List For \$11,039,936.48 passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**CONDITIONAL USE PERMIT NO. 807 FILED BY RICHARD M. AND MARY S. SCHMIDT TO OPERATE A WOODEN DIE MANUFACTURING BUSINESS FROM THEIR HOME ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF GREENFIELD**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Richard M. and Mary S. Schmidt, W2912 Kloss Rd, La Crosse, WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 to operate a wooden die manufacturing business from the lower level of their home at W2912 Kloss Rd, on 1.15 acres of land zoned Exclusive Agriculture District in the Town of Greenfield described as: Lot 1 of Certified Survey Map No. 139 in Volume 4 described in tax parcel 6-24-1. Town of Greenfield. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Approve with 8 conditions.** By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended approval of Conditional Use Permit No. 807 subject to the following 8 conditions:

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1. Permit granted for wooden die manufacturing business.
2. Business to be contained in lower level of home only.
3. Two employees – husband and wife.
4. No customers on site.
5. Refuse not to be mixed with residential waste.
6. Personal property to be reported to local assessor yearly during assessment collection.
7. This permit is transferable.
8. This permit is subject to approval from the County's Board of Adjustment for construction within the 25-ft rear yard requirement and detached shed lying over the property line shall be removed.

Any deviation or alteration of the conditions set forth in this permit shall constitute a violation of the terms of this Conditional Use Permit and shall be subject to prosecution and penalties under the terms of this Ordinance. A new public hearing and permit must be granted to extend or alter any of the conditions set forth herein. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved subject to conditions as outlined.

### **PLANNING RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by Pedretti/Bina to approve as recommended by the Committee passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

### **CONDITIONAL USE PERMIT NO. 808 FILED BY VERIZON WIRELESS, C/O FMHC CORPORATION – ATTENTION PETER SCHAU, TO OPERATE ITS EXISTING 190-FT. GUYED COMMUNICATION TOWER AND FACILITY AS IT CURRENTLY EXISTED ON TERMINATED CONDITIONAL USE PERMIT NO. 45 ON LAND ZONED TRANSITIONAL AGRICULTURE DISTRICT IN THE TOWN OF HAMILTON**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Verizon Wireless, C/O FMHC Corporation – Attention Peter Schau, 8a, W. Davenport St, Ste – 201, Box 8, Rhinelander, WI 54501 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 to operate its existing 190-ft Guyed communication tower and facility as it currently existed on Terminated Conditional Use Permit No. 45 on 2.3 acres of land zoned Transitional Agriculture District in the Town of Hamilton described as: Lot 1 of Certified Survey Map No. 198 in Volume 1; T/W a 20-ft access easement. Town of Hamilton. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Approve with 4 conditions.** By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended approval of Conditional Use Permit No. 808 subject to the following 4 conditions:

1. This permit is subject to all of Chapter 28 of the County Code of Ordinances EXCEPT the annual requirement for reporting and fees.
2. This permit is transferable.
3. This permit terminates Conditional Use Permit No. 787 in its entirety.
4. This permit does not change the existing land use, recommended for approval.

Any deviation or alteration of the conditions set forth in this permit shall constitute a violation of the terms of this Conditional Use Permit and shall be subject to prosecution and penalties under the terms of this Ordinance. A new public hearing and permit must be granted to extend or alter any of the conditions set forth herein. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved subject to conditions as outlined.

### **PLANNING RESOURCES AND DEVELOPMENT COMMITTEE**

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Motion by Pedretti/Keil to approve as recommended by the Committee. Zoning Director Bluske responded to a question from the Board. Discussion ensued. The Permit approval passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**ZONING ORDINANCE NO. Z231-4/10 RE: PETITION NO. 1834 FILED BY HEATH G. AND NICOLE S. POPOWICH, ACTING IN BEHALF OF ROBERT E. SMITH, TO REZONE FROM RESIDENTIAL DISTRICT "A" TO COMMERCIAL DISTRICT "B" IN THE TOWN OF ONALASKA**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1834 to amend the La Crosse County Zoning Ordinance filed by: Heath G. and Nicole S. Popowich, W6644 Lawrence Pl, Onalaska, WI 54650; acting in behalf of Robert E. Smith, N4923 East Ave, Onalaska, WI 54650 and having held a public hearing on the 29<sup>th</sup> day of March 2010 to rezone from Residential District "A" to Commercial District "B", the following described land in the Town of Onalaska. Part of the SW-SE of Section 32, T17N, R7W described in tax parcel 10-1207-0 and the West 25-ft of that part of the SW-SE of Section 32, T17N, R7W described in tax parcel 10-1205-0. Town of Onalaska. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: **Approve**. By a vote of 5 in favor (2 excused - Meyer, Manthei) the Committee recommended approval of this rezoning to the Commercial District "B". (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) **The County Board**, under s. 59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved the petition as submitted, becomes an ordinance.

**PLANNING RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by Pedretti/Richmond to approve as recommended by the Committee passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 277 – TERMINATION NO. 72 FILED BY LA CROSSE COUNTY TO TERMINATE CONDITIONAL USE PERMIT NO. 277 ISSUED TO KEVIN KENYON, CURRENT OWNERS EMERSON JENTZ, IN 1993 TO OPERATE AN EXCAVATING BUSINESS AND CONTRACTOR'S STORAGE YARD IN THE TOWN OF BURNS BECAUSE THE BUSINESS HAS NOT BEEN IN OPERATION FOR 12 CONSECUTIVE MONTHS**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: La Crosse County Zoning, Planning and Land Information Department 400 4<sup>th</sup> St N – Room 3170 La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 on a petition to terminate Conditional Use Permit No. 277 issued to Kevin Kenyon, N6071 County Road DE, Bangor, WI; current owner Emerson Jentz, N6071 County Road DE, Bangor, WI and passed by the County Board in June of 1993, to operate an excavating business and contractor's storage yard on land zoned Agriculture District "A" in the Town of Burns – Reason for terminating – Business has not been in operation for a period of 12 consecutive months. Land described as: Lot 1 of CSM in Vol. 4 of records on page 3, being a part of the NE-NE of Section f19 and part of the NW-NW of Section 20 all in T17N, R5W, Town of Burns. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town

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Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Terminate**. By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended to Terminate Conditional Use Permit No. 277. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved termination.

