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## LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING PROCEEDINGS; THURSDAY, MAY 17, 2012

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, May 17, 2012 in the Administrative Center, Room B410. The County Clerk, Ginny Dankmeyer, took attendance. 26 supervisors were present when Chair Tara Johnson 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 Name</b>	<b>Attendance</b>
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Veenstra, Joe	Present
4 Freedland, Maureen	Present at 06:19 PM
5 Johnson, Karin	Excused
6 Plesha, Roger	Present
7 Hampson, Sharon	Present
8 Jerome, Peg	Present
9 Londre, Andrew	Present
10 Becker, Richard	Present
11 Brockmiller, Bill	Present at 06:10 PM
12 Holtze, Dave	Present
13 Meyer, Donald	Present
14 Schroeder, Jeffrey	Present
15 Kruse, Monica	Present
16 Ferries, Dan	Present
17 Berns, Jim	Present
18 Berg, Laurence	Present
19 Downer, Thomas	Present
20 Doyle, Steve	Present
21 Burke, Vicki	Present
22 Spiker, Charles	Present
23 Pedretti, Marilyn	Present
24 Pfaff, Leon	Present
25 Ebert, Ray	Present
26 Gamroth, Tammy	Present
27 Wehrs, Tina	Present
28 Keil, Robert	Present
29 Johnson, Tara	Present

### PLEDGE OF ALLEGIANCE

### COMMUNICATIONS AND ANNOUNCEMENTS:

#### County Board Chair Report - Tara Johnson

- Discussion of Appointments
  - Chair Johnson spoke about the recent appointments and what was taken into consideration when making the appointments to make the most balanced committees.

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- County Board Picnic plans and determination of August and/or September meeting times
  - Motion by R. Ebert/J. Schroeder to move the September 20, 2012 Monthly Meeting to 9 AM with picnic to follow. Discussion ensued. The motion to approve failed on a roll call vote with 15 nays, 12 ayes - R. Becker, B. Brockmiller, T. Downer, S. Doyle, R. Ebert, R. Keil, M. Kruse, D. Meyer, L. Pfaff, R. Plesha, J. Schroeder and C. Spiker, 2 excused – K. Johnson, M. Freedland. Motion by T. Wehrs/D. Holtze to have the board picnic on August 17, 2012 at noon. Discussion ensued. The motion to approve passed on a roll call vote with 17 ayes, 9 nays - R. Becker, L. Berg, J. Berns, V. Burke, T. Gamroth, P. Jerome, L. Pfaff, A. Richmond and C. Spiker, 3 excused - M. Freedland, K. Johnson, and R. Plesha.
- Supervisor Conference Reports
  - Supervisor Pedretti reported on her trip to Washington DC, not at County expense, for a UW Extension Conference. She met with Senators and Congressmen to encourage them to continue funding for UW Extension.
  - Supervisor Holtze attended a WCA District Meeting in Black River Falls. They discussed the association structure services and current issues.

#### **County Clerk Report - Ginny Dankmeyer**

- Procedure for Absences – Supervisors are reminded that they must call before the meeting begins to be marked excused for that meeting.
- Travel Expenses – Supervisors received a handout on changes to the travel policy and a checklist to help guide them with filling out their expense form.
- Committee Minutes – A sign-up sheet was passed around for Supervisors to request minutes from committees to be placed in their packets. Supervisors were asked to only request minutes that are necessary and if possible to save on printing costs, to view them online.

#### **Corporation Counsel Report – Dave Lange**

- An information sheet was handed out listing the rules of closed session regarding procedures, attendance, access to closed session information, voting in closed session, and reconvening in open session after a closed session.

