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**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING  
PROCEEDINGS; THURSDAY, DECEMBER 16, 2010**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, December 16, 2010 in the Administrative Center, Room B410. The County Clerk, Linda Stone, took attendance. 29 supervisors were present when Chair Doyle called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

<b>District</b>	<b>Name</b>	<b>Attendance</b>
1	Richmond, Andrea	Present
2	Geary, Ralph	Present
3	Feehan, Bill	Excused
4	Johnson, Jai	Present, Excused at 8:09 PM
5	Konkel, Bradley	Present, Excused at 7:07 PM
6	Billings, Jill	Present
7	Plesha, Roger	Present
8	Freedland, Maureen	Present
9	Hampson, Sharon	Present
10	Wood, Margaret	Present
11	Kader, Audrey	Present
12	Flood, Bridget	Excused
13	Brockmiller, Bill	Excused
14	Medinger, John	Present
15	Mach, Beverly	Present
16	Sebranek, Gerald	Present
17	Meyer, Donald	Present
18	Johnson, Tara	Present
19	Keil, Robert	Present
20	Bina, Donald	Present
21	Manthei, Dennis	Present
22	Ebert, Ray	Excused
23	Gamroth, Tammy	Present
24	Pfaff, Leon	Present
25	Schroeder, Jeffrey	Present, Excused at 8:17 PM
26	Burke, Vicki	Present
27	Pedretti, Marilyn	Present
28	Doyle, Steve	Present
29	Kruse, Monica	Present
30	Spiker, Charles	Present
31	Ferries, Dan	Excused
32	Benrud, Arlene	Present
33	Berns, Jim	Excused
34	Wehrs, Tina	Present
35	Bilskemper, Joe	Present, Excused at 8:29 PM

## PLEDGE OF ALLEGIANCE

### COMMUNICATIONS AND ANNOUNCEMENTS:

#### A) County Board Chair Report - Steve Doyle

- WCA Magazine: Chair Doyle passed around a sign-up sheet for the WCA magazine. While the \$20 subscription fee is paid by the County, he encouraged only those who read it regularly to take it. It is also available to read in his office.
- Travel Reimbursement: The deadline to request mileage and travel reimbursement for 2010 is January 30, 2011.
- Supervisor Conference Reports:
  - Supervisor M. Pedretti congratulated Zoning, Planning and Land Information Director Jeff Bluske on the Life President's Award of Excellence he received from the Real Estate Property Listers Association for his 35 years there.
  - Supervisor A. Benrud attended a Wisconsin Counties Highway Association meeting in Wausau and will attend additional meetings this coming Monday and Tuesday. The Federal Government sends funds down to the State and the State sends them down to the Counties. They are working with the DOT and will be meeting monthly regarding funding.
  - Supervisor A. Kader thanked everyone involved in the Collaboration Conference. It is refreshing to bring people together and that collaboration is very valuable. Chair Doyle agreed and thanked our Community Development Specialist Brian Fukuda and County Planner Charlie Handy for their work on that.
  - Supervisor V. Burke attended a program to promote fair and impartial policing. A Doctor from the University of South Florida spoke about the racial bias that even well-intentioned people have, the "blink theory" of how we fill in ambiguous situations with stereo-types, interventions, policy, hiring practices and training. She thanked Justice Sanctions Manager Jane Klekamp for her role in bringing this excellent OJA training (Office of Justice Assistance) to us, as well as a recent 4 day session "Thinking for a Change" from the National Institute of Corrections, both at no cost because of our participation in the transitioning from jail to community program and the work being done in Justice Sanctions. It was an excellent training and another positive for La Crosse County.
  - Supervisor B. Mach attended Wisconsin Land and Water Conservation Association's 57<sup>th</sup> annual meeting in Wisconsin Dells on Dec. 9-10. Executive Director Julian Zelazny presented the highlights of the 2010 annual report. The Land Internship Program, funded by a Congressional earmark, has increased revenues with special assessments from counties and their goal is to continue reducing costs and increasing participation. La Crosse County has put funds in the 2011 budget to support this. Breakouts sessions included proposed revisions to NR151 and the status of the state staffing allocation grant.
  - Supervisor S. Hampson attended her first NACo Board meeting in Dallas, as a member of the National Association of Counties Health Steering Committee, at no cost to the County. The Prescription Drug program we participate in is diversifying and growing, and they are helping to pilot a dental program. Concerns expressed were doing more with less revenue, infrastructure, and overcrowding in the prison system. There was talk about a U.S. Communities supply contract and forming a large cooperative for buying supplies.
  - Supervisor M. Wood attended a Gundersen Lutheran Planning meeting where they were seeking community input as they continue to fulfill their mission of access, quality and affordability. They are interested in partnering and being a resourceful member of the region. They spoke about the new idea of bundling services, where there is one price for an event regardless of the amount of care required. She found it informative and feels we are lucky to have them as part of our community resources for medical care.