Acted on by consolidated motion; see motion and action below last consolidated item.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 300 – TERMINATION NO. 73  
FILED BY LA CROSSE COUNTY TO TERMINATE CONDITIONAL USE PERMIT NO. 300  
ISSUED TO CLAY ZIMMERMAN, CURRENT OWNERS CORY AND HEATHER EVERSON,  
IN 1994 TO OPERATE A MAIL ORDER BUSINESS AND WAREHOUSING IN THE TOWN  
OF BURNS BECAUSE THE BUSINESS HAS NOT BEEN IN OPERATION FOR 12  
CONSECUTIVE MONTHS**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: La Crosse County Zoning, Planning and Land Information Department 400 4<sup>th</sup> St N – Room 3170 La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 on a petition to terminate Conditional Use Permit No. 300 issued to Clay Zimmerman, W518 Jewett Rd, Bangor, WI; current owners Cory and Heather Everson, W518 Jewett Rd, Bangor, WI; and passed by the County Board in January of 1994 to operate a mail order business and warehousing on land zoned Agriculture District "A" in the Town of Burns – Reason for terminating – Business has not been in operation for a period of 12 consecutive months. Land described as: Part of the SE-NE of Section 23, T17N, R5W, described as beginning at the intersection of the North line of the Town road and the East line of said SE-NE: thence Northwesterly along the North line of road 550-ft; thence North 125-ft; thence Southeasterly parallel with said road 550-ft to said East line; thence South 125-ft to the POB. Town of Burns. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Terminate**. By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended to Terminate Conditional Use Permit No. 300. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved termination.

Acted on by consolidated motion; see motion and action below last consolidated item.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 65 – TERMINATION NO. 74  
FILED BY LA CROSSE COUNTY TO TERMINATE CONDITIONAL USE PERMIT NO. 65  
ISSUED TO DAVID GRAFF, CURRENT OWNERS THEODORE AND SARAH JOHNSON,  
IN 1983 TO OPERATE A SMALL ENGINE REPAIR BUSINESS IN THE TOWN OF  
ONALASKA BECAUSE THE BUSINESS HAS NOT BEEN IN OPERATION FOR 12  
CONSECUTIVE MONTHS**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: La Crosse County Zoning, Planning and Land Information Department 400 4<sup>th</sup> St N – Room 3170 La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 on a petition to terminate Conditional Use Permit No. 65 issued to David Graff, N6220 Eric Ave, Onalaska, WI; current owners Theodore & Sarah Johnson, N6220 Eric Ave, Onalaska, WI; and passed by the County Board in September of 1983 to operate a small engine repair business on land zoned Residential District "A" in the Town of Onalaska – Reason for terminating – Business has not been in



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operation for a period of 12 consecutive months. Land described as: Lot 3, Block 5, First Addition to Prairie Park, Town of Onalaska. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Terminate**. By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended to Terminate Conditional Use Permit No. 65. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved termination.

Acted on by consolidated motion; see motion and action below last consolidated item.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 28 – TERMINATION NO. 75 FILED BY LA CROSSE COUNTY TO TERMINATE CONDITIONAL USE PERMIT NO. 28 ISSUED TO MAYNARD SWENSON, CURRENT OWNER JASON ALBERTY, IN 1981 TO OPERATE A PORTABLE POPCORN STAND IN THE TOWN OF ONALASKA BECAUSE THE BUSINESS HAS NOT BEEN IN OPERATION FOR 12 CONSECUTIVE MONTHS.**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: La Crosse County Zoning, Planning and Land Information Department 400 4<sup>th</sup> St N – Room 3170 La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 on a petition to terminate Conditional Use Permit No. 28 issued to Maynard Swenson, N5336 State Road 35, Onalaska, WI; current owners Jason Alberty, N5336 State Road 35, Onalaska, WI; and passed by the County Board in July of 1981 to operate a portable popcorn stand on land zoned Agriculture District "A" in the Town of Onalaska – Reason for terminating – Business has not been in operation for a period of 12 consecutive months. Land described as: Part of the SW-SW of Section 29, T17n, R7W as described in Tax Parcel 10-811-0 in the Town of Onalaska. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Terminate**. By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended to Terminate Conditional Use Permit No. 28. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved termination.

Acted on by consolidated motion; see motion and action below.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 357 – TERMINATION NO. 76 FILED BY LA CROSSE COUNTY TO TERMINATE CONDITIONAL USE PERMIT NO. 357 ISSUED TO JAMES WANG AND MAYNARD MICKELSON, CURRENT OWNER JAMES WANG, IN 1996 TO OPERATE A LICENSED GAME FARM IN THE TOWN OF MEDARY BECAUSE THE BUSINESS HAS NOT BEEN IN OPERATION FOR 12 CONSECUTIVE MONTHS**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: La Crosse County Zoning, Planning and Land Information Department 400 4<sup>th</sup> St N – Room 3170 La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of March, 2010 on a petition to terminate Conditional Use Permit No. 357 issued to James Wang & Maynard Mickelson, 1005 La Crosse St, La Crosse, WI; current owner James Wang, 502 11<sup>th</sup> St N, La Crosse, WI; and passed by the County Board in May of 1996 to operate a licensed game farm on land zoned Agriculture District "A" in the

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Town of Medary – Reason for terminating – Business has not been in operation for a period of 12 consecutive months. Land described as: That part of Government Lots 5, 6, 7 & 8 and part of the S ½ of the SW ¼ and part of the SW-SE in Section 13, T16N, R7W lying southerly of the La Crosse River. Also further described in tax parcel #'s 9-477-0; 9-480-0; 9-482-0; 9-504-0 & 9-475-0 in the Town of Medary. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee and the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: **Terminate**. By a vote of 5 in favor (2 excused – Meyer, Manthei) the Committee recommended to Terminate Conditional Use Permit No. 357. **The County Board** took the following action this 20<sup>th</sup> day of April, 2010: Approved termination.

Acted on by consolidated motion; see motion and action below.

### **PLANNING RESOURCES AND DEVELOPMENT COMMITTEE**

Pedretti asked for and received unanimous consent to vote on all five uncontested terminations with one motion. Motion by Pedretti/Brockmiller to approve Terminations No. 72, 73, 74, 75 and 76, as recommended by the Committee, by consent agenda, passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

### **ORDINANCE NO. 80-4/10 TO CREATE S.1.65 ENTITLED "FARMLAND PRESERVATION COMMITTEE" AND CHAPTER 32 ENTITLED "FARMLAND PRESERVATION" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does ordain as follows:

**Section 1.** Section 1.65 is created to read:

#### 1.65 FARMLAND PRESERVATION COMMITTEE.

(1) Membership. Members of the Farmland Preservation Committee shall be appointed by the County Board Chair, subject to confirmation by the County Board. A Committee member shall be an elector of La Crosse County. The Committee shall consist of 9 members to be composed as follows: 3 County Board Supervisors; 1 representative from town government; 1 representative from the city/village government; 1 representative from real estate or development interests; 1 representative with agricultural interests; 1 representative with forestry interests; and 1 representative with local conservation interests, at least 3 to be farmers in La Crosse County if possible.