#### **Administrator Report – Steve O'Malley**

#### **PROCLAMATION MAY 2012 - LAW ENFORCEMENT / PUBLIC SAFETY & COURTS MONTH**

**WHEREAS**, in a free society, law enforcement is entrusted and expected to protect the civil rights of its residents and visitors to our community; and, **WHEREAS**, La Crosse County employees serve to enhance public safety in the Courts, District Attorney, Sheriff Patrol and Jail, Emergency Management Coordination, Medical Examiner and Public Safety Communications; and **WHEREAS**, thousands of residents and visitors are helped each year by the professionals who respond to emergencies and assist those in need. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby proclaim the month of May as Law Enforcement, Public Safety & Courts Month and urges all residents to join in recognizing the valuable contribution of persons dedicated to ensuring the safety of its county's residents and visitors to our community.

Motion by A. Londre/B. Brockmiller to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**AGENDA ORDER:** Chair Johnson asked for unanimous consent to take Item # 5-29 out of order. There was no objection.

#### **PROCLAMATION MAY 2012 - LA CROSSE SAFE BOATING WEEK**

**WHEREAS**, the La Crosse Joint Board of Harbor Commissioners in conjunction with the U.S. Coast Guard Auxiliary are committed to promoting safe boating on the area's waterways in

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preparation for the 2012 boating season; and **WHEREAS**, knowledge and skills are important in creating awareness of the risks involved with water safety, causing citizens to likely take the precautionary measures to protect themselves and their friends and families; and **WHEREAS**, safety awareness campaigns have contributed to a substantial decrease in the number of boating fatalities per year in the U.S. – 2004 having the lowest number of fatalities in the history of the statistics; and **WHEREAS**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and **WHEREAS**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets. **NOW, THEREFORE, WE, MATHIAS HARTER, MAYOR, CITY OF LA CROSSE, AND TARA JOHNSON, COUNTY BOARD CHAIR**, do hereby support the La Crosse Joint Board of Harbor Commissioners and the U.S. Coast Guard Auxiliary in their efforts to promote safety on the area's waterways and proclaim May 20-27<sup>th</sup>, 2012 as: **"LA CROSSE SAFE BOATING WEEK"** and urge all those who boat to **"Wear It"** and practice safe boating habits.

Motion by D. Meyer/R. Becker to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

- Network, Computer, and Website Proper Use – John Parshall
  - Updates are being done on the County Board Website and will go live on June 1, 2012. Currently, they are working on updating the links and the new supervisor profiles.
  - New monitors are being tested by a few supervisors tonight that will eventually replace the equipment that has been used for the past 10 years.
  - All conference rooms are now capable of wireless connections. If you need any assistance in setting up your wireless device, contact the IT Help Desk.
  - Handouts will be distributed at future meetings regarding the policy on website and email usage. Please remember if you are not using a County email account, you are responsible for archiving your emails for open records request. All Supervisors are encouraged to use a County email account.

#### **APPOINTMENTS**

Appoint **Karin Johnson** to the MTU Board for a two year term to expire April 30, 2014; Appoint **Peg Jerome** to the Historic Sites Preservation Commission for a term to expire December 31, 2014; Appoint **Bob Keil** to the Agricultural Society for a term to expire December 31, 2012; Appoint **Ray Ebert** to the Lake Neshonoc Protection and Rehabilitation District; Appoint **Joe Veenstra** and **Tina Wehrs** to the Economic Development Fund Board; Appoint **Thomas Downer** to the Criminal Justice Management Council; Appoint **Dan Ferries** to the Library Board for a term to expire December 31, 2012; Appoint **Cheri Olson** to the Health & Human Services Board for a term to expire April 30, 2015; Re-appoint **Tara Johnson** to Western Wisconsin Cares for a three year term to expire March 25, 2015; Appoint **Charles Spiker** to the Commission on Aging for a term to expire April 30, 2014; Appoint **Audrey Kader** to the Commission on Aging for a three year term to expire April 30, 2015.

Motion by T. Johnson/B. Brockmiller to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

#### **CONSENT AGENDA**

Motion by R. Plesha/D. Meyer to approve the minutes of the County Board of Supervisors Planning Meeting Held April 9, 2012 and the Organizational Meeting held April 17, 2012 and the claims list for \$6,896,140.01 passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**AGENDA ORDER:** Supervisor Pedretti asked for unanimous consent to take Item 5-23 out of order. There was no objection.