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B) Administrator Report - Steve O'Malley

- Park Plaza – next steps in 2011: With the aid of power point he spoke about progress recently made on Park Plaza, thanks to the work of our County Planner Charlie Handy who's been working with the adjacent land owners. He showed a slide of the property clarifying what we actually own. Water Place One owns the water frontage and the adjacent area. In January, the Board will be presented with a joint marketing agreement with Waterplace One so instead of one trying to buy out the other, we can market the entire parcel together as one entity. The proposal will consider hiring a marketing firm, at shared expense, to take advantage of the anticipated turn-around of the economy by marketing the property nationwide. County Planner Charlie Handy spoke briefly to the situation and our improved relationship with Water Place One. He responded to questions from the Board.
  - Contract with Marketing Firm – Staff to begin RFP for Board consideration in January
  - Joint Marketing Agreement with Water Place One – County RFP process, share costs of marketing firm
  - Intergovernmental Agreement to share TIP revenues, La Crosse County/City of La Crosse – Review / update original agreement, Board will consider in January, Council will consider in February
  - Staff work concurrently to resolve other site issues (e.g. clearing of multiple easements, relocation of sewer lateral, demolition, etc.)
- 2011 County Board Adopted Budget Summary Book: This summary was distributed; there were few items that changed from the original County Administrator Recommended Budget book and they are in the summary document. Any supervisor wishing the full book or the full budget on CD can contact the Finance Department.
- Follow-up on 2010 Accomplishments:
  - Moody's Bond Rating Report: He spoke to the Moody's Investors Service report supervisor's had requested, which gives La Crosse County an Aa1 rating.
  - Revolving Loan Funds History & Updates:
    - There have been 28 loans totaling \$3,295,072.
    - Ten (10) have been fully repaid.
    - Six (6) were written off.
    - Twelve (12) are active and up to date.
    - 466 jobs were created or retained.
    - Funds leveraged were \$19,676,223.
    - CenturyLink: \$4.5 million through the County for CenturyLink (640 jobs retained). The Department of Commerce is confident the CenturyLink \$4.5 million dollar loan (a "pass through" grant – no County dollars) will close by January 3<sup>rd</sup>. The acquisition of Qwest is expected to see expansion of additional jobs as support center for area.
    - The Maid Rite has closed, but the loan payments are current.
    - Skipperliner has a new owner who has proposed restructuring loan terms.
    - Six loans written off (most of which are quite old, from before new policies were put into place):
      - Classic Furniture – 7/6/92 (\$1,724)
      - Beacon Bay – 10/24/96 (\$167,191)
      - Gametime Sportz – 12/16/199 (\$9,253)
      - Global Stakes – 10/31/00 (\$37,283)
      - Truck Parts Distributor – 7/26/01 (\$54,738)
      - Airborne Datalink – 2005 (\$84,490)
- Administrator O'Malley and Corporation Counsel William Shepherd responded to questions from the Board.
- Policy Planning Topics for 2011 – a list of topics/ideas/requests was distributed. He noted that in January he is planning a Solid Waste assessment and the 2011 County Administrator's work plan. In February he hopes to have a Criminal Justice

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- Management Council presentation and an update on an Obesity Prevention Grant and Complete Streets Policy. He may have something on the State Budget by March.
- County Tax Impact: Many factors affect property taxes such as changes in the total tax base, changes in the county levy, apportionment/sharing across each one of the municipalities and the assessed value of each individual property. The City of La Crosse used to represent over half of our tax base and is now only 37.5%; this is one of the challenges for the City. He then presented charts showing the estimated impact on individual homes (La Crosse County tax levy only) in each of the municipalities in La Crosse County that ranged from -.95% to +5.27%; the increase for supervisor's individual tax bills was a little lower than our preliminary estimates. He responded to questions from the Board and a suggestion that this information be put on our web site. It is more complicated for School Districts since they cross municipal boundaries; UW-Extension Resource Agent Karl Green is looking into ways to do that.

#### **CHAIR CHANGE**

Vice Chair T. Johnson took the chair.

#### **APPOINTMENTS**

Re-Appoint **David Eilertson** to the Board Of Adjustment for a Term of three years to expire December 31, 2013; Re-Appoint **Barbara Frank** to the Board Of Adjustment for a term of two years to expire December 31, 2012; Re-Appoint **Jim Sciborski** to the La Crosse County Housing Authority for a term of five years to expire December 31, 2015; Re-Appoint **Loren Caulum** to the Library Board for a term of three years to expire December 31, 2013; Re-Appoint **Carl Sjolander** to the Veterans Service Commission for a term of three years to expire December 31, 2013; Appoint **Clara Pasell** to the Winding Rivers Library System for a term of three years to expire on December 31, 2013; Re-Appoint **Marilyn Pedretti** to the Winding Rivers Library System for a term of three years to expire December 31, 2013; Re-Appoint **Don Bina** to the Agriculture Society for a term of one year to expire December 31, 2011; Appoint **Peter Fletcher** to the Transportation Coordinating Committee to replace Bill Rickert for the remainder of a term to expire June 30, 2011; Appoint **Jackie Eastwood** and **Sandy Sechrest** to the Transportation Coordinating Committee to fill terms to expire June 30, 2012.