(2) Term. the initial term of members shall be staggered as follows: 1 supervisor and 2 representatives shall serve a 1 year term; 1 supervisor and 2 representatives shall serve a 2 year term; and 1 supervisor and 2 representatives shall serve a 3 year term. Appointments after the initial term shall be for a term of 3 years and members may be reappointed to successive 3 year terms.

(3) Vacancy. If any member ceases to be an elected official of the governmental entity that he/she represents, then that person's position on the Committee shall become vacant. Vacancies may also result from the removal or resignation of a member. Vacancies shall be filled for the remainder of the unexpired term in the same manner that original appointments are made.

(4) Responsibilities. The Committee shall be responsible for general oversight of the Purchase of Agricultural Conservation Easements (PACE) Program, including the following:

(a) Review and recommend any needed changes to the ordinance establishing the PACE Program.

(b) Develop an application form and procedure for the PACE Program.

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(c) Review and provide oversight in assessing all applications according to the general purposes, objectives and provisions of the PACE Program set forth in Chapter 32, including but not limited to the minimum eligibility criteria.

(d) Make recommendations regarding individual conservation easement instruments, including but not limited to the defined restrictions and reserved rights under the conservation easement.

(e) Make recommendations regarding acceptance of easements.

(f) Establish monitoring procedures and oversee subsequent monitoring to insure easement compliance in coordination with the La Crosse County Zoning, Planning and Land Information Department and La Crosse County Corporation Counsel.

(5) Reporting. The Farmland Preservation Committee shall report to the Planning, Resources, and Development (PR&D) Committee, which shall approve, deny or amend the recommendations prior to consideration by the County Board. The final decision making authority is with the County Board.

**Section 2.** Chapter 32 entitled "Farmland Preservation" is created to read:

CHAPTER 32: FARMLAND PRESERVATION.

32.01 INTRODUCTION.

(1) La Crosse County is blessed with one of the most diverse landscapes in Wisconsin. Agriculture and other open land comprise 42% of the landscape, while forests comprise 33%, and other intensive land uses (e.g., residential, commercial) make up 10% of the landscape. According to the most recent data, agriculture has an economic impact of \$435 million (17% of the local economy) and employs 13% of the workforce, while forestry contributes \$110 million in output and employs 2.5% of the County workforce. Both industries are critical components of the local economy, rivaled only by the manufacturing industry.

(2) The La Crosse County Purchase of Agricultural Conservation Easement (PACE) Program is the culmination of several historic and contemporary initiatives addressing local citizen concern for loss of farmland and fragmentation of forestland. The program builds upon the foundation of the long standing state government focus on farm and forestland protection best exemplified in the Farmland Preservation Law, use value taxation, the Stewardship Program, and the Managed Forest Law. It helps landowners take advantage of income tax breaks, builds a foundation that La Crosse County can use to capitalize on Wisconsin's Working Lands Initiative, and fosters implementation of the county and local comprehensive plans. In fact, development of an easement program is a priority action step identified in the County Comprehensive Plan.

(3) The La Crosse County Comprehensive Plan 2007-2027 establishes several goals targeting the preservation of natural resources that fuel the farm and forestry economy, including:

(a) Farmland Preservation Goal: Direct growth away from prime farmland and protect productive agricultural operations from the encroachment of incompatible uses. Evaluate and utilize programs and initiatives that support this goal.

(b) Natural Resources Goal: Preserve and protect the overall beauty and natural resources of the County as these areas contribute to quality of life and are a critical component of the County's economic development strategy. Protect features including bluffs, coulees, wetlands, wildlife habitats, lakes, rivers, streams, woodlands, remnant prairies/grasslands, open spaces, and groundwater recharge areas.

(4) Some of the supporting objectives in the plan include:

(a) Encourage the protection of economically productive areas including farmland and forests.

(b) Develop realistic strategies to protect prime and productive agricultural lands from the encroachment of development. Define and differentiate between lands with high and marginal agricultural value.

(c) Continue to protect the various natural resources that exist in different parts of the County as they significantly contribute to the quality of life. Promote consistency among different standards managed at the Federal, State, County, and local levels.

**(12-10/11)**

32.02 PROGRAM PURPOSE. The La Crosse County Purchase of Agricultural Conservation Easement (PACE) Program authorizes La Crosse County to accept voluntarily conveyed conservation easements that protect viable farm and forest lands and the conservation values of these lands in perpetuity.

32.03 PACE PROGRAM OBJECTIVES.

- (1) Create a voluntary, permanent option to protect farm and forest land by authorizing La Crosse County to accept conservation easements.
- (2) Implement the La Crosse County Comprehensive Plan 2007-2027. The Comprehensive Plan includes many goals, objectives, policies, and action steps focused on the protection of farm and forest land, including development of an easement program.
- (3) Preserve a critical component of La Crosse County's local economy by protecting viable farm and forest lands from incompatible, non-agricultural and/or non-silvicultural uses.
- (4) Encourage private investment in agriculture and forestry. Conservation easements can function to provide financial resources to the landowner that can be used to invest in the operation, protect property from incompatible uses, and create large tracts of preserved land that are less susceptible to public or private challenges affecting the right to use the property in a manner consistent with currently accepted agricultural and silvicultural practices.
- (5) Maintain agricultural related infrastructure in the community. Viability of the agriculture industry is dependent upon adequate infrastructure, such as, cooperatives, feed mills, veterinarians, implement dealers, and processing facilities. Viability of this infrastructure is dependent upon the existence of the agriculture industry. Farmland protection supports the interdependent relationship between the industry and agriculture.
- (6) Capitalize on the positive benefits created by farming and forestry operations. In addition to its economic benefits, La Crosse County's farm and forestland contribute significantly to surface and ground water quality, wildlife and fish habitat, the tourism economy, open space, rural character, scenic beauty, cultural heritage, and the overall quality of life.
- (7) Build upon Wisconsin's strong history of farm and forestland protection. Wisconsin has long been recognized as a leader in farm and forestland protection not only through a variety of policies supported by state statute and administrative rule, but also through the premier preservation programs, including the Farmland Preservation Law, use value taxation, Stewardship Program, and the Managed Forest Law.

32.04 DEFINITIONS.

- (1) "Agricultural Use" means substantially undeveloped cropland and pasture that is devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, including beef, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes enrollment in a federal or state conservation program.
- (2) "Base property inventory" means a report prepared by the Zoning, Planning and Land Information Department consisting of maps, photographs, and a narrative description sufficient to establish the condition of the property at time of easement conveyance. The inventory will be used to monitor changes in use or condition of the property.
- (3) "Certified Survey Map" means a map, prepared in accordance with Section 236.34 of the Wisconsin Statutes for the purpose of dividing land into not more than four (4) parcels inclusive of the remnant parcel; or used to document for recording purposes survey and dedication data relating to single parcels.
- (4) "Grantor" means all property owners of the parcel(s) from which an easement is to be conveyed. If land is subject to land contract, the grantor means the vendee in agreement with the vendor.