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**CONDITIONAL USE PERMIT NO. 855 FILED BY JEFFREY L AND SHARON A KRAMER, TO OPERATE A PIZZA PREPARATION FOOD BUSINESS WITHIN A PORTION OF A PROPOSED 36-FT X 54-FT POLE SHED AND FUTURE HOME ON A 54.46 ACRE PARCEL OF LAND ZONED AGRICULTURE DISTRICT "A" IN THE TOWN OF SHELBY**

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Jeffrey L and Sharon A Kramer, 4412 Cliffside Drive, La Crosse, WI 54601-8356 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a Conditional Use Permit to operate a pizza preparation food business within a portion of a proposed 36-ft X 54-ft pole shed and future home on a 54.46 acre parcel of land zoned Agriculture District "A" in the Town of Shelby and described as follows: Part of the NE¼ and part of the SE¼ of Section 35, T15N, R7W, more fully described as tax parcel 11-2329-0. Town of Shelby. 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, under s. 91.48(1), Wis. Stats., along with 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 a tie vote of three (3) in favor (Pedretti, Wehrs, Jerome) and three (3) opposed (Holtze, Becker, Londre) and one committee position vacancy, the motion to approve Conditional Use Permit No. 855 with the following conditions, which includes town conditions of approval, fails.

1. This conditional use permit is non-transferrable.
2. Report all commercial real & personal property to the Town of Shelby Assessor.
3. Follow all food grade requirements per local, state and federal health departments and codes.
4. Copy of approved permit and permit conditions required by any health agency to be made part of this file.
5. A letter from Safety and Buildings Division of the Department of Professional Services indicating whether state building plan approval is required shall be made part of this file.
6. No commercial deliveries and only two employees per impact statement.
7. Up to 25% of the future home can be utilized for the conditional use permit.
8. One parking space shall be provided for the meat inspector.
9. This Conditional Use Permit use can be the primary use on this property for a maximum of 24 months from the date of approval.
10. The interior area within the proposed pole shed to be used for pizza preparation shall be limited to no larger than 15-ft x 15-ft. (Town of Shelby condition).
11. Hours of operation: Three days per week, any time from Monday through Friday from 6:00 a.m. to 6:00 p.m.
12. This business shall be wholesale only; no on-site retail sales (Town of Shelby condition).
13. The applicant shall provide documentation of legal access to this lot for this purpose prior to the issuance of a Zoning/Occupancy Permit.
14. A maintenance agreement for maintaining the private drive shall be entered into by all users of this private road prior to commencing use.

**THE COUNTY BOARD** took the following action this 17<sup>th</sup> of May, 2012. Approved subject to conditions as outlined.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/D. Meyer to disapprove the committee report and approve Conditional Use Permit No 855 was ruled out of order and by the Chair and asked to take as separate motions. Motion by M. Pedretti/D. Meyer to disapprove as recommended by the committee. Discussion ensued. Corporation Counsel Dave Lange responded to questions by the Board. Motion by S. Doyle/R. Geary to postpone indefinitely the committee report. Discussion ensued. The motion to postpone indefinitely the committee report passed on a roll call vote with 23 ayes, 5 nays - R. Becker, D. Holtze, D. Meyer, A. Richmond and C. Spiker, 1

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excused - K. Johnson. Motion by M. Pedretti/D. Ferries to approve Conditional Use Permit No. 855. Discussion ensued. Planner Charlie Handy responded to questions from the Board. The motion to approve passed on a roll call vote with 25 ayes, 3 nays - R. Becker, D. Holtze and C. Spiker, 1 excused - K. Johnson.

**RECESS FOR COUNTY BOARD PHOTO:** Motion by J. Schroeder/B. Brockmiller to recess at 7:29 pm to take the County Board Photo.