Motion by S. Doyle/Billings to approve the eleven (11) appointments as presented passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

#### **CHAIR CHANGE**

Chair S. Doyle resumed the chair.

#### **CONSENT AGENDA**

Motion by R. Plesha/G. Sebranek to approve the Minutes of the County Board of Supervisors Planning Meeting held November 1, 2010 and the Public Hearing and Annual Meeting held November 8-9, 2010 and approval of the Claims List for \$9,869,432.30 passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

#### **CONTINUATION OF CONDITIONAL USE PERMIT NO. 818 FILED BY SHERRY K. NOBLE D/B/A NOBLE INSURANCE SERVICE; OBO JEANETTE BAKER TO OPERATE AN INSURANCE AGENCY ON LAND THAT IS ZONED AGRICULTURE DISTRICT "A" IN THE TOWN OF MEDARY**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Sherry K Noble d/b/a Noble Insurance Services, 1117 Riders Club Rd, Onalaska, WI 54650; acting on behalf of Jeanette Baker, W5822 County Road OS, Onalaska, WI 54650 and having held a public hearing on the 29<sup>th</sup> day of November 2010 for

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a Conditional Use Permit to operate an insurance agency with agent offices at W5822 County Road OS on land that is zoned Agriculture District "A" in the Town(s) of Medary on land described as follows: Lot 1 of Certified Survey Map No. 162 in Volume 2. 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: **Approve with seven (7) conditions.** By unanimous vote, the Committee recommends approval of Conditional Use Permit No. 818 subject to the following seven (7) conditions:

1. This permit is granted to operate an insurance agency at W5822 County Road OS; called Noble Insurance Service;
2. Hours of operation – 8 AM – 5 PM;
3. One professional unlighted sign is allowed with a zoning/occupancy permit;
4. An Erosion Control Permit is required to perform landscaping to accommodate off street parking for up to eight (8) vehicles;
5. The La Crosse County Highway Department shall be consulted to accommodate a commercial driveway entrance and to make it safer for exiting onto County Road OS; and
6. This permit is non-transferable;
7. The footprint or square footage of the existing residence cannot be expanded.

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 16<sup>th</sup> day of December, 2010: Approved subject to conditions as outlined.

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

Motion by D. Meyer/D. Manthei to approve as recommended by the Committee. Discussion ensued. There was no objection to J. Billings request to correct a typo from "six" to "seven" regarding the number of conditions listed. The motion to approve as corrected passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

## **ZONING ORDINANCE NO. Z251-12/10 RE: PETITION NO. 1856 FILED BY FRED J. LEZPONA A/K/A LEZPONA INVESTMENTS LLP TO REZONE FROM TRANSITIONAL AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT "A" IN THE TOWN OF HOLLAND**

The La Crosse County Planning, Resources and Development Committee, having considered the Continuation of Petition No. 1856 to amend the La Crosse County Zoning Ordinance filed by: Fred Lezpona a/k/a Lezpona Investments LLP, W6656 Casberg Coulee Rd, Holmen, WI 54636 and having held a public hearing on the 29<sup>th</sup> day of November 2010 to rezone from Transitional Agriculture District to Residential District "A" the following described land in the Town(s) of Holland **Parcel A**, being part of the SW-NW of Section 8, T18N, R7W described as: Commencing at the W ¼ corner of said Section 8; thence along the west line N0°43'58"W 933'; thence S89°24'22"E 484' to the POB; thence N0°43'58"W 150'; thence S89°24'22"E 225'; thence S0°43'58"E 300'; thence N89°24'22"W 96.84'; thence S17°16'44"W 317.34'; thence S0°43'58"E 445.93'; thence N89°24'22"W 30.01'; thence N0°43'58"W 900' to the POB; contains 2.41 acres; AND, **Parcel B**, being part of the SW-NW of Section 8, T18N, R7W described as: Commencing at the NW corner of said SW-NW of Section 8; thence along the north line thereof, S89°24'44"E 838.64'; thence S0°43'58"E 910.44'; thence S89°24'22"E 105.24' to the POB; thence N0°43'58"W 275'; thence S89°24'22"E 275'; thence S0°43'58"E 275'; thence N89°24'22"W 140'; thence S0°43'58"E

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388.33'; thence N87°11'43"W 30.06'; thence N0°43'58"W 387.17'; thence N89°24'22"W 105' to the POB; contains 2.0 acres. Town of Holland. 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 as Conditional Residential District "A" Zoning.** By unanimous vote, the Committee recommends approval as Conditional Residential District "A" zoning subject to the recording of deed restrictions indicating the following: There shall be no further subdividing of either Parcel "A" or "B"; and Parcels "A" and "B" shall be part of two larger Certified Survey Map lots and tax parcels, which shall be assessed and remain as a full CSM with multiple zoning classes. (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 16<sup>th</sup> day of December, 2010: Approved the petition with conditions, becomes an ordinance, after recording conditions.