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(5) "Land unsuitable for producing merchantable timber", at least, includes water, bog, rock outcrops, sand dunes, vacant farmland, roadway, utility right-of-way, or railroad right of way.

(6) "Forest Stewardship Plan" is more comprehensive than a basic management plan or management recommendations. It incorporates landowner objectives with sustainable forestry management. It may also provide detailed information for protection and enhancement of other natural resources, such as, water, soil, and wildlife. The plan shall include all three of the following components:

(a) Stand level description of current forest condition;

(b) Scheduled forest management practices that will protect or enhance the forest, the practices will use prescriptions consistent with Wisconsin Department of Natural Resources silvicultural standards; and

(c) A detailed stand level map.

(7) "Plat of Survey" means a metes and bounds description of the property that includes monumentation.

(8) "Silvicultural use" means substantially undeveloped forest land that is devoted to the production of trees to be utilized in the forest products industry, including lumber, pulp, veneer, maple syrup, Christmas trees, carbon credits, and other similar uses and activities. Silvicultural use includes enrollment in a federal or state conservation program.

**32.05 MINIMUM ELIGIBILITY CRITERIA.** Any La Crosse County property owner may submit an application to the Farmland Preservation Committee, but only applications that meet the following minimum criteria will be considered.

(1) All owners of the property shall sign the application, indicating their interest in voluntarily conveying a conservation easement on at least 35 contiguous acres. Easements proposed on areas less than 35 contiguous acres may be considered by the Committee on a case by case basis.

(2) The easement to be conveyed shall be located in an unincorporated area of La Crosse County.

(3) Any area of the easement to be conveyed shall not be located within a ½ mile of a City, Village, or Sanitary Sewer District boundary as of the effective date of this ordinance. The ½ mile boundary is static upon the effective date of this ordinance and will not move due to future annexations or sewer district expansions. The area of the easement to be conveyed may be within the ½ mile boundary if written permission is obtained from the governmental entities that are within this boundary.

(4) At least 51% of the area of the conservation easement shall be devoted to agricultural use or at least 80% shall be devoted to silvicultural uses.

In some instances, the easement area may not reach either percent land use minimum requirement, but the total of farmland and forest land is 80% or more of easement area (i.g., 40% farmland, 40% forested, 20% wetland). Such parcels will be considered on a case by case basis by the Committee.

(5) Agricultural and/or forestry activities must be permitted uses under all applicable zoning ordinances on a parcel subject to a conservation easement.

(6) All encumbrances, including but not limited to liens, mortgages, and judgments, against the parcel(s) must be satisfied and removed, or the lien holder, mortgagee, or creditor shall consent in writing to the grant of the conservation easement and agree that its interest in the parcel shall be subject to the easement. Encumbrances are not intended to include enrollment of the property in any currently existing state and/or federal conservation program(s). Clear title must be provided before an easement may be conveyed to La Crosse County.

**32.06 APPLICATION PROCESS.**

(1) Landowners wishing to convey a conservation easement shall complete an application that is developed by the Farmland Preservation Committee and submit it to the Zoning, Planning and Land Information Department prior to April 1<sup>st</sup> of each year. The Department will determine if the application is complete. Upon receipt of a completed application, the Committee will meet within 45 days to make a recommendation on the application to the Planning, Resources, and Development (PR&D) Committee.

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(2) After receiving the recommendation of the Farmland Preservation Committee on a landowner's application, the PR& D Committee shall act on the recommendation either approving, modifying and approving, or disapproving the application. If the action of the PR&D committee is favorable to granting the application, it shall report to the County Board its recommendation to approve. If the PR&D Committee recommends denial of the application, it shall report its recommendations to the County Board with the reasons for the action.

(3) Upon receipt of the PR&D Committee report on the application to convey a conservation easement to the County, the County Board may approve the application as recommended by the PR&D Committee or with amendments, or it may deny the application, or it may refuse to deny the application as recommended by the PR&D Committee in which case it may refer the application back to the Committee with directions to further consider the application and report the application back to the County Board which may then approve or reject the application.

**32.07 PARTY RESPONSIBILITIES.**

(1) Grantors shall be charged an application fee as determined from time to time by the County Board without the requirement of an amendment to this Code. Grantors will incur other costs, such as, surveying, title search and insurance, attorney, accountant, recording, and appraisal fees. The County's role is to accept, monitor, and enforce the easement. It is the Grantor's responsibility to adequately analyze the conveyance of the conservation easement to determine personal impacts, including income tax deductibility and value of the easement.

(2) The conveyance of a conservation easement is believed to constitute a qualified conservation contribution as defined by the United States Internal Revenue Service and other applicable state regulations. The act of La Crosse County accepting the easement does not, create the determination that the conveyance meets the requirements for a qualified conservation contribution. The IRS makes the final determination of whether it is a qualified conservation contribution. The Grantor of the conservation easement is responsible for determining this designation and associated tax deductibility.

**32.08 CONSERVATION EASEMENT PROVISIONS.**

(1) The conservation easement shall perpetually protect the easement area's agricultural and silvicultural uses by preventing any other use that is inconsistent with the purposes of the PACE Program.

(2) The conservation easement shall run with the land regardless of transfers in property ownership. The easement shall be held by the County in perpetuity unless an entity authorized under Wis. Stats. s. 32.02 to acquire real property by condemnation determines that acquisition of the property is necessary for a public purpose. In such case, the entity exercising the power of eminent domain shall compensate the County for the value of the conservation easement as determined by a qualified appraiser. The County shall deposit proceeds into a fund dedicated to working farm and forestland preservation.

(3) An area large enough to include existing structures and anticipated future structures shall be excluded from the land to be placed under easement, except existing structures that are intended for seasonal use. Structures with running water are not considered for seasonal use. In the event that the landowner wants to build structures outside of this area, the structures must be consistent with agricultural or silvicultural uses and local zoning code. Construction of residential structures is prohibited.

(4) The conservation easement shall at least include the following provisions:

(a) Who is giving and receiving the easement, i.e. the Grantor and the Grantee.

(b) Legal description and base property inventory, which may require a plat of survey at the discretion of the Farmland Preservation Committee.

(c) A conservation plan to implement current Department of

**(15-10/11)**

Natural Resources Administrative rule 151 standards will be adopted and implemented for any easement area containing active cropland within 5 years of easement conveyance. The property owner is responsible for continued implementation.

(d) A Forest Stewardship Plan will be developed and implemented for any easement area containing 10 or more contiguous acres of forestland within 5 years of easement conveyance. The property owner is responsible for updating and continually implementing the plan.

