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

The County Administrator's repeat Budget Presentation commenced shortly after 5:00 PM for any supervisors who had been unable to attend when it was given at the 9/13/10 Planning Meeting, as well as for any who wished to hear it again. It concluded at 5:55 PM.

ROLL CALL FOR 6:00 MONTHLY MEETING

The La Crosse County Board of Supervisors Monthly Meeting was held Thursday, September 16, 2010 in the Administrative Center, Room B410. The County Clerk, Linda Stone, took attendance. 32 supervisors were present when Chair Doyle called the meeting to order at 6:04 PM and those otherwise present, excused or absent are noted in the roll call detail:

District	Name	Attendance
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	Present
10	Wood, Margaret	Excused
11	Kader, Audrey	Present
12	Flood, Bridget	Present
13	Brockmiller, Bill	Present
14	Medinger, John	Present
15	Mach, Beverly	Present
16	Sebranek, Gerald	Present
17	Meyer, Donald	Present; Excused at 7:55 PM
18	Johnson, Tara	Present
19	Keil, Robert	Present
20	Bina, Donald	Present
21	Manthei, Dennis	Present
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	Present
32	Benrud, Arlene	Excused
33	Berns, Jim	Present at 6:09 PM
34	Wehrs, Tina	Present
35	Bilskemper, Joe	Present

PLEDGE OF ALLEGIANCE

COMMUNICATIONS AND ANNOUNCEMENTS:

County Board Chair Report - Steve Doyle

- Badger Coulee Transmission Line – Planner Charlie Handy
ATC, the American Transmission Company, contacted us regarding the initial Badger Coulee Transmission Line Project open houses. They are considering an approximately 150 mile 345-kilovolt line from the La Crosse area to the Madison area. Several open houses will be held across the area from September 28 to October 6th. A map of the project and open house locations was displayed and comment sheets are available in the Planning office. Staff will be attending these open houses.
- Supervisor Conference Reports
 - Vietnam Wall: Supervisor J. Schroeder announced that the moving Vietnam Wall will be at Riverside Park Sept. 23rd for several days. They are in need of volunteers to help set up in the morning and also to serve as “guards”, helping people find names on the wall, do etchings and so on. Volunteers can email movingwall8231@gmail.com. The official opening will be at noon on Thursday.
 - Solid Waste Open House: Supervisor Pfaff announced that the Solid Waste open house, which includes tours, starts about 9:00 tomorrow morning. He encouraged everyone to attend.

Administrator Report - Steve O'Malley

- Solid Waste Assessment Report: The Solid Waste Open House Supervisor L. Pfaff mentioned is where the Solid Waste Assessment will be unveiled. This report is not a recommendation, but options for the communities to consider regarding solid waste disposal.
- Budget Presentation: Thanked the supervisors who came early tonight to hear his 2011 budget presentation; he appreciated the good questions. He encouraged supervisors to contact him or Finance Director Ingvalson with any questions or ideas; they are more than willing to work with them on any issue. Some handouts with minor corrections were distributed.
- **APPOINT JASON WITT AS HUMAN SERVICES DIRECTOR**
He asked the Board to approve his recommendation of Jason Witt as Human Services Director. He did a great deal of reference checking and believes this will be one of his most successful department heads he has had the opportunity to recommend. Jason is not new to La Crosse; he graduated from Central, UW La Crosse and has a Masters degree in Public Administration from Madison as well as a Law degree. A number of supervisors were involved in the selection. Health and Human Services Board Chair S. Hampson noted that it was a long interview process with 3 panels in one day and all agreed at the end of the day that Jason would be a wonderful addition. She also thanked Dean Ruppert for acting as Interim Director. He kept things going, which is not easy to do. Jason Witt addressed the Board and would be honored to be selected. He is excited to return to his hometown and work with such a quality team that has such an excellent reputation throughout the state. He looks forward to working with the Board and the community as we face the challenges of the coming years. Motion by J. Billings/M. Kruse to approve the selection of Jason Witt as Human Services Director passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood. He was welcomed aboard with applause. He will begin November 1st but will try to attend some meetings before then.
- United Way: Chair Doyle and Administrator O'Malley reminded and encouraged supervisors to fill out their donation forms and turn them in to County Clerk Stone at the end of the meeting.