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

Motion by D. Meyer/R. Keil to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes, 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

#### **CONDITIONAL USE PERMIT NO. 817 FILED BY MICHAEL D. RESCHKE D/B/A NORTH COUNTRY CONTRACTORS OF WEST SALEM INC., TO STORE CONTRACTOR'S EQUIPMENT, SUPPLIES, AND TOOLS ON PART OF 38.86 ACRE PARCEL THAT IS ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF BARRE**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Michael D Reschke d/b/a North Country Contractors of West Salem Inc., N3074 County Road M, La Crosse WI 54601 and having held a public hearing on the 29<sup>th</sup> day of November 2010 for a Conditional Use Permit to store contractor's equipment, supplies, and tools such as a GMC Sierra pick-up truck, a 2004 GMC Savana van, a 2005 Ford F350 truck, a 1999 763 Bobcat skid steer, a 2003 John Deere 35C mini-excavator and miscellaneous tools including power generators, compressors, saws, etc. located at N3074 County Road M on part of the 38.86 acre parcel that is zoned Exclusive Agriculture District in the Town of Barre on land described as follows: The NE/SE of Section 26, T16N, R6W except that part of said NE/SE described as follows: beginning at the southwest corner of said NE/SE; thence north 430' along the west line of said NE/SE; thence southeasterly to the south line of said NE/SE; thence west 230' along said south line to the point of beginning. Tax parcel 2-279-0. Town of Barre. 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 conditions.** By unanimous vote, the Committee recommended approval of this permit subject to the following nine (9) conditions:

1. Conditional Use Permit granted to run a construction company known as North County Contractors at N3074 County Road M, La Crosse, WI 54601-2808;
2. Conditional Use Permit grants two (2) existing buildings to be used for storage of equipment and materials associated with the business identified as the 2,280 sq. ft. building and a newer garage left and south of the house;
3. No signs advertising business are allowed;

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4. Maximum number of employees is five (5);
5. All equipment and trailers shall be reported to the local assessor every year in order to pay personal property taxes;
6. This permit is non-transferable;
7. This permit terminates and replaces Conditional Use Permit No. 557 in its entirety;
8. A zoning Occupancy Permit is required for all existing buildings not used exclusively for agriculture purposes; and,
9. This permit grants an area 100-ft X 100-ft for outside storage north of the 2,280 sq. fts. shed.

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 16<sup>th</sup> day of DECEMBER, 2010: Approved subject to conditions as outlined.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by D. Meyer/D. Bina to approve as recommended by the Committee. Discussion ensued. Corporation Counsel Bill Shepherd responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

**CONDITIONAL USE PERMIT NO. 819 FILED BY JUSTIN PETERSON A/K/A CREAMERY CREEK HOLSTEINS, LLC, ACTING ON BEHALF OF JOHN J. & DONNA L. HANSEN, FOR LIVESTOCK FACILITY EXPANSION AND AFTER-THE-FACT ANIMAL UNIT EXPANSION FOR UP TO 454 ANIMAL UNITS INCLUDING AN APPROXIMATE 110-FT X 124-FT BARN EXPANSION AND IMPLEMENTATION OF BARNYARD RUNOFF CONTROL PRACTICES ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF BURNS**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Justin Peterson a/k/a Creamery Creek Holsteins, LLC, W1250 County Road U, Bangor, WI 54614; acting on behalf of John J & Donna L Hansen, 3420 Kinney Coulee Road S, Onalaska, WI 54650 and having held a public hearing on the 29<sup>th</sup> day of November 2010 for a Conditional Use Permit for livestock facility expansion and after-the-fact animal unit expansion for up to 454 animal units including an approximate 110-ft X 124-ft barn expansion and implementation of barnyard runoff control practices on land zoned Exclusive Agriculture District in the Town of Burns on land described as follows: That part of the NW ¼ of Section 3, T16N, R5W lying north of County Road U and described in tax parcels 1-49-0; 1-50-0; 1-51-0 & 1-54-0; and that part of the NE-NE of Section 4, T16N, R5W described in tax parcel 1-67-0 in the Town of Bangor; and, Government Lots 7 & 8 in Section 33, T17N, R5W described in tax parcels 3-702-0 & 3-704-0; and the SW-SW of Section 34, T17N, R5W in tax parcel 3-718-0 in the 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: **Approve with conditions.** By unanimous vote, the Committee recommended approval of Conditional Use Permit No. 819 in accordance with the completed Wisconsin Department of Agriculture, Trade and Consumer Protection Chapter 51 rules. 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

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conditions set forth herein. **The County Board** took the following action this 16<sup>th</sup> day of DECEMBER, 2010: Approved subject to conditions as outlined.