(e) The Zoning, Planning and Land Information Department shall be notified in advance of construction of any structures or exercise of any rights reserved to the landowner that may have an adverse impact on the conservation values of the property.

(f) Excavation of sand, gravel, rock, minerals, or other non-metallic or metallic materials that significantly impairs or interferes with the long term agricultural or silvicultural use of the property is prohibited. Such mining is allowed if the long term agricultural and silvicultural use is maintained, a reclamation plan consistent with Wisconsin Department of Natural Resources Administrative Code NR 135 identifying that this use is preserved has been approved, the property owner has received prior written approval of the County Board of Supervisors, and mining occurs for a period not to exceed 25 years from date of reclamation plan approval.

Landowners interested in tax benefits should consult their tax attorney regarding mining because the current applicable tax codes do not allow for income tax deductions if surface mining could occur.

32.09 CONFLICT OF INTEREST. A Committee member who wishes to convey an easement, whose family member wishes to convey an easement, or who has a financial stake in an organization, incorporation, etc. that wishes to convey an easement may not participate in any deliberation of the Committee when said easement is being considered.

32.10 SEVERABILITY. Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this Ordinance.

32.11 ENFORCEMENT.

(1) The La Crosse County Zoning, Planning & Information Department shall enforce the terms of each conservation easement accepted by La Crosse County.

(2) The Department shall at least annually inspect all land from which easements have been voluntarily conveyed to determine compliance. The first inspection shall be completed within 1 year of the date of easement conveyance. Written notice of an inspection to be conducted shall be mailed by certified mail to the owner(s) at least 10 days prior to the inspection. An inspection shall be performed between the hours of 7 am and 6 pm on a weekday that is not a legal holiday, or a date and time agreeable to the Department and the owner(s).

(3) Following inspection, the Department shall prepare a written report indicating whether or not the provisions of the easement are being observed. The final report shall be mailed to the property owner(s) within 14 days of inspection.

(4) In the event of discovery of a violation of the conservation easement, a written notice shall be sent by certified mail to the property owner within 14 days of discovery and shall include the following:

- (a) A copy of the inspection report.
- (b) A copy of the deed of easement.
- (c) A description of the action or condition that constitutes the

violation.

(d) A statement of measures to correct the violation within 60 days after mailing of the violation notice.

(5) Sixty days following the mailing of the violation notice, the County shall commence and prosecute an action seeking an order requiring correction of the violation, enjoining further violation, and other appropriate relief, unless:

(a) The Department determines that a violation has been corrected.

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(b) The Department determines that the owner(s) has commenced necessary corrective measures and they cannot be reasonably completed within the 60 day period.

(c) The Department works with the owner(s) to identify a period not to exceed 1 year within which the corrective measures can be completed.

(6) The owner(s) of the land from which easements have been voluntarily conveyed shall bear the costs associated with the correction of a violation of the easement, including:

(a) Costs of work required and materials used to correct the violation.

(b) Administrative costs incurred by La Crosse County.

(c) Court costs and reasonable attorneys' fees incurred by La Crosse County.

**STEVE DOYLE, County Board Chair; LINDA STONE, County Clerk**

Motion by Pedretti/T. Johnson to approve. Motion by Pedretti/T. Johnson to amend 32.06 as requested by Supervisor Veenstra last month to clean up the application process as proposed on the "Proposed Amendment" document in supervisors' packets passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood. Motion by Bina/Sebranek to amend Section 165 under membership to add, after Local Conservation Interest, "at least 3 to be farmers in La Crosse County". Discussion ensued. A friendly amendment by Pedretti was approved by unanimous consent to add "if possible" to Bina's amendment. Discussion on the amendment continued. County Planner Charlie Handy responded to questions from the Board and spoke to the amendment. The amendment passed on a roll call vote with 22 ayes, 8 nays - Brockmiller, Burke, Kader, Konkol, Kruse, Mach, Spiker and Wood and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood. The ordinance, as twice amended, passed on a voice vote with 28 ayes, 2 nays - Burke and Spiker and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**RESOLUTION NO. 1-4/10 RE: ACKNOWLEDGE "THE BEST OF PUBLIC SERVICE"**

**WHEREAS**, the following employees have been a faithful part in providing "The Best of Public Service" to La Crosse County:

| <u>NAME</u>          | <u>DEPARTMENT</u>                                | <u>YEARS</u> |
|----------------------|--|--------------|
| Michael A. Weibel    | Zoning, Planning and Land Information Department | 33+          |
| Lynette D. Dettinger | Hillview Health Care Center                      | 21+          |
| Leonilda E. Thompson | Human Services - Economic Support                | 20+          |

**WHEREAS**, it is the wish of the County Board of Supervisors to acknowledge long and faithful service on behalf of the citizens of La Crosse County; **NOW THEREFORE BE IT RESOLVED**, that a resolution extending our congratulations be recorded in La Crosse County Board Proceedings and a certificate of our actions be presented as an expression of our gratitude.

**STEVE DOYLE, County Board Chair; LINDA STONE, County Clerk**

Motion by Johnson/Brockmiller to approve passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**SECOND CONSIDERATION OF ORDINANCE NO. 79 TO AMEND S.3.13(4)(B)4 OF CHAPTER 3 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN RE: MILEAGE REIMBURSEMENT**

Motion by T. Johnson/Plesha to approve. Chair Doyle noted that Supervisor Hampson had requested this ordinance and she wasn't able to be here. Motion by Billings/Kader to hold for 30 days passed on a voice vote with 29 ayes, 1 nay - Schroeder and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.



(17-10/11)

**RESOLUTION NO. 2-4/10 RE: ELECTED OFFICIALS SALARIES FOR THE NEXT TERM (SHERIFF AND CLERK OF COURT)**

**WHEREAS**, the County Board has reviewed and considered modifications of the elected officers' salaries pursuant to Wisconsin State Statutes 59.22(1)(a) thereof. **NOW THEREFORE BE IT RESOLVED**, that the following elected officers shall be paid at the annual rates set forth on the following schedule for the 2011-2014 term commencing January 3, 2011, and for the second, third and fourth year in the term, shall be effective January 1, 2012, January 1, 2013, and January 1, 2014:

| Elected Officer | 2009<br>(3%) | 2010<br>Current Rate<br>(3%) | Avg. of<br>*Comparable<br>2010 Rates | 2011 Annual<br>Rate | 2012<br>Annual<br>Rate | 2013<br>Annual Rate | 2014 Annual<br>Rate |
|-----------------|--------------|------------------------------|--------------------------------------|---------------------|------------------------|---------------------|---------------------|
| Sheriff         | \$86,854     | \$89,460                     | \$85,223                             | \$92,143            | \$94,908               | \$97,755            | \$100,688           |
| Clerk of Courts | \$61,381     | \$63,222                     | \$64,443                             | \$66,383            | \$68,375               | \$70,426            | \$72,539            |

| Shown for<br>comparison only | 2009<br>(5%) | 2010<br>(3%) |  | 2011<br>(3%) | 2012<br>(3%) | 2013         | 2014         |
|------------------------------|--------------|--------------|--|--------------|--------------|--------------|--------------|
| County Clerk                 | \$60,844     | \$62,670     |  | \$64,550     | \$66,486     | Undetermined | Undetermined |
| County Treasurer             | \$60,844     | \$62,670     |  | \$64,550     | \$66,486     | Undetermined | Undetermined |
| Register of Deeds            | \$60,844     | \$62,670     |  | \$64,550     | \$66,486     | Undetermined | Undetermined |

**FISCAL NOTE:** The cost of salary, fringe benefits and rollups for this group in 2011 will be approximately \$7,256.\* (All are 3% except Clerk of Courts 2011 is 5%.)