Corporation Counsel Report – William Shepherd

- Public Records – e-mails: As an example of how e-mails can be involved in open meeting violations, as he discussed at the last Planning meeting, Shepherd read from

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a newspaper article in Ozaukee County where some supervisors were accused of communicating via email regarding county issues and essentially creating a quorum outside of the public eye. Regarding public record requests, La Crosse County recently received one asking for any e-mails from a specific supervisor's account regarding the campaign of Ron Kind. This request came from an individual in Baldwin, Wisconsin who is a member of Citizens for Responsible Government. As it turns out, this supervisor's email account had been full and thus no emails had been sent or received since before the dates in the request; therefore there were no records to release. However, this is an example of what can happen and he encouraged supervisors to use the county email account or forward all county related emails from other accounts to the county so they can be backed up and preserved for just such a situation. He responded to questions and comments from the Board. Emails received are out of the recipients' control so it is only an issue if they respond or initiate correspondence. It is best if supervisors use the county email account only for county business, and do not use their personal account for county business. If personal and business is mixed, the supervisor, as the custodian of those records, must keep them for seven years and should they get a personal records request, must sort through all those emails to sort out the records that apply. The same rules apply to texting and other social networking forums. Additional questions and comments were addressed by Corporation Counsel Shepherd and Chair Doyle.

APPOINTMENTS:

Appoint **Mike Richards** to replace Joan Curran on the La Crosse County Economic Development Fund Board.

Appoint **Tina Wehrs** to replace Vicki Burke on the Lake Onalaska Protection and Rehabilitation District.

Motion by S. Doyle/A. Kader to approve the appointments as presented passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood and 1 excused at vote - R. Ebert.

CONSENT AGENDA:

Motion by R. Plesha/G. Sebranek to approve the minutes of the County Board of Supervisors Planning Meeting held August 9, 2010 and the Monthly Meeting held August 19, 2010 and the claims list for \$35,341,899.68 passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ZONING ORDINANCE NO. Z243-9/10 PETITION NO. 1849 FILED BY TONY L. AND TERESA M. BRENINGEN TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF WASHINGTON

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1849 to amend the La Crosse County Zoning Ordinance filed by: Tony L & Teresa M Brenengen, PO Box 488, Coon Valley, WI 54623 and having held a public hearing on the 30th day of August 2010 to rezone from Exclusive Agriculture District to Agriculture District "A" the following described land in the Town(s) of Washington. Part of the NW-SE of Section 32, T15N, R5W; Commencing at the S $\frac{1}{4}$ corner of said Section 32; N07°55'27"E 1793.83' to the POB; N09°59'08"W 190.57'; N05°45'51"E 106.83'; N27°43'20"E 123.47'; N17°06'35"W 233.86' to the southerly R/W line of Brye Rd; thence the next four calls along said southerly R/W line: 1) S51°06'23"E 65.33'; 2) S54°13'24"E 133.36'; 3) S49°30'24"E 49.32'; 4) S39°21'27"E 44.62' to the Terminus of said Town Rd; N50°38'33"E 66.00'; S58°50'51"E 453.50'; S45°27'45"W 202.02'; S78°08'32"W 322.71'; S76°38'25"W 175.21' to the POB. Town of Washington. 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

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petition. Having considered the entire record the Committee's recommendation is to: By unanimous vote the Committee recommends approval as Conditional Agriculture "A" District Zoning, subject to the recording of deed restrictions indicating the following:

1. Only 1 single family residence is allowed on this parcel.
2. The parcel cannot be further subdivided.

(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 16th day of September, 2010: Approved the petition with conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Bina to approve. Discussion ensued. The motion to approve as recommended by the Committee passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ZONING ORDINANCE NO. Z244-9/10 PETITION NO. 1850 FILED BY SEAN GAVAGHAN, ACTING ON BEHALF OF GAVAGHAN LLC TO REZONE PARCEL A FROM EXCLUSIVE AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT "A", AND PARCEL "B" FROM EXCLUSIVE AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT B IN THE TOWN OF ONALASKA