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

Motion by D. Meyer/D. Bina to approve as recommended by the Committee. Discussion ensued. The motion to approve passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

#### **ZONING PETITION NO. Z252-12/10 RE: PETITION NO. 1857 FILED BY SCOTT G. & CHRISTINE S. BAKKUM TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF GREENFIELD**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1857 to amend the La Crosse County Zoning Ordinance filed by: Scott G & Christine S Bakkum, N2381 Yanzer Road, La Crosse WI 54601 and having held a public hearing on the 29<sup>h</sup> day of November 2010 to rezone from Transitional Agriculture District to Agricultural District "A" the following described land in the Town(s) of Greenfield. Part of the SE/NW of Section 5, T15N, R6W and described as follows: commencing at the east quarter corner of said Section 5; thence N64°39'58"W 3115.87' to the west right-of-way line of Yanzer Road and point of beginning of the easement description; thence along said right-of-way S13°25'00"E 140.00'; thence N88°07'46"W 55.00'; thence N13°25'00"W 140.00 feet; thence S88°07'46"E 55.00' to the point of beginning. Part of tax parcel 6-117-0. Town of Greenfield. 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 unanimous vote the Committee Recommended approval of this rezoning from the Transitional Agriculture District to Agriculture District "A". (Department Note: This parcel is subject to a recorded easement for septic system use.) (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 16<sup>th</sup> day of December, 2010: Approved the petition as submitted, becomes an ordinance.

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

Motion by D. Meyer/D. Manthei to approve as recommended by the Committee passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

#### **CONDITIONAL USE PERMIT NO. 820 FILED BY JEFFERY W. BAKER TO OPERATE AN AUTO REPAIR FACILITY WHICH INCLUDES MOBILE AIR CONDITIONING AND REFRIGERATION REPAIR ON PART OF A 20.0 ACRE PARCEL ZONED AGRICULTURE DISTRICT "A" IN THE TOWN OF HOLLAND**

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Jeffery W Baker, W7124 County Road T, Holmen WI 54636 and having held a public hearing on the 29<sup>th</sup> day of NOVEMBER 2010 for a Conditional Use Permit to operate an auto repair facility which includes mobile air conditioning and refrigeration repair on part of a 20.0 acre parcel zoned AGRICULTURE DISTRICT "A" in the Town of Holland on land described as follows: the SE/NW except the west 1/2 of Section 7, T18N, R7W. Tax parcel 8-103-0. Town of Holland. 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



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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 conditions.** By unanimous vote, the Committee recommended approval of this Conditional Use Permit subject to thirteen (13) conditions:

1. Conditional Use Permit is granted to operate an automobile and truck repair business at W7124 County Road T;
2. The operation shall be bounded by the area lying 150 feet to the east of the existing building and 130 feet to the east of the proposed addition to the existing building and 150 feet south of the proposed addition to the existing building and eastern boundary. Said area to be 230 feet wide and 390 feet deep which includes the existing residence and proposed addition;
3. Hours of operation to be 7am to 6pm, Monday thru Friday and also by appointment;
4. Number of employees, including Jeff and Tami Baker to six (6);
5. One (1) unlighted sign is allowed, the maximum square footage of the sign is 16 square feet. A Zoning/Occupancy Permit is required prior to sign construction;
6. All hazardous materials and batteries must be disposed of properly by licensed haulers. Nothing is allowed to be dumped on the ground or buried on-site;
7. Any changes to the commercial area and commercial use of the existing and proposed building will require an amended Conditional Use Permit. Residential additions, modifications or new detached accessory buildings used for residential purposes will not require an amended Conditional Use Permit;
8. This permit is non-transferrable;
9. A zoning/Occupancy Permit is required for the new commercial addition;
10. The new addition must be used for commercial purposes by December 21, 2020 at which time the existing commercial area will be converted to residential storage;
11. The septic system shall be resized for the number of employees indicated. A copy of the Environmental Health Department’s letter is required for out file. The DNR shall be consulted for catch basin, trench and sink water used by employees. A copy of the DNR requirements is also required for this file;
12. All equipment related to business shall be reported yearly to the local assessor for personal property taxes; and,
13. This permit terminates and replaces Conditional Use Permit No. 801 in its entirety.

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 16<sup>th</sup> day of December, 2010: Approved subject to conditions as outlined.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by D. Meyer/M. Pedretti to approve as recommended by the Committee passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

**RESOLUTION NO. 65-12/10 RE: 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>
Mary Ellen A. Prinsen	Human Services Department	42+
Dennis D. Osgood	Highway Department	39+
Wayde K. Anger	Human Services Department	35+
John H. Jensen	Human Services Department	35+

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**(RESOLUTION NO. 65-12/10 RE: BEST OF PUBLIC SERVICE continued)**

<b>NAME</b>	<b>DEPARTMENT</b>	<b>YEARS</b>
Michael B. Zein	Solid Waste Department	34+
Linda A. Stone	County Clerk Department	30+
Mark A. Koenig	Facilities Department	29+
Thomas J. Sherwin	Sheriff Department	26+

**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 the 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 T. Johnson/S. Hampson to approve passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