**MEETING WAS RECONVENED AT 7:40 pm.**

**AGENDA ORDER:** Supervisor Ebert asked for unanimous consent to take Item 5-19, Resolution Re: Approval of Extension of Lease with Brennan Marine, Inc for Hintgen Island Fleeting Site, out of order. There was no objection.

**RESOLUTION NO. 6-5/12 RE: APPROVAL OF EXTENSION OF LEASE WITH BRENNAN MARINE, INC. FOR HINTGEN ISLAND FLEETING SITE**

**WHEREAS**, Brennan Marine, Inc. has leased land on Hintgen Island on the Mississippi River for fleeting and mooring of barges with La Crosse County since 1997; and, **WHEREAS**, La Crosse County and Brennan Marine extended the lease in 2008 for an additional 10 years, which current lease terminates June 30, 2018; and, **WHEREAS**, the rental fee in 2008 was \$1450/month, which amount is tied to the Consumer Price Index (CPI) for All Urban Consumers during the term of the lease; and, **WHEREAS**, it has been reported that boaters are experiencing trouble with water depths at the City of La Crosse 7<sup>th</sup> Street boat landing; and, **WHEREAS**, Brennan Marine has agreed to dredge approximately 8200 cubic yards of material in two channels to the boat landing to allow sufficient room and depth for boaters to have access to the ramp, where the value of the dredging is approximately \$80,000; and, **WHEREAS**, Brennan Marine has requested La Crosse County to extend the lease agreement with Brennan Marine for the Hingten Island site for an additional 10 years in an exchange for the work, and has also asked the City of La Crosse to extend their lease agreement for the fleeting site at Isle La Plume for an additional 10 years in exchange for the dredging work. **NOW, THEREFORE, BE IT RESOLVED** that the La Crosse County Board of Supervisors hereby approves the extension of the current lease agreement between Brennan Marine, Inc. and the County of La Crosse for a period of an additional 10 years from June 30, 2018 to June 30, 2028, on the same terms and conditions, conditioned upon Brennan Marine performing the dredging work referenced in this resolution at no cost to the County or City of La Crosse. **BE IT FURTHER RESOLVED**, that the County Board Chair is authorized to execute such an agreement, after approval by Corporation Counsel. **FISCAL NOTE:** La Crosse County currently receives \$1465.47 per month, which will be tied to the CPI each year for the term of the lease.

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/D. Meyer to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**SECOND CONSIDERATION OF ORDINANCE**

**ORDINANCE NO. 104 TO AMEND S. 3.07(1) AND (2) OF CHAPTER 3 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING "WORK HOURS"**

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/D. Holtze to postpone indefinitely in favor of a more flexible policy to be established at a later date. Discussion ensued. Corporation Counsel Dave Lange responded to questions from the Board. The motion to postpone indefinitely passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**SECOND CONSIDERATION OF ORDINANCE**

**ORDINANCE NO. 98-5/12 TO AMEND S. 3.09 OF CHAPTER 3 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING GRIEVANCE PROCEDURES**

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

**Section 1.** Section 3.09 of the County Code is amended to read:

3.09 GRIEVANCE PROCEDURES.

(1) Employees of the County who are regular, temporary, or seasonal full or part time and who have received disciplinary action, termination, or believe there is a workplace safety issue affecting their status shall have the right to appeal such action or safety issue in accordance with the following prescribed rules; provided employees who are elected, are covered by an existing labor agreement or by state statute, or independent contractors shall not have recourse through such rules but shall follow those procedures prescribed by statute or labor agreement. In discipline cases involving unpaid suspension or termination, the employee shall have the right to representation by a person of the employee's choosing at the employee's expense at all stages of the grievance procedure, except that the employee's representative shall not be a material witness to the grievance matter. Detailed rules and procedures consistent with this section shall be outlined in a separate document and approved by the Executive Committee.