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1850 to amend the La Crosse County Zoning Ordinance filed by: Sean Gavaghan, W3798 Logging Rd, West Salem, WI 54669; acting on behalf of Gavaghan LLC and having held a public hearing on the 30th day of August 2010 to rezone **Parcel A** from Exclusive Agriculture District to Residential District "A", the following described land in the Town of Onalaska. **Parcel A** - Part of the NW¼; part of the N½-SW; part of the SE-SW; part of the S½-NE; and part of the NE-SE all in Section 16, T17N, R7W; Commencing at the Northwest corner of said Section 16; N89°50'52"E 1242.06' along the north line of the NW-NW of said Section 16 to the POB; N89°50'52"E 66.00' along the north line of the NW-NW of said Section 16; S00°05'02"W 309.87'; S89°54'58"E 76.33'; Southeasterly 129.74' along the arc of a 233.00' radius curve, concave to the southwest, the chord of which bears S73°57'52"E 128.07'; N13°42'31"E 218.79'; S62°00'31"E 214.26'; S54°23'20"E 667.36'; S74°44'50"E 378.51' to a point on the east line of the NE-NW of said Section 16; S01°33'16"E 203.60' along said east line; S61°49'55"W 303.20'; S39°16'14"W 66.00'; N50°43'46"W 146.51'; S39°16'14"W 200.00'; N50°43'46"W 882.00'; N39°16'14"E 200.00'; N50°43'46"W 86.18'; Northwesterly 114.22' along the arc of a 167.00' radius curve, concave to the southwest, the chord of which bears N70°19'22"W 112.00'; N89°54'58"W 76.33'; Southerly 175.73' along the arc of a 308.18' radius curve, concave to the east, the chord of which bears S16°15'07"E 173.36'; S32°35'16"E 144.16'; Southerly 313.19' along the arc of a 533.00' radius curve, concave to the west, the chord of which bears S15°45'16"E 308.70'; S01°04'44"W 210.23'; S88°55'16"E 184.71'; Southeasterly 135.77' along the arc of a 1033.00' radius curve, concave to the south, the chord of which bears S85°09'21"E 135.67'; S81°23'26"E 650.86'; Southeasterly 127.07' along the arc of a 332.68' radius curve, concave to the southwest, the chord of which bears S70°26'53"E 126.30'; S59°30'20"E 344.71'; N30°29'40"E 220.00' to the north line of the SW-NE of said Section 16; N89°40'27"E 1364.59' along the north line of the SW-NE and along the north line of the SE-NE of said Section 16; S00°22'04"E 600.99'; S34°46'23"E 859.53'; S11°25'22"W 434.83'; S14°32'49"E 911.31' to a point on the south line of the NE-SE of said Section 16; S89°18'33"W 515.86' along said south line; N19°37'21"W 1387.68' to the southeast corner of the SW-NE of said Section 16; N61°34'58"W 875.80'; S34°32'27"W 161.43'; N66°54'20"W 112.64'; N16°43'23"E 399.61'; N59°30'20"W 357.29'; S34°14'57"W 221.80'; N69°15'14"W 97.65'; N13°51'33"E 247.62'; N74°16'12"W 459.45'; S62°12'44"W 345.02'; S00°36'44"W 1271.99'; S22°41'13"E 1028.41' to a point on the south line of the NE-SW of said Section 16; S89°37'51"W 536.09' along said south line; N32°32'10"W 725.30' to a point on the west line of the NE-SW of said Section 16; N01°50'56"W 714.55' along said west line to the southeast corner of the SW-NW of said Section 16; N13°16'46"W

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487.34'; N89°04'47"W 265.44'; S17°40'21"W 501.01' to a point on the south line of the SW-NW of said Section 16; N89°52'10"W 150.00' along said south line; N24°45'04"W 343.51'; N17°21'21"W 972.24'; N68°19'25"E 398.08'; N02°58'38"W 457.55'; N44°30'57"E 251.97'; N34°31'13"E 160.03'; N23°23'11"E 81.65'; N81°30'18"E 334.42'; N00°05'02"E 344.93' to a point on the north line of the NW-NW of said Section 16 and the POB. Town of Onalaska. **AND** to rezone **Parcel B** from Exclusive Agriculture District to Residential District "B" the following described land in the Town of Onalaska. **Parcel B** – Part of the NW-NW of Section 16, T17N, R7W: Commencing at the northwest corner of said Section 16; N89°50'52"E 61.45' along the north line of the NW-NW of said Section 16 to the POB; N89°50'52"E 1180.61' along the north line of the NW-NW of said Section 16; S00°05'02"W 344.93'; S81°30'18"W 334.42'; S23°23'11"W 81.65'; S34°31'13"W 160.03'; S44°30'57"W 251.97'; S73°40'30"W 273.46'; N60°13'09"W 248.68'; N12°29'41"W 291.24'; N01°03'55"W 446.74' to a point on the north line of the NW-NW of said Section 16 and POB. 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: By a unanimous vote the Committee recommends approval of this rezone of 157.82 acres to Residential District "A" and 16.78 acres to Residential 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 16th day of September, 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. Discussion ensued. Planner Handy responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ZONING ORDINANCE NO. Z245-9/10 PETITION NO. 1851 FILED BY DANIEL AND BARBARA NAVRESTAD, ACTING ON BEHALF OF PAUL E. KUNERT TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF SHELBY

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1851 to amend the La Crosse County Zoning Ordinance filed by: Daniel and Barbara Navrestad, 4041 Glenhaven Dr, La Crosse, WI 54601; acting on behalf of Paul E Kunert, W4525 US Highway 14/61, La Crosse, WI 54601 and having held a public hearing on the 30th day of August 2010 to rezone from Exclusive Agriculture District to Agriculture District "A" the following described land in the Town(s) of Shelby. Part of the SE-SE of Section 19, T15N, R6W; Beginning at the northwest corner of Certified Survey Map (CSM), Volume 12, Page 9; N77°45'33"E along the north line thereof 474.11'; continuing along said north line S72°14'56"E 323.66' to the westerly R/W of Skemp Rd; N06°21'39"E along said Westerly R/W 177.62'; N88°47'13"W 122.50' to the southerly most corner of CSM, Volume 1, Page 212; N47°40'05"W along the southerly line thereof 86.50' to the westerly most corner of said CSM, Volume 1, Page 212; N79°53'04"W 629.09' to the west line of said SE-SE; S02°22'13"E along said west line 350.00' to the POB. Town of Shelby. 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: By unanimous vote the Committee recommends approval of rezoning this parcel to Conditional Agriculture District "A" Zoning, subject to the

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recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this parcel.
2. No further subdivision of this parcel is allowed.