**RESOLUTION NO. 66-12/10 RE: CLAIM OF WE ENERGIES**

**WHEREAS**, We Energies has filed a claim with the La Crosse County Highway Department and La Crosse County Corporation Counsel alleging that the Claimant suffered damage and associated loss of gas consumption on or about June 30, 2010 in the area of County Highway M and County Highway C, Town of Hamilton, Wisconsin, as a result of digging during culvert replacement by the La Crosse County Highway Department which damaged an underground gas main resulting in damages to the Claimant in the sum of \$7,246.34; and, **WHEREAS**, Wisconsin Municipal Mutual Insurance Company (WMMIC) has reviewed the information, investigated the facts and recommends formal disallowance of this claim by the County Board; and, **WHEREAS**, the above stated claim does not appear to be meritorious and should be disallowed. **NOW, THEREFORE BE IT RESOLVED**, that the claim of We Energies against La Crosse County, its departments, officers, officials, employees, and agents is hereby disallowed and further be it required that notice of disallowance of this claim shall be served on the claimant by registered or certified mail and the receipt therefore, signed by the claimant, or the returned registered letter, shall be proof of service. **BE IT FURTHER RESOLVED**, that the claimant is notified that no action on this claim against La Crosse County, nor against any of its departments, officers, officials, agents, or employees, may be brought after 6 months from the date of service of this notice of disallowance. **FISCAL NOTE**: The cost to La Crosse County for sending certified mail/restricted delivery to the claimants is \$10.04.

**EXECUTIVE COMMITTEE**

Motion by T. Johnson/A. Benrud to approve passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

**RESOLUTION NO. 67-12/10 RE: DESIGNATION OF AN OFFICIAL NEWSPAPER FOR 2011**

**WHEREAS**, La Crosse County Board Rule 2.02(6) per Wisconsin Statutes Section 985 requires the designation of an official newspaper for La Crosse County; and, **WHEREAS**, the La Crosse Tribune meets the qualifications per Wisconsin Statutes 985.03; and, **WHEREAS**, it is in the best interest of La Crosse County to designate the La Crosse Tribune as the official newspaper because of its distribution and circulation in the county; and, **WHEREAS**, the current year designation by resolution terminates on December 31, 2010; and, **NOW THEREFORE BE IT RESOLVED**, that the La Crosse Tribune is designated and approved by the La Crosse County Board of Supervisors as the official newspaper for La Crosse County for the year 2011 expiring December 31, 2011. **FISCAL NOTE**: No fiscal impact.

**EXECUTIVE COMMITTEE**

(203-10/11)

Motion by T. Johnson/M. Kruse to approve. Discussion ensued. Chairman Doyle responded to questions from the board. The motion to approve passed on a unanimous voice vote with 6 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries and B. Flood.

**RESOLUTION NO. 68-12/10 RE: ESTABLISHING THE PROCESS TO FILL THE VACANCY IN THE OFFICE OF COUNTY CLERK**

**WHEREAS**, County Clerk Linda Stone has announced her resignation effective January 3, 2011, thus creating a vacancy in the Office of County Clerk; and, **WHEREAS**, the resignation date misses the deadline to fill the vacancy with an election in the spring of 2011, therefore the earliest special election could be held November 2011 at an anticipated cost of \$50,000; and, **WHEREAS**, Wis. Stats. §17.21(3) states that a vacancy in the County Clerk's position shall be filled by an appointment of the County Board for the remainder of the unexpired term unless a special election is ordered by the County Board, in which case the person appointed shall serve until his or her successor is elected and qualified; and, **WHEREAS**, the term of the County Clerk ends January 6, 2013. **NOW THEREFORE BE IT RESOLVED**, by the La Crosse County Board that the following process be used to fill the vacancy:

1. Publish in the official county newspaper a notice of vacancy in the office of the County Clerk and an invitation to persons interested in filling the vacancy to submit to the Personnel Department a letter of interest which includes their qualifications for the position and a resume by January 19, 2011.
2. The Executive Committee will analyze the submissions of interested persons; select persons to be interviewed; and conduct interviews to make a recommendation to the County Board of the most appropriate person to fill the vacancy.

**BE IT FURTHER RESOLVED**, that the Executive Committee will recommend the name of the person who should be appointed for consideration by the County Board for the remainder of the unexpired term ending on January 6, 2013. **FISCAL NOTE:** If published in the La Crosse Tribune three times, the approximate cost would be \$400.

**EXECUTIVE COMMITTEE**

Motion by T. Johnson/J. Billings to approve. Discussion ensued. Motion by D. Meyer/J. Bilskemper to amend the resolution under the NOW THEREFORE BE IT RESOLVED eliminate points 1 and 2 and the BE IT FURTHER RESOLVED statement and the Fiscal Note, and to add "Proceed with appointing the deputy clerk on an interim basis until January 6, 2013, with an adjusted salary to be determined for the position. This would allow the deputy to run for election at the end of the term, and not lose her union rights. Proceed at once with the process of hiring a replacement person to fill the vacancy in the County Clerk's office." Discussion ensued. Corporation Counsel William Shepherd, Clerk Linda Stone and Administrator O'Malley responded to questions from the Board. Chair Doyle asked whether having the Union mentioned in the amendment presented a problem. Personnel Director Robert Taunt responded to that and other questions from the Board. Because he felt they would have to negotiate such language with the Union, Supervisors D. Meyer & J. Bilskemper withdrew their amendment in order to offer a different amendment. Motion by D. Meyer/J. Bilskemper to amend the resolution under the NOW THEREFORE BE IT RESOLVED eliminate points 1 and 2, eliminate the BE IT FURTHER RESOLVED statement and the Fiscal Note, add "Proceed with appointing the deputy clerk on an interim basis until January 6, 2013, with an adjusted salary to be determined for the position. Proceed at once with the process of hiring a replacement person to fill the vacancy in county clerk's office." Lengthy discussion ensued. Clerk Stone responded to questions from the Board. Vice Chair T. Johnson took the chair so Chair Doyle could engage in the debate. Discussion continued. Motion by R. Geary/J. Bilskemper to exhaust the speaker list required two-thirds of those present and passed on a voice vote with 22 ayes, 6 nays - J. Billings, M. Freedland, A. Kader, M. Pedretti, C. Spiker and T. Wehrs and 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel. The amendment failed on a roll call vote with 20 nays, 8 ayes - J. Bilskemper, R. Keil, D. Manthei, D. Meyer, M. Pedretti, L. Pfaff, J. Schroeder and C. Spiker and 7 excused - J. Berns, B. Brockmiller, R. Ebert,