(a) The employee shall first discuss the matter with the immediate supervisor or Department Head within 10 calendar days of the alleged action. If the matter is not resolved within 7 calendar days, an appeal may be made to the next step.

(b) The employee may appeal in writing to the County Personnel Director within the next 7 calendar days. The Director shall meet with both parties within 10 calendar days of the appeal and attempt to adjudicate and resolve the matter. If it is not resolved, then upon written request of the complaining party within 5 calendar days from receipt of the Personnel Director's response, the matter shall be referred to the County Administrator, who shall provide for the appointment of an Impartial Hearing Officer (IHO) in accordance with the approved procedures.

(c) The IHO shall review and hold a hearing on the matter. The parties directly involved may employ counsel at their own expense. The IHO may issue subpoenas and witnesses shall be sworn by the IHO. The hearing shall be informal, and rules of evidence and law may not necessarily apply. The parties may present evidence and call and examine witnesses and cross-examine witnesses of the other party. In discipline and termination cases the County shall have the burden to show just cause for the action taken.

(d) The IHO may sustain or deny the grievance. The IHO may not change or modify any discipline imposed, unless sustaining the grievance means that discipline must be modified. In workplace safety cases, the IHO can recommend a corrective remedy. The IHO's decision shall be made in 45 calendar days after the hearing. The decision of the IHO shall be final and binding on the parties involved unless the aggrieved employee or the County appeals to the County Board.

(e) The employee or the County must appeal in writing to the County Board within 20 calendar days of receipt of the decision from the IHO and such appeal must specify the reasons for the appeal.

(2) Final appeal shall be to the County Board. The appeal shall be limited to a review of the record. The appeal will be first reviewed by the Executive Committee, which Committee will make a recommendation to the County Board. The Executive Committee and/or County Board may affirm (in full or in part), reverse (in full or in part), or modify the IHO's decision. The decision of the County Board is final and non-appealable.

**Section 2.** This Ordinance shall take effect the day after passage and publication as required by law.

**TARA JOHNSON, County Board Chair**

**GINNY DANKMEYER, County Clerk**

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/B. Brockmiller to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**RESOLUTION NO. 7-5/12 RE: APPROVAL OF AMENDMENT OF DECLARATION OF RESTRICTIONS FOR MEADOW PARK ESTATES ADDITION IN THE VILLAGE OF ROCKLAND**

**WHEREAS,** La Crosse County owns a number of properties in the Meadow Park Estates

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Addition in the Village of Rockland as a result of a tax foreclosure procedure; and, **WHEREAS**, the properties in the Addition are subject to a Declaration of Restrictions, recorded in 1996, which does not permit the building of duplexes and which does not reflect changes in the market since that time; and, **WHEREAS**, a duplex was built in the Addition before the County owned properties in the Addition and the County has sold several properties in the Addition, several of which have duplexes built on the properties; and, **WHEREAS**, it is necessary that the Declaration of Restrictions be amended to allow for duplexes to be constructed in the Addition; and, **WHEREAS**, La Crosse County and Joseph Becker, the owner of the majority of the other lots, have negotiated a preliminary Amendment to the Declaration of Restrictions, which would allow for duplexes in certain areas of the Addition. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board of Supervisors hereby approves an Amendment of the Declaration of Restrictions for the Meadow Park Estates Addition in the Village of Rockland which allows for duplexes and other modifications to the restrictions in the Meadow Park Estates Addition. **BE IT FURTHER RESOLVED**, that the County Board Chair is authorized to sign the Amendment, after approval by Corporation Counsel. **FISCAL NOTE:** an expense of \$30.00 to record Amendment with the Register of Deeds.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/T. Gamroth to approve. Discussion ensued. Mapper Brian Fukuda responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

#### **RESOLUTION NO. 8-5/12 RE: APPROVAL OF JOINT LAW ENFORCEMENT AGREEMENT BETWEEN LA CROSSE COUNTY AND THE COUNTIES OF WINONA AND HOUSTON**