(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 16th day of September, 2010: Approved the petition with conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/T. Johnson to approve as recommended by the Committee passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ZONING ORDINANCE NO. Z246-9/10 PETITION NO. 1852 FILED BY HOWARD C. TRACEY, ACTING ON BEHALF OF PAUL E., MARILYN M., MARGARET AND HOWARD C. TRACEY AND SUSAN K. SERVAIS TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT "A" IN THE TOWN OF FARMINGTON

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1852 to amend the La Crosse County Zoning Ordinance filed by: Howard C Tracey, PO Box 213, Mindoro, WI 54644; acting on behalf of Paul E, Marilyn M, Margaret & Howard C Tracey & Susan K Servais, N8326 State Road 108, Mindoro, WI 54644 and having held a public hearing on the 30th day of August 2010 to rezone from Exclusive Agriculture District to Residential District "A" the following described land in the Town(s) of Farmington. Part of the SW-NE of Section 21, T18N, R6W; Commencing at the N¼ corner of said Section 21; S01°21'57"E 2154.42' to a point on the east R/W line of State Road 108 and the POB; S83°43'28"E 115.18'; S35°13'45"E 49.79'; S06°45'36"E 109.16' to the northeast corner of a parcel of land described in Volume 1442, Page 1 as Document Number 1272394 of La Crosse County Records; N89°48'38"W 155.00' along the north line of the parcel described in Volume 1442, Page 1 to the east R/W line of State Road 108; N00°22'38"W 161.15' along said R/W line to the POB. Town of Farmington. 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: By unanimous vote, the Committee recommends approval of the rezoning of this parcel to Residential District "A". (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 16th day of September, 2010: Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/L. Pfaff to approve as recommended by the Committee passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

DENIED ZONING PETITION

ZONING PETITION NO. 1853 FILED BY NICHOLAS L. FRANKE, ACTING ON BEHALF OF HF EAGLE PROPERTIES LLC, TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF FARMINGTON

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1853 to amend the La Crosse County Zoning Ordinance filed by: Nicholas L Franke, 1815 Wheldon St, Bangor, WI 54614; acting on behalf of HF Eagle Properties LLC, 200 Mason St, STE 11, Onalaska, WI 54650 and having held a public hearing on the 30th

day of August 2010 to rezone from Exclusive Agriculture District to Agriculture District "A" the following described land in the Town(s) of Farmington. Part of Lot 1 of Certified Survey Map Volume 14, Page 66 in Section 15, T18N, R5W as follows: Commencing at the northwest corner of said Section 15; S80°17'26"E 764.45' to a point on the southerly R/W line of County Road TA and POB; S83°03'26"E 40.00' along said R/W line; S06°56'34"W 115.00'; S83°03'26"E 200.00'; S06°56'34"W 233.00'; N83°03'26"W 541.12'; N06°56'34"E 233.00'; S83°03'26"E 301.12'; N06°56'34"E 115.00' to the POB. Town of Farmington. 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: By unanimous vote, the Committee recommends to deny this rezoning petition based on the change not being consistent with the County Comprehensive Plan and not recording deed restrictions based on a prior rezoning request number 1778, then selling off the buildings included on that petition. (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 16th day of September, 2010: Denied the petition, (no ordinance is adopted).

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/A. Richmond to deny as recommended by the Committee. Discussion ensued. Planner Handy responded to questions from the Board. The motion to deny passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ZONING ORDINANCE NO. NO. Z247-9/10 PETITION NO. 1854 FILED BY THOMAS A. AND JANE M. BUSS TO REZONE FROM TRANSITIONAL AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF HOLLAND

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1854 to amend the La Crosse County Zoning Ordinance filed by: Thomas A & Jane M Buss, N8897 US Highway 53, Holmen, WI 54636 and having held a public hearing on the 30th day of August 2010 to rezone from Transitional Agriculture District to Agriculture District "A" the following described land in the Town(s) of Holland. Lot 1 of Certified Survey Map No. 101, Volume 3. Town 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: By unanimous vote, the Committee recommends approval of the rezone of this parcel to Conditional Agriculture District "A" subject to the recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this parcel.
2. This parcel cannot be further subdivided.