**EXECUTIVE COMMITTEE**

Motion by T. Johnson/Brockmiller to approve. T. Johnson noted that the two offices affected at this time, Sheriff and Clerk of Court, have four year terms so these salaries must be set before nomination papers can be circulated on June 1, 2010. Discussion ensued. Administrator O'Malley responded to questions from the Board. The resolution passed on a roll call vote with 21 ayes, 9 nays - Wehrs, Keil, Pfaff, Schroeder, Medinger, Billings, Bina, Feehan, Kader and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**RESOLUTION NO. 3-4/10 RE: ECONOMIC SUPPORT SHARED SERVICES**

**WHEREAS**, eight counties in the western region of Wisconsin have been meeting since Fall 2009 to plan for future reduction in state funding for Economic Support and Income Maintenance; and, **WHEREAS**, American Reinvestment and Recovery Act (ARRA) funding from the federal government was used in part by the State of Wisconsin to reduce further cuts to counties in administering Income Maintenance programs in 2010 calendar year; and, **WHEREAS**, the ARRA funds to Wisconsin are due to sunset at the end of June 2011 causing counties further concerns for future state cuts in Economic Support and Income Maintenance; and, **WHEREAS**, eight counties in Western Wisconsin (Buffalo, Clark, Jackson, La Crosse, Monroe, Pepin, Trempealeau and Vernon) have discussed aspects of "shared services" to prepare for future funding reductions in Economic Support ; and, **WHEREAS**, the state Department of Health Services (DHS), which administers most of the Income Maintenance programs, has contacted several regions of the state, including La Crosse and the western region, for new models to administer these programs that are both cost efficient and consistent in administration across counties; and, **WHEREAS**, a recommendation coming from the eight counties in Western Wisconsin on "shared services" is to use La Crosse County's "change/call" center for most aspects of changes in people's Economic Support cases; and, **WHEREAS**, La Crosse County's Economic Support section is one of only a few counties which began a change/call center beginning in 2003 and has been used as a model throughout the state; and, **WHEREAS**, the state asked La Crosse County and the region to submit a proposal to DHS for state consideration to fund a regional call/change center in Western Wisconsin, administered through La Crosse County; and, **WHEREAS**, the Secretary of DHS approved the region's proposal of \$348,580.66 to develop an Economic Support Regional Change/Call Center which includes the hiring of four (4) limited term Economic Support Specialists, one (1) limited term Economic Support Clerk, remodeling costs for staff space, Information Technology hardware and software, and incidentals; and, **WHEREAS**, DHS will require the Western Region to submit outcome measures on quality and cost efficiencies with the intent that if the model succeeds in

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providing efficiencies, DHS will submit a budget proposal to the next administration to sustain the regional model. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board of Supervisors authorize its Human Services Department to accept an amendment to the state/county Income Maintenance contract of \$348,580.66 to create a regional change/call center in La Crosse County Economic Support for eight (8) counties in the Western Region. **BE IT FURTHER RESOLVED**, that the La Crosse County Board of Supervisors authorize its Human Services Department to hire up to five (5) limited term employees (to sunset June 30, 2011 when state funds end) and to purchase necessary Information Technology infrastructure and necessary remodeling for staff space to carry out this initiative. **BE IT FURTHER RESOLVED**, that no county cost is involved with this initiative and if state sustainable funding is not granted through June 30, 2011, the initiative will be terminated. **FISCAL NOTE:** The funding for this project of \$348,580.66 comes from the state Department of Health Services for the duration of this pilot model for the future of Economic Support; no county match funding is required and state funding would come from an amendment to the Department of Health Services state/county contract for 2010.

#### **HEALTH AND HUMAN SERVICES BOARD; EXECUTIVE COMMITTEE**

Motion by T. Johnson/Billings to approve. Discussion ensued. Administrator O'Malley, Dean Rupert and Lorie Graff responded to questions from the Board. The resolution passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

#### **RESOLUTION NO. 4-4/10 RE: ACCEPT AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS FOR OBESITY PREVENTION**

**WHEREAS**, La Crosse County has been awarded a grant under the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$2,233,863 to consolidate and expand obesity prevention activities in the county to create healthier communities through proven, population-based approaches to obesity prevention; and, **WHEREAS**, funds will be used to implement various nutrition and physical activity strategies including a multimedia community campaign; and **WHEREAS**, this grant is for the period March 19, 2010 through March 18, 2012 and will require the addition of 4.0 FTE Nutrition staff (2.0 Nutrition Educator I and 2.0 Health Educator I) and will cover the costs of existing staff performing duties that are required by the grant (.85 Nutrition Manager, .4 Nutrition Educator II and .2 Epidemiologist); and **WHEREAS**, a Nutrition Supervisor position will be filled by existing staff that is created as the result of the present supervisor in that position shifting to perform duties as the Nutrition Manager under the ARRA grant; and **WHEREAS**, the total expenditures from this grant for the balance of 2010 will be in the amount of \$785,279 as more specifically described in Attachment A; and **NOW THEREFORE BE IT RESOLVED**, the La Crosse County Board does hereby accept the ARRA Grant for Obesity Prevention in La Crosse County in the amount off \$2,233,863 for the period of March 19, 2010 to March 18, 2012. **BE IT FURTHER RESOLVED**, that the Health Department is authorized to hire 2.0 Nutrition Educator I employees and 2.0 Health Educator I employees to perform the duties required under this grant and that such new positions shall sunset at the end of the grant funding and that the Nutrition Supervisor position and the other positions as specified in Attachment A under the Nutrition Internal account shall be filled by existing staff and the Finance Director is authorized to make the appropriate budget changes. **FISCAL NOTE:** The 2010 costs for the staff and related expenses to be reimbursed by the ARRA Grant are detailed in Attachment A.