**WHEREAS**, Wis. Stat., s. 175.46 authorizes a border county to enter into a mutual assistance agreement with counties in an adjacent state to mutually provide law enforcement services between counties; and, **WHEREAS**, La Crosse County and Houston and Winona Counties in Minnesota have negotiated a Joint Law Enforcement Agreement for the provision of such services; and, **WHEREAS**, the Wisconsin Department of Justice has reviewed the agreements and has indicated no objection to the wording of the proposed agreements; and, **WHEREAS**, the agreements provide that the requesting and the responding party shall be responsible for its own personnel, equipment, and supplies and for injuries or death due to its own personnel for services provided pursuant to the agreements; and, **WHEREAS**, the agreements further provide that the requesting and the responding parties shall be responsible for any injuries, losses or damage to the person or property of any third party arising from the acts of any of the personnel of the respective parties; and, **WHEREAS**, the agreements may be terminated upon 90 days written notice to the other party; and, **WHEREAS**, it is in the best interest of La Crosse County to approve such agreements to allow for the mutual assistance between the La Crosse County Sheriff and the Sheriffs of the adjoining Counties of Houston and Winona in the State of Minnesota. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board of Supervisors hereby approves Joint Law Enforcement Agreements between the La Crosse County Sheriff's Office and the Sheriffs' Offices of Houston County and Winona County in the State of Minnesota in accordance with this resolution and provisions of Wis. Stat., s. 175.46. **BE IT FURTHER RESOLVED**, that the County Board Chair, County Administrator, and County Sheriff are authorized to execute such agreements, after approval by Corporation Counsel. **FISCAL NOTE:** No direct fiscal impact to La Crosse County. Each party shall be responsible for its own costs, equipment, and the action of its employees pursuant to the agreement.

#### **JUDICIARY AND LAW COMMITTEE**

Motion by V. Burke/A. Richmond to approve passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**CONDITIONAL USE PERMIT NO. 854 FILED BY THOMAS AND NANCY SCHOMBERG, ACTING ON BEHALF OF OCTAGON FARMS, AND DOING BUSINESS AS SCHOMBERG KENNELS, TO AMEND CONDITIONAL USE PERMIT NO. 726 TO INCREASE THE MAXIMUM NUMBER OF DOGS FROM 45 TO 60, TO ALLOW FOR ONE FULL TIME EMPLOYEE IN ADDITION TO FAMILY MEMBERS AND TO ALLOW FOR SCHOMBERG KENNELS TO OPERATE ON THE WEST SIDE OF COUNTY ROAD "YY" ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF BARRE**

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Thomas and Nancy Schomberg, N2764 County Road YY, La Crosse, WI 54601, acting on behalf of Octagon Farms, N2832 County Road YY, La Crosse, WI 54601, and doing business as Schomberg Kennels and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a Conditional Use Permit to amend Conditional Use Permit No. 726 to increase the maximum number of dogs from 45 to 60, to allow for one full time employee in addition to family members and to allow for Schomberg Kennels to operate on the west side of County Road "YY" on land zoned Exclusive Agriculture District in the Town of Barre and described as follows: Part of the SE/NE, Section 33, T16N, R6W and part of the SW/NW, Section 34, T16N, R6W. Tax parcels 2-452-0 and 2-479-0. 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, under s. 91.48(1), Wis. Stats., along with 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 a vote of 5 in favor, 1 opposed (Jerome) and one committee position vacancy, the Committee recommended approval of Conditional Use Permit No. 854 subject to the following sixteen (16) conditions:

1. This permit is granted in order to operate a commercial animal establishment (CAE) for 45 adult dogs as defined in s.11.31(7)(b) of the La Crosse County Code of Ordinances.
2. This permit is valid only with an approved commercial animal establishment license and upon payment of any fees as required under Chapter 11 of the La Crosse County Code of Ordinances.
3. Chapter 11 of the La Crosse County Code of Ordinances deals with the minimum standards providing for construction materials, space and habitation requirements for dogs, temperature control, air exchange, food storage, potable water and vaccination, which must be met in order to comply with this conditional use permit. Issuance of a CAE license shall certify compliance with this condition.
4. Off-street parking is required and should be designated for customers.
5. Previously placed signs in accordance with condition #5 of CUP No. 630 and condition #16 of CUP No. 726 can remain. Any new or replacement signs proposed in the future shall comply with Ch. 33 of the La Crosse County Code of Ordinances.
6. The equivalent of two full-time employees, in addition to family members, is authorized.
7. Unannounced inspections by La Crosse County Zoning, Planning and Land Information staff are authorized.
8. Kennel and runway areas shall be authorized for use by the appropriate agent of the Health Department and may include the use of the existing barn facility, kennels and dog runs on the east side of County Road YY in addition to the existing pole shed, kennels, and dog runs on the west side of County Road YY. No structural expansion of these facilities are allowed unless amendments are made to this conditional use permit.
9. Absolutely no animal waste generated from this establishment shall be allowed to enter or drain toward the nearby creek. Animal waste shall be collected and land applied in an agricultural setting.
10. This permit is non-transferable.



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11. A state tax identification number is required to record sales tax and to report the county's 0.5% sales tax.
12. The owners must provide a written training and socialization plan to be followed and given to all persons who purchase a dog.
13. The owners shall keep a record of return buyers to aid in potential investigation of possible or alleged mistreatment of previously purchased dogs.
14. Pens and enclosures shall be cleaned and disinfected in accordance with Chapter 11 of the La Crosse County Code of Ordinances.
15. Findings of non-compliance resulting in the revocation or non-renewal of a commercial animal establishment issued under the authority of Chapter 11 of the La Crosse County Code of Ordinances shall result in rehearing and possible termination of this conditional use permit.
16. This Conditional Use Permit #854 terminates CUP No.'s 630 and 726 and replaces them in their entirety.

**THE COUNTY BOARD** took the following action this 17<sup>th</sup> of May, 2012. Approved subject to conditions as outlined.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/T. Wehrs to approve. Discussion ensued. Planner Charlie Handy responded to questions from the Board. Lengthy discussion continued. Motion to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**ZONING ORDINANCE NO. Z286-5/12 RE: PETITION NO. 1890 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY FRANCIS A WEDAM, TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" 29.56 ACRES FOR CONTINUED RESIDENTIAL USE OF ONE SINGLE FAMILY RESIDENCE IN THE TOWN OF FARMINGTON**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1890 to amend the La Crosse County Zoning Ordinance filed by Francis A Wedam, W2022 County Road T, Mindoro WI 54644 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a petition to rezone from Exclusive Agriculture District to Agriculture District "A" 29.56 acres for continued residential use of one single family residence on the following described land in the Town of Farmington: Part of the W½ of the SW¼, Section 20, T18N, R5W, more fully described as tax parcel 5-256-2. Property address W2022 County Road T. 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, and under s. 91.48(1), 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 vote of 6 in favor and one committee position vacancy, the Committee recommended approval of this rezoning to the Agriculture District "A" subject to the recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this 29.56 acre lot;
2. No further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

(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 17<sup>th</sup> day of May, 2012. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/L. Pfaff to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

(23-12/13)