(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 16th day of September, 2010: Approved the petition with conditions, becomes an ordinance, after recording conditions.

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Motion by D. Meyer/D. Manthei to approve as recommended by the Committee passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

CONDITIONAL USE PERMIT NO. 816 FILED BY DON FRITSCH, ACTING ON BEHALF OF THE ARNE MARKING REVOCABLE TRUST, C/O RALPH MARKING TO USE AN EXISTING 11 ACRE HAYFIELD FOR PARKING OF VEHICLES DURING THE UNIVERSITY OF WISCONSIN-LA CROSSE NATIONAL CROSS COUNTRY MEET HELD EACH OCTOBER AT THE MAPLE GROVE COUNTRY CLUB ON LAND THAT IS ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF HAMILTON

The La Crosse County Planning, Resources and Development Committee, having considered the application filed by: Don Fritsch, 110 Mitchell Hall, University of Wisconsin – La Crosse, La Crosse, WI; acting on behalf of The Arne Marking Revocable Trust, C/O Ralph Marking, 3803 Cummings Ave, Eau Claire, WI 54701-7424 and having held a public hearing on the 30th day of August 2010 for a Conditional Use Permit to use an existing 11 acre hayfield for parking of vehicles during the University of Wisconsin-La Crosse National Cross Country Meet held each October at the Maple Grove County Club, said parking is on land that is zoned Exclusive Agriculture District in the Town(s) of Hamilton on land described as follows: That part of the NW-SW of Section 9, T16N, R6W lying northerly of County Road B. 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: By unanimous vote, the Committee recommends approval of this permit subject to the following 6 conditions:

1. This permit is granted specifically for parking during the University of Wisconsin – La Crosse cross country meets.
2. An agreement with the property owner shall be maintained to make sure the grass or agricultural crop is cut short enough as to not create a fire hazard from vehicles parking and to repair any damage to the field by parking.
3. All trash shall be cleaned up after each event.
4. The preferred driveway into this area is an existing driveway marked by a gate across the street from and about 325-ft west of the owner's farm house driveway at W3951 County Road B.
5. Caution signs should be placed during events.
6. This permit is non-transferable.

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 16th day of September, 2010: Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/B. Brockmiller to approve as recommended by the Committee. Discussion ensued. Planner Handy responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

RESOLUTION NO. 41-9/10 RE: DESIGNATION OF THE PALMER/LEWIS OCTAGON HOUSE AS A LA CROSSE COUNTY HISTORIC SITE

WHEREAS, the Palmer/Lewis Octagon House located in the Town of Hamilton, La Crosse County was nominated for County recognition as a historic site because the house retains the unique features of an octagon house and the structure remains intact; and, **WHEREAS**, there are few octagon houses remaining in the State of Wisconsin and this particular

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octagon house is on the National Register; and, **WHEREAS**, following a public hearing on May 7, 2010 the Historic Sites Preservation Commission approved adding the Palmer/Lewis Octagon House as a historic site to the La Crosse County Historic Sites Listing. A legal description of the site is attached hereto. **NOW, THEREFORE, BE IT RESOLVED** that the La Crosse County Board does hereby approve adding the Palmer/Lewis Octagon House as a historic site to the La Crosse County Historic Site Listing. **BE IT FURTHER RESOLVED**, that the designation of the Palmer/Lewis Octagon House as a La Crosse County Historic Site shall be subject to all provisions of Chapter 22 of the General Code of La Crosse County and this resolution shall be recorded at the La Crosse County Register of Deeds at La Crosse County expense. **FISCAL NOTE:** the cost of recording this resolution is \$30.00.

**HISTORIC SITES PRESERVATION COMMITTEE
PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by B. Mach/D. Manthei to approve passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

RESOLUTION NO. 42-9/10 RE: A PUBLIC PARTICIPATION PLAN FOR THE PREPARATION, REVIEW, AND ADOPTION OF A FARMLAND PRESERVATION PLAN FOR LA CROSSE COUNTY