#### **HEALTH AND HUMAN SERVICES BOARD; EXECUTIVE COMMITTEE**

Motion by T. Johnson/Konkel to approve. Discussion ensued. Motion by Richmond to amend Attachment A to take \$50,000 from Marketing Firm and add it to Safe Routes to School (SRTS) for sidewalks. Corporation Counsel Shepherd addressed the issue with the opinion that the grant dollars may be lost if any changes were made to the distribution of

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those dollars. Nutrition Manager Linda Lee spoke to the issue; the Federal Government has required that media *must* be in the work plan and that the grant dollars cannot be used for physical infrastructure, such as sidewalks. Her office is currently working on a new SRTS grant application to the D.O.T. which would pay for infrastructure. With input, she can include such a request in that grant application. Discussion continued and Lee responded to further questions from the Board. The resolution passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**RESOLUTION NO. 5-4/10 RE: AUTHORIZATION TO MAINTAIN DGS PRINTING ASSISTANT POSITION AT FULL-TIME STATUS THROUGH DECEMBER 2010**

**WHEREAS**, during the 2010 budget process, a review of revenues and expenses within the Document and Graphic Services area indicated that a reduction in FTE's may be necessary mid-2010; and, **WHEREAS**, the 2010 budget included a reduction of one Printing Assistant position from 1 FTE to .8 FTE effective June 1, 2010 with the provision that IT Staff conduct a study to review DGS staff time, work tasks, and fee schedules to ensure the department was being fiscally responsible; and, **WHEREAS**, as a result of the study, DGS now has stronger controls in place for billing and expense/revenue tracking, a new simplified fee structure, and a heightened priority to blend activities together with the IT Department; and, **WHEREAS**, the study indicated that the volume of DGS services warranted the Printing Assistant remain at full-time through the end of 2010; and, **WHEREAS**, the estimated cost of maintaining the position at full-time through the end of 2010 is \$4,700. **NOW THEREFORE BE IT RESOLVED**, that the IT Department be hereby authorized to maintain the Printing Assistant position within DGS at full-time status through the end of 2010. **BE IT FURTHER RESOLVED**, that the Finance Department be hereby authorized to transfer the necessary funding from the IT Department wage accounts to the DGS wages accounts. **FISCAL NOTE:** Funds are available in the IT Department due to a position that has been unfilled since the beginning of the year. Transfer of \$4700 from IT to DGS as follows:

|               | From       | To         | Amount  |
|---------------|------------|------------|---------|
| Salary        | 1040-60001 | 1008-60001 | 3925.00 |
| FICA          | 1040-60105 | 1008-60105 | 243.00  |
| Medicare      | 1040-60107 | 1008-60107 | 57.00   |
| Retirement    | 1040-60120 | 1008-60120 | 432.00  |
| Prior Service | 1040-60125 | 1008-60125 | 43.00   |

**EXECUTIVE COMMITTEE**

Motion by Johnson/Richmond to approve passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

AGING AND LONG TERM CARE COMMITTEE: RESOLUTION RE: SEEK BIDS FOR AN RCAC (RESIDENTIAL CARE APARTMENT COMPLEX) FOR HILLVIEW HEALTH CENTER

Chair Doyle pointed out that requested budget data was not attached to the resolution as intended. Even though it is being handed out now, he and Administrator O'Malley don't feel it is appropriate to ask the Board to vote on the item without having received that information prior to the meeting. There being no objection from the Board, the resolution will be held over to the May 10, 2010 Policy Planning meeting. Discussion ensued. Though the issue wasn't officially on the floor, Chair Doyle ruled questions and discussion appropriate at this time. Administrator O'Malley and Hillview Administrator Eide responded to questions from the Board.

**RESOLUTION NO. 6-4/10 RE: AUTHORIZATION TO SELL PROPERTY (1242 11th Street South) TO CITY OF LA CROSSE**

**WHEREAS**, La Crosse County has acquired title to a tax delinquent property located at 1242 11th Street South, La Crosse, Wisconsin consisting of a house located on a small lot; and, **WHEREAS**, the County is authorized to sell its tax deeded lands in such manner and

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upon such terms as the County Board may by resolution determine and the County may transfer such land to any municipality within the County pursuant to Wis. Stat. ss. 75.35(2) and 59.52(6); and, **WHEREAS**, the property shows a fair market value of \$52,200 on the 2009 tax bill but the actual fair market value is substantially less because the property has been abandoned and is in need of significant repairs and maintenance; and, **WHEREAS**, the Committee recommends selling this property to the City of La Crosse for \$30,000 which would reimburse the County for the maintenance costs, and for the outstanding taxes, interest and penalty assessed against this property; and, **WHEREAS**, such sale would be in the best interest of the taxpayers of La Crosse County. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board authorizes the sale of 1242 11th Street South, La Crosse, Wisconsin to the City of La Crosse for the amount of \$30,000. **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are authorized to sign a Quit Claim Deed conveying the property known as 1242 11th Street South, La Crosse, Wisconsin by its legal description and any other documents necessary to sell the property to the City of La Crosse, upon approval by Corporation Counsel. **FISCAL NOTE:** The total outstanding taxes for the years 2002-2009 are as follows: Taxes = \$10,769.30, interest = \$4,501.90, and penalty = \$2,251.45 for a total of \$17,522.65 as of April, 2010. The revenue from tax delinquent property is first used to satisfy outstanding taxes. Any remaining revenue is receipted into current fiscal year in the Treasurer's Department.

#### **PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE**

Motion by Spiker/Benrud to approve. Discussion ensued. Facilities Director Speropulos responded to questions from the Board. The resolution passed on a voice vote with 28 ayes, 2 nays - Berns and Ebert and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

#### **RESOLUTION NO. 7-4/10 RE: APPROVAL OF THE BIDS FOR THE SALE OF PROPERTY**

**WHEREAS**, La Crosse County has advertised for the sale of 5 separate parcels of property which were the subject of a prior tax foreclosure action; and, **WHEREAS**, sealed bids were received on March 30, 2010 and opened by the County Treasurer and Facilities Director on March 31, 2010; and, **WHEREAS**, the sale and appraised value of the real estate was first advertised by publication as required by law pursuant to s. 75.69, Wis. Stats.; and, **WHEREAS**, the responsive bids accepted by the Public Works & Infrastructure Committee are attached hereto as "Schedule A". **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the sale of parcels for which a responsive bid was accepted by the Public Works & Infrastructure Committee as indicated by the attached "Schedule A". **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are hereby authorized to execute any documents necessary to accomplish the sale of said properties, after approval by Corporation Counsel. **FISCAL NOTE:** The revenue from tax delinquent property is first used to satisfy outstanding taxes. Any remaining revenue is receipted in to current fiscal year in the Treasurer's Department.