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B. Feehan, D. Ferries, B. Flood and B. Konkel. Clerk Stone and Corporation Counsel responded to questions from the Board. There were no other speakers on the list when A. Benrud called the question so Vice Chair T. Johnson called for the vote. The resolution as presented passed on a roll call vote with 23 ayes, 5 nays - M. Freedland, D. Manthei, D. Meyer, J. Schroeder and C. Spiker, and 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel.

#### **CHAIR CHANGE**

Chair Doyle resumed the chair.

#### **RESOLUTION NO. 69-12/10 RE: SUPPORT OF INCREASED FREQUENCY OF PASSENGER RAIL SERVICE ON THE CURRENT EMPIRE BUILDER ROUTE (CHICAGO, IL TO TWIN CITIES, MN)**

**WHEREAS**, the City and County of La Crosse have long supported the Midwest Rail Initiative, which calls for higher speed and more frequent train service between Chicago and the Twin Cities via La Crosse, and has actively supported the Empire Builder High Speed Rail Coalition; and **WHEREAS**, at the request of the coalition, the UW-L Business School conducted a scientific survey of area business leaders, that found an overwhelming 83% interest by respondents in increased frequency and higher speed service for business travel to cities along the planned route, including service to Madison, and also indicated a willingness to pay fares as much as 30% higher than current Amtrak rates to establish this enhanced level of frequency and higher speed service as an alternative to current modes of transportation; and **WHEREAS**, based on the results of the survey of local businesses, there will be positive economic benefits for our business community if the frequency of Amtrak service is increased; and **WHEREAS**, Ramsey County Minnesota is advocating for an additional Amtrak train per day at current conventional speeds to serve all the current stops from Chicago, IL to St. Paul, MN which could receive funding support from a \$10 million match by the State of Minnesota and a \$40 million federal TIGER grant that has been awarded to Ramsey County. **NOW THEREFORE, BE IT RESOLVED** that the La Crosse County Board calls upon Governor elect Walker and the Legislature to work with Ramsey County and the State of Minnesota to\_ establish more frequent passenger train service to communities along the existing Amtrak-Empire Builder route by adding an additional train per day at conventional speeds. **BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to the Governor's office, area Federal and State legislators as well as the Empire Builder High Speed Rail Coalition, the Midwest Rail Initiative, the Wisconsin DOT, the Minnesota DOT, On Board Midwest, and the Minnesota High Speed Rail Commission. **FISCAL NOTE:** There is no direct impact requiring the expenditure of La Crosse County funding.

#### **EXECUTIVE COMMITTEE**

Motion by T. Johnson/M. Kruse to approve in order to put the original resolution on the floor and asked to maintain the floor. Motion by T. Johnson/G. Sebranek to substitute the original resolution with a new one just approved at the Special Executive Committee meeting and placed on each supervisor's desk which basically eliminated any references to High Speed Rail and the Study and instead focused on Passenger Rail Service. Motion by J. Schroeder/A. Kader to add "each way" to the last sentence in the NOW THEREFORE BE IT RESOLVED paragraph (.....an additional train each way per day at conventional speeds.) passed on a unanimous voice vote with 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel. Motion by J. Schroeder to add to the end of the NOW THEREFORE BE IT RESOLVED "and to determine the cost thereof" failed for lack of a second. Discussion on the motion to substitute the new resolution, as amended, ensued. Administrator O'Malley responded to questions from the Board. As there was no objection to S. Hampson's suggestion, with input from Chair Doyle, both "Governor Elect" and "Governor's office" were changed to "Governor Walker" by unanimous consent. Discussion continued. There was no objection to G. Sebranek's request to close debate. The motion to replace the original resolution with the substitute resolution, as once amended, passed on a

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unanimous voice vote with 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel. The resolution, as amended, passed on a unanimous voice vote with 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel.

**RESOLUTION HELD OVER:** RESOLUTION RE: ADOPTION OF CONTRACT FOR HILLVIEW LOCAL 150 UNION EMPLOYEES

#### **EXECUTIVE COMMITTEE**

Motion by T. Johnson/S. Hampson to hold over for 60 days. Administrator O'Malley explained that the Bargaining Unit recommended approval but there weren't sufficient votes to pass so negotiations will continue. The motion to hold over for 60 days passed on a unanimous voice vote with 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel.