WHEREAS, La Crosse County is involved in developing a countywide farmland preservation plan pursuant to the requirements of Chapter 91 of Wisconsin State Statutes; and, **WHEREAS**, such plan shall be consistent with the in La Crosse County's comprehensive plan, which was adopted in March, 2008; and, **WHEREAS**, the procedures under Section 66.1001(4), Wis. Stats., must be followed in the adoption of a Farmland Preservation Plan; and **WHEREAS**, a provision in Section 66.1001(4), Wis. Stats., requires the governing body of a local governmental unit (town, city, village, county) to adopt written procedures ("public participation plan") that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan; and **WHEREAS**, the La Crosse County Board of Supervisors adopted a public participation plan that was used in the preparation of the countywide comprehensive plan; and **WHEREAS**, the La Crosse County Farmland Preservation Committee and the Planning, Resources and Development Committee have recommended the adoption of a similar public participation plan that specifically relates to the preparation, review, and adoption of a Farmland Preservation Plan for La Crosse County; and **WHEREAS**, such plan is entitled "Public Participation Plan for the Preparation, Review, and Adoption of a Farmland Preservation Plan for La Crosse County" and is attached hereto and incorporated herein by reference. **NOW, THEREFORE, BE IT RESOLVED** that the La Crosse County Board, in accordance with Section 66.1001(4), Wis. Stats. and Subchapter IV of Chapter 91, Wis. Stats., hereby approves the "Public Participation Plan for the Preparation, Review, and Adoption of a Farmland Preservation Plan for La Crosse County" attached hereto and incorporated herein by reference. **FISCAL NOTE:** Funding for staff work on this public participation plan was included in the 2010 budget.

**FARMLAND PRESERVATION COMMITTEE
PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/M. Freedland to approve. Discussion ensued. Planner Handy responded to questions from the Board. The resolution passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

RESOLUTION NO. 43-9/10 RE: ADOPTION OF ICMA DEFERRED COMPENSATION PROGRAM

WHEREAS, the La Crosse County Board, pursuant to its authority to adopt employee benefit programs, wishes to adopt the Deferred Compensation Program provided by ICMA-RC, the International City/County Managers Association; and, **WHEREAS**, the ICMA-RC

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program offers ease of access to investment research and individual account information not available through other programs, and additional investment options as well as state of the art on-line account access information for timely monitoring of account performance. **NOW THEREFORE BE IT RESOLVED** that the ICMA-RC Deferred Compensation Plan is hereby approved and adopted by this Board as an optional retirement planning benefit of employees of La Crosse County. **BE IT FURTHER RESOLVED**, that the Finance and Personnel Departments are authorized and directed to take such appropriate action as is necessary to set up and implement this retirement option for County employees. **BE IT FINALLY RESOLVED**, that the Finance and Personnel Departments are hereby authorized and directed to execute the plan documents for the Plan, to communicate the terms of the Plan to Employees, and to take such further actions as may be necessary and appropriate to implement the Plan and effectuate the terms and intent of this resolution. **FISCAL NOTE:** This resolution would add a third option for employee deferred compensation as an addition to Nationwide and the State Plan. ICMA-RC generally has lower fees to the participants than either of the two existing plans. The County does not provide any contribution. There will be some impact on personnel and payroll staff but should be no more than the existing plans.

EXECUTIVE COMMITTEE

Motion by T. Johnson/V. Burke to approve passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

ORDINANCE NO. 83-9/10 TO REPEAL & RECREATE S. 11.45 ENTITLED "LA CROSSE COUNTY SMOKE FREE AIR ACT," AMEND S. 11.50(1), AND REPEAL S. 11.53 ENTITLED "SMOKE FREE DINING" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

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

Section 1. Section 11.45 is repealed and recreated to read:

11.45 LA CROSSE COUNTY SMOKE FREE AIR ACT.

(1) PURPOSE. The purpose of this section is to promote and protect the health and comfort of the public and county employees through the regulation of smoking, according to the authority granted this County by Wis. Stats. s. 101.123 and Wis. Stats., Chapter 59.

(2) DEFINITION.

(a) "Smoking" means burning or holding, or inhaling or exhaling smoke from any of the following items containing tobacco:

1. A lighted cigar
2. A lighted cigarette
3. A lighted pipe
4. Any other lighted smoking equipment.

(3) REGULATION OF SMOKING.

(a) No person may smoke indoors at any time in any county-owned, rented or leased building.

(b) No person may smoke within twenty (20) feet of a public entrance to any county owned, rented or leased building.

(c) No person may smoke on county property outside a designated smoking area if such property has a posted notice of this regulation and designated smoking areas.

(d) Smoking shall not be allowed in park shelters or bathrooms, or maintenance buildings.

(e) No person may smoke at any time inside of any county-owned, rented or leased vehicle.

(f) In the event of conflict between the provisions of this ordinance and Wis. Stats. s. 101.123, the more restrictive regulation shall apply.

(4) INCORPORATED STATUTORY PROVISIONS. This ordinance shall incorporate the provisions of Wis. Stats. s. 101.123, as amended by 2009 Act 12, effective July 5, 2010.

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Any act required or prohibited by said statutory section shall be required or prohibited by this ordinance.

(5) PENALTIES.

(a) Any person who violates this ordinance or any part of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation, together with the costs of prosecution, fees and surcharges imposed under Wis. Stats. Chapter 814.

(b) Except as provided in Wis. Stats., s. 101.123(8)(dm) or (em), any person in charge who violates incorporated s. 101.123(2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.