#### **PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE**

Motion by Spiker/Billings to approve. Discussion ensued. Corporation Counsel and Facilities Director Speropulos responded to questions from the Board. The resolution passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

#### **RESOLUTION NO. 8-4/10 RE: DONATION FOR IMPROVEMENT OF MINDORO COUNTY PARK**

**WHEREAS**, a citizens' group called the "Miss Mindoro Group" has requested that La Crosse County accept a donation of \$10,000 to be used toward improving the playground equipment at the Mindoro County Park; and, **WHEREAS**, the County Board may accept donations or gifts for any public governmental purpose within the powers of the county

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pursuant to s. 59.52(19), Wis. Stats.; and, **WHEREAS**, the playground equipment at the Mindoro County Park does not meet the current needs of children using that park and the equipment needs to be replaced with a more updated structure for the children to play on; and, **WHEREAS**, the La Crosse County Facilities Department has carried forward the amount of \$10,000 from previous budgets to its 2010 budget to improve the playground equipment at the Mindoro County Park; and, **WHEREAS**, the Public Works & Infrastructure Committee recommends that the County Board accept the donation of \$10,000 from the Miss Mindoro Group designated for the improvement of the Mindoro County Park playground equipment and that the Facilities Department be authorized to spend up to \$10,000 from its Capital Improvement budget in county matching funds for this project. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby accept the donation of \$10,000 from the Miss Mindoro Group designated for improvement of the Mindoro County Park playground equipment to be deposited in the Facilities Department Capital Improvement account for parks and campgrounds and approves the additional expenditure from this account up to \$10,000 in County matching funds to be used for the purchase and installation of playground equipment in the Mindoro County Park. **BE IT FURTHER RESOLVED**, that the Finance Department is authorized to make any necessary budget adjustments. **FISCAL NOTE:** the Facilities Department has budgeted in its Capital Improvement account #1132-87034 for parks and campgrounds the amount of \$10,000 for this project. The Facilities Department will prepare a Request for Proposals for the playground equipment according to the county purchasing policies.

#### **PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE**

Motion by Spiker/Pfaff to approve. Discussion ensued. Facilities Director Speropulos responded to questions from the Board. The resolution passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

#### **RESOLUTION NO. 9-4/10 RE: APPROVAL OF TEMPORARY LEASE WITH WATERPLACE ONE LLC**

**WHEREAS**, since the mid 1980's, the Bikini Yacht Club (BYC) Deck has been a popular attraction with thousands of local residents and tourists and is located between the waterfront and the Park Plaza Property; and, **WHEREAS**, the BYC Deck has been a pivotal element for the adjoining marina now called South Bay Marina; and, **WHEREAS**, Water Place One LLC (Water Place One) is planning on operating the South Bay Marina again this year with the boat operations running from May 1, 2010 through November 30, 2010 and it is extremely important for them to be able to use the BYC Deck and convenience store to accommodate the needs of their marina guests; and, **WHEREAS**, to operate the BYC Deck for the 2010 summer season, Water Place One proposes entering into a short term lease with La Crosse County for the 2010 season; and, **WHEREAS**, Water Place One agrees for the 2010 season to pay rent in the amount of \$10,000, mow the grass, pick up the trash, provide water and electricity to the premises and pay any costs associated with such utilities, on the leased premises. **NOW THEREFORE BE IT RESOLVED**, that the County Board Chair is authorized to sign a lease agreement with Water Place One upon approval of Corporation Counsel to allow Water Place One to operate the BYC Deck and convenience store during the 2010 season for a term to expire on November 30, 2010. **FISCAL NOTE:** No cost to La Crosse County. The rent shall be deposited in Park Plaza Property Land Rent Account #1146-55090.

#### **PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE**

Motion by Spiker/Schroeder to approve. Discussion ensued. Corporation Counsel Shepherd spoke to the resolution at the request of Supervisor Spiker. Administrator O'Malley also spoke to the resolution at the request of Chair Doyle. Both responded to questions from the Board. The resolution passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

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**RESOLUTION NO. 10-4/10 RE: APPROVAL OF SOLID WASTE AND RECYCLING COLLECTION EVALUATION**

**WHEREAS**, due to changes occurring across the country in how solid waste and recyclables are collected, improvements are available in such areas as customer service, worker safety and collection costs; and, **WHEREAS**, La Crosse County has made a significant financial commitment to its Landfill Complex and to the French Island RDF Facility pursuant to its contract with Northern States Power Company (NSP); and, **WHEREAS**, any changes in how the cities of La Crosse and Onalaska manage and fund solid waste and recycling collection services will impact La Crosse County's Solid Waste Disposal System; and, **WHEREAS**, the evaluation will provide information to County and City policymakers about potential options available for future solid waste and recycling collection services, including issues related to customer service, sustainability and coordination of services among different local governmental bodies; and, **WHEREAS**, NSP and the governing bodies of the cities of La Crosse and Onalaska have agreed to contribute to the cost of the study based on tonnage delivered from each municipality; and, **WHEREAS**, the study will be performed by Foth Infrastructure and Environmental Services, LLC (Foth) pursuant to its existing agreement for professional services with La Crosse County under a proposal to provide such services at a cost not to exceed \$50,000. **NOW, THEREFORE, BE IT RESOLVED** that the County Board does hereby approve Foth to perform the solid waste and recycling collection evaluation for a cost not to exceed \$50,000 pursuant to an addendum to its existing agreement with the County and the Finance Department is authorized to make any necessary budget adjustments. **FISCAL NOTE:** La Crosse County Share: \$22,500, budgeted in Org. 6526 Ash Monofill Expansion, Account 64056 will be transferred to Solid Waste Operations Org. 6500-64056. Balance of \$27,500 paid as follows: \$5,000 by NSP, remaining \$22,500 prorated between cities of La Crosse and Onalaska based on tonnage delivered to the County Landfill.

**PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE**

Motion by Spiker/Benrud to approve. Discussion ensued. Solid Waste Director Koch responded to questions from the Board. Administrator O'Malley spoke to the subject at the request of Chair Doyle. The resolution passed on a voice vote with 28 ayes, 2 nays – Ebert and Feehan and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**SUBJECTS FOR FUTURE AGENDAS**

Personnel Report: Supervisor Geary requested that Personnel Director Taunt give a generic overview about contract negotiations and binding arbitration, particularly for the benefit of the new members, at a future meeting.

ARRA: Supervisor Johnson asked for a report to the full Board for any and all ARRA dollars that have come into La Crosse County.

**ADJOURN:**

Motion by Keil/Brockmiller to adjourn at 9:29 p.m. passed on a unanimous voice vote with 30 ayes and 5 excused - Hampson, Meyer, Manthei, Ferries and Flood.

**STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )**

**I, Linda Stone, La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the Organizational Meeting held Tuesday, April 20, 2010 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS 5<sup>th</sup> DAY OF MAY, 2010.**