#### **RESOLUTION NO. 70-12/10 RE: AUTHORIZATION TO APPROVE CHANGE ORDERS**

**WHEREAS**, the Hillview RCAC construction project includes base bid construction costs of \$2,788,795; and, **WHEREAS**, approximately 5% of base bid construction costs is considered to be a reasonable estimate for addressing changes to construction plans and problems that will normally occur in a construction project. **NOW THEREFORE BE IT RESOLVED**, that a contingency budget of \$153,772 is hereby established for the purpose of addressing changes and problems. **BE IT FURTHER RESOLVED**, that change orders up to \$20,000 shall be approved in accordance with existing authority limits set forth in Chapter 4.11 Purchasing Procedures of the Finance Section of the County Ordinance. **BE IT FURTHER RESOLVED**, that change orders in excess of \$20,000 shall require approval of the Aging & Long Term Care Committee. **BE IT FURTHER RESOLVED**, that a list of all approved change orders shall be provided to the Aging & Long Term Care Committee on a monthly basis. **FISCAL NOTE:** Contingency amounts are calculated on the base bid construction costs. Contingency of \$153,772 equals 5.5% of the base bid construction costs.

#### **AGING AND LONG TERM CARE COMMITTEE**

Motion by R. Plesha/A. Richmond to approve. Discussion ensued. Administrator O'Malley responded to questions from the Board. The resolution passed on a voice vote with 27 ayes, 1 abstention - J. Johnson and 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel.

#### **RESOLUTION NO. 71-12/10 RE: SUPPORT FOR ELIMINATING WISCONSIN DNR FEES REGARDING WASTE RESIDUE RESOURCES FROM THE NSP FRENCH ISLAND FACILITY**

**WHEREAS**, State law currently imposes certain Wisconsin Department of Natural Resources (WDNR) fees for solid waste disposal at the La Crosse County Landfill, including residue from the NSP French Island Facility; and, **WHEREAS**, the current statutory definition of biomass includes refuse-derived fuel used for a renewable facility in service before January 1, 1998, which includes waste delivered to the NSP facility for conversion to energy; and, **WHEREAS**, the addition of an exception to the WDNR fees for waste sent to a renewable facility burning refuse-derived fuel would promote renewable energy policies in the state; and, **WHEREAS**, burning waste with energy recovery is higher in the state priority for managing waste than land disposal of solid waste; and, **WHEREAS**, such an exception would be a very narrow exception applicable only to facilities using refuse-derived fuel and would result in substantial savings to the La Crosse County Solid Waste Department. **NOW, THEREFORE, BE IT RESOLVED** that the La Crosse County Board does hereby support an amendment to the state statutes that has the effect of exempting waste residue from a refuse-derived fuel facility from the WDNR fees at the landfill. **BE IT FURTHER RESOLVED**, that the County Clerk shall forward a copy of this resolution to State Senator

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Dan Kapanke and State Representatives Michael Huebsch and Jennifer Shilling urging the adoption of such an amendment to state law. **FISCAL NOTE:** No cost to La Crosse County and potential savings up to \$250,000 per year.

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

Motion by C. Spiker/L. Pfaff to approve. Discussion ensued. Administrator O'Malley responded to questions from the Board. The resolution passed on a unanimous voice vote with 7 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood and B. Konkel.

#### **FUTURE AGENDA TOPICS**

Chair Doyle asked to take Future Agenda Topics out of order so interested persons wouldn't have to wait until after closed session. There being none, he continued with the agenda.

#### **CLOSED SESSION**

Motion by T. Johnson/V. Burke to go into closed session pursuant to Wisconsin State Statutes Section 19.85 (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved to wit: imminent or current litigation concerning La Crosse County or its' departments passed on a unanimous voice vote with 8 excused - J. Berns, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood, J. Johnson and B. Konkel.

#### **RECONVENE INTO OPEN SESSION**

Motion by D. Manthei/D. Meyer to reconvene into open session passed on a unanimous voice vote with 10 excused - J. Berns, J. Bilskemper, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood, J. Johnson, B. Konkel and J. Schroeder.

#### **INVITATION**

At Supervisor G. Sebranek's suggestion, Chair Doyle invited everyone to meet at Ardy's for a little Holiday cheer.

#### **CLOSED SESSION ACTION**

Chair Doyle reported that no action was taken in closed session.

#### **SUPERVISOR GROUP PHOTO**

The group photo is ready and can be purchased through the County Board Chair's office for \$10.00.

#### **ADJOURN**

Motion by G. Sebranek/A. Benrud to adjourn at 8:37 PM passed on a unanimous voice vote with 23 ayes, 10 excused - J. Berns, J. Bilskemper, B. Brockmiller, R. Ebert, B. Feehan, D. Ferries, B. Flood, J. Johnson, B. Konkel and J. Schroeder.

**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 La Crosse County Board of Supervisors Monthly Meeting held Thursday, December 16, 2010 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS 22<sup>nd</sup> DAY OF DECEMBER 2010.**