1. For violations subject to the forfeiture under par. (5)(b) of this ordinance, if the person in charge has not previously received a warning notice for a violation of incorporated s. 101.123(2m)(b) to (d), the law enforcement officer shall issue to the person in charge a warning notice and may not issue a citation.

2. No person in charge may be required under par. 5(b) to forfeit more than \$100 plus applicable costs, fees, and surcharges, in a total for all violations of incorporated s. 101.123(2m)(b) to (d) occurring on a single day.

(c) Any person, firm or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and pay to the Clerk of Court a bond established by this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond.

(d) Schedule of Deposits. Deposits shall be made in cash, money order, check, or credit card to the Clerk of La Crosse County. The amount of the bond is hereby affixed at \$100 plus applicable costs, fees and surcharges.

(e) Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law relating to the same or any other matter.

(6) NOTIFICATION TO THE PUBLIC.

(a) The person in charge of county buildings or his or her designees shall cause to be posted at the entryway of each county building, signs notifying the public of the fact that the building is a smoke-free building. Absence of such a sign shall not be a defense to the violation of this ordinance.

(b) The person in charge of county buildings or his or her designees shall cause to be posted signs notifying the public of the prohibition against smoking within twenty (20) feet of a public entrance to a county building.

(c) The person in charge of county buildings or his or her designees shall cause to be posted on the property around such buildings notices to the public limiting smoking to designated areas, if the Facilities Director or County Administrator has established designated smoking areas applicable to the grounds of that specific building.

(7) ENFORCEMENT.

(a) All law enforcement officials of the La Crosse County Sheriff's Department and the La Crosse County Health Director or his or her designees are hereby authorized in the name of the County of La Crosse to issue citations for prosecution of violations occurring under this ordinance.

(b) Prosecutions under this ordinance shall be made by issuance of citations and the procedure to be followed shall be governed by Wis. Stats. s. 66.0113. The District Attorney shall, upon receipt of a complaint from the Sheriff's Department, the Health Department, or other authorized individuals, institute appropriate legal proceedings against the alleged offender.

Section 2. Section 11.50(1) is amended to read:

11.50 PENALTY.

(1) Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty pursuant to s. 25.04 of this Code, except any person violating s. 11.45 of this Code, shall be subject to a forfeiture of

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not less than \$100 nor more than \$250 for each violation.

Section 3. Section 11.53 "Smoke Free Dining" is hereby repealed.

Section 4. This ordinance shall take effect the day after passage and publication as required by law.

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

Motion by S. Hampson/T. Johnson to approve. Discussion ensued. Motion by B. Feehan/J. Bilskemper to refer back to Health and Human Services Board. Discussion ensued. Health Director Doug Mormann responded to questions from the Board. Motion to refer failed on a roll call vote with 24 nays, 9 ayes - J. Berns, J. Bilskemper, D. Bina, R. Ebert, B. Feehan, D. Ferries, R. Geary, J. Schroeder and G. Sebranek with 2 excused - A. Benrud and M. Wood. Discussion on the ordinance continued. Health Director Mormann and Corporation Counsel Shepherd responded to additional questions from the Board. Motion by D. Meyer to call the question. Asking for and seeing no objection, Chair Doyle closed debate. The ordinance as presented passed on a roll call vote with 27 ayes and 6 nays - J. Bilskemper, D. Bina, B. Feehan, J. Medinger, G. Sebranek and T. Wehrs with 2 excused - A. Benrud and M. Wood.

RESOLUTION NO. 44-9/10 RE: APPROVAL OF THE RELOCATION ORDER AND RIGHT-OF-WAY ACQUISITION FOR THE COUNTY TRUNK HIGHWAY S (SAND LAKE ROAD) PROJECT

WHEREAS, the City of Onalaska has received State of Wisconsin Surface Transportation Program (STP) Urban funding for the County Trunk Highway S (Sand Lake Road) project; and, **WHEREAS**, the project requires acquisition of right-of-way for construction of the roadway; and, **WHEREAS**, La Crosse County must approve the relocation order and right-of-way plat for lands located outside the corporate limits of the City of Onalaska; and, **WHEREAS**, the City of Onalaska will acquire all necessary right-of-way for the County Trunk Highway S (Sand Lake Road) project on behalf of La Crosse County; and, **WHEREAS**, the City of Onalaska shall administer all necessary coordination and documentation for the right-of-way acquisition; and, **WHEREAS**, the City of Onalaska will pay for all costs associated with the right-of-way acquisition for the County Trunk Highway S (Sand Lake Road) project. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the attached Relocation Order and Right-of-Way Plat for the County Trunk Highway S (Sand Lake Road) project. **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are authorized to execute the Relocation Order, after approval of Corporation Counsel. **FISCAL NOTE:** There is no cost to La Crosse County for this project.

PUBLIC WORKS AND INFRASTRUCTURE

Motion by C. Spiker/L. Pfaff to approve passed on a unanimous voice vote with 2 excused - A. Benrud and M. Wood.

RESOLUTION NO. 45-9/10 RE: APPROVAL OF 2011 TEMPORARY LEASE WITH WATERPLACE ONE LLC

WHEREAS, since the mid 1980's, the South Bay Marina which is located on the waterfront adjacent to the Park Plaza Property has been popular with many local boat owners and tourists who require a dock slip for their boats; and, **WHEREAS**, Water Place One LLC (Water Place One) is planning on operating the South Bay Marina in 2011 with the boat operations running from May 1, 2011 through November 30, 2011 and they have asked to enter into a short term lease with La Crosse County at this time to enable them to lease boat slips for the 2011 season; and, **WHEREAS**, La Crosse County is interested in marketing the Park Plaza Property for sale in 2011; and, **WHEREAS**, if Water Place One agrees to pay rent in the amount of \$10,000 for the 2011 season, mow the grass, pick up the trash, provide water and electricity to the premises and pay any costs associated with such utilities and if they also agree to other terms in the lease that the County determines are necessary to allow it to prepare, market and sell the property, then a lease for a year

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commencing on December 1, 2010 and ending November 30, 2011, is in the public interest by allowing the existing boat marina business to operate for the next season while the County continues to seek a developer for the property. **NOW THEREFORE BE IT RESOLVED**, that the County Board Chair, County Administrator, and staff are authorized to negotiate a 2011 lease agreement with Water Place One that includes a lease payment of \$10,000 and other terms and conditions that are in the existing lease and additional provisions that will allow the County to take any and all steps necessary to effectively prepare, market and offer the Park Plaza Property for sale in 2011. **FURTHER BE IT RESOLVED**, that upon successful completion of negotiations on the terms of the 2011 lease with Water Place One, the County Board Chair is authorized to sign the lease agreement for the 2011 season with the approval of the Corporation Counsel for a term to expire on November 30, 2011. **FISCAL NOTE:** No cost to La Crosse County. The rent payment shall be deposited in Park Plaza Property Land Rent Account #1146-55090.

PUBLIC WORKS AND INFRASTRUCTURE

Motion by C. Spiker/B. Brockmiller to approve. C. Spiker noted the vote in PWI Committee was not unanimous as indicated on the resolution, but passed in committee 5 to 1. Discussion ensued. Planner Handy, Finance Director Ingvalson and Chair Doyle responded to questions from the Board. Motion by R. Geary/J. Billings to change the lease amount to \$20,000. Discussion ensued. Planner Handy and Administrator O'Malley responded to questions and comments from the Board. Motion by B. Konkel/D. Meyer to call the question. Chair Doyle ruled to let Corporation Counsel and Planner Handy respond to a question from the Board. The motion to call the question passed on a voice vote with 26 ayes and 7 nays - J. Berns, R. Ebert, B. Feehan, M. Freedland, R. Geary, M. Pedretti and T. Wehrs with 2 excused - A. Benrud and M. Wood. The amendment failed on a roll call vote with 29 nays and 4 ayes - B. Feehan, R. Geary, A. Richmond and J. Schroeder with 2 excused - A. Benrud and M. Wood. Discussion on the resolution continued. The resolution as presented passed on a voice vote with 31 ayes and 2 nays - B. Feehan and R. Geary with 2 excused - A. Benrud and M. Wood.

SUGGESTIONS FOR FUTURE AGENDA ITEMS

Park Plaza: T. Johnson requested a map and some general information and background on Park Plaza. Chair Doyle agreed that should be put on a future agenda.

Meeting Dates: J. Berns requested clarification on the November meeting. Chair Doyle plans to follow the 6:00 p.m. Public Hearing on the evening of November 8th with the regular Annual Meeting non-budgetary agenda items. Depending on how late that goes, we may then start on the budget items that night. The meeting will reconvene Tuesday morning at 9:00 a.m.

Prescription Drug Disposal: D. Bina would like more information on our change of policy at the landfill for collecting drugs. Administrator O'Malley will ask Solid Waste Director Koch to address the Board on this topic at a future meeting.

Indirect Costs: R. Geary wants these costs brought up annually and clearly designated. Administrator O'Malley noted that a list of indirect costs was included with the budget information, and supervisors have the right to propose amendments to that at the annual budget meeting.

ADJOURN

Motion by G. Sebranek/B. Feehan to adjourn at 8:01 p.m. passed on a unanimous voice vote with 3 excused - A. Benrud, D. Meyer and M. Wood.

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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, September 16, 2010 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS 24TH DAY OF SEPTEMBER 2010.