**ZONING ORDINANCE NO. Z287-5/12 RE: PETITION NO. 1895 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY CARMEN LIEBELT, ACTING ON BEHALF OF OSCAR S AND CONNIE LEE LIEBELT REVOCABLE TRUST, TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" A PENDING 4.27 ACRE IN THE TOWN OF BURNS**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1895 to amend the La Crosse County Zoning Ordinance filed by Carmen Liebelt, W486 County Road A, Mindoro, WI, 54644, acting on behalf of Oscar S and Connie Lee Liebelt Revocable Trust, W486 County Road A, Mindoro, WI, 54644 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a petition to rezone from Exclusive Agriculture District to Agriculture District "A" a pending 4.27 acre one lot Certified Survey Map for residential use on the following described land in the Town of Burns: Part of the SE/NW, Section 12, T18N, R5W, commencing at the W ¼ corner of Section 12; thence along the East-West quarter line of said Section 12 N89°12'04"E 1907.64 feet to the POB; thence N00°19'29"W 886.0 feet; thence N89°12'04"E 210.00 feet; thence S00°19'29"E 886.0 feet to said East-West quarter line; thence S 89°12'04" W 210.00 feet to the POB. Part of tax parcel 3-849-0. Town of Burns. 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, and under s. 91.48(1), 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 vote of 6 in favor and one committee position vacancy, the Committee recommended approval of this rezoning to the Agriculture District "A" subject to the recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this 4.27 acre lot;
2. No further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

(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 17<sup>th</sup> day of May, 2012. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/R. Keil to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**ZONING ORDINANCE NO. Z288-5/12 RE: PETITION NO. 1896 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY JULIE FERNHOLZ, ACTING ON BEHALF OF FEDERAL NATIONAL MORTGAGE ASSOCIATION, TO REZONE FROM TRANSITIONAL AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT "A" A 2.26 ACRE PARCEL FOR CONTINUED RESIDENTIAL USE ON THE FOLLOWING DESCRIBED LAND IN THE TOWN OF SHELBY**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1896 to amend the La Crosse County Zoning Ordinance filed by Julie Fernholz, 700 3<sup>RD</sup> St N #101, La Crosse, WI 54601 acting on behalf of Federal National Mortgage Association, PO Box 650043, Dallas, TX 75265 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a petition to rezone from Transitional Agriculture District to Residential District "A" a 2.26 acre parcel for continued residential use on the following described land in the Town of Shelby: Lot 1 of Certified Survey Map, Volume 7, Page 40. Property address: W4858 Meyer Road. Tax parcel 11-10-1. 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

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consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), 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 vote of 6 in favor and one committee position vacancy, the Committee recommended approval of this rezoning to the Residential District "A" subject to the recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this 2.26 acre lot;
2. No further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

(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 17<sup>th</sup> day of May, 2012. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

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

Motion by M. Pedretti/D. Holtze to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

#### **ZONING ORDINANCE NO. Z289-5/12 RE: PETITION NO. 1897 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY CRAIG S REEDY, ACTING ON BEHALF OF LARRY D, DONALD G, GLORIA M, AND BONNIE K GENSCH, TO REZONE FROM RESIDENTIAL DISTRICT "C" TO RESIDENTIAL DISTRICT "A" A PARCEL FOR A PROPOSED SINGLE FAMILY RESIDENCE; AND TO REZONE FROM THE EXCLUSIVE AGRICULTURE DISTRICT TO RESIDENTIAL DISTRICT "A" TO ADD ADDITIONAL AREA FOR RESIDENTIAL USE THE FOLLOWING DESCRIBED LAND IN THE TOWN OF HAMILTON**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1897 to amend the La Crosse County Zoning Ordinance filed by Craig S Reedy, N4043 County Road M, West Salem, WI 54669, and also acting on behalf of Larry D, Donald G, Gloria M, and Bonnie K Gensch, N4355 County Road M, West Salem, WI 54669 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a petition to rezone from Residential District "C" to Residential District "A" a parcel for a proposed single family residence; AND to rezone from the Exclusive Agriculture District to Residential District "A" to add additional area for residential use the following described land in the Town of Hamilton.

Lot 37 of the Scenic Valley Addition and part of the SW/SW and SE/SW, Section 8, T16N, R6W, commencing at the Southeast corner of Section 8; thence N80°45'34"W 3674.62 feet to the southeast corner of Lot 37, Scenic Valley Addition; thence along the South line of said Lot 37 S89°33'02"W 126.85 feet to the POB; thence S89°33'02"W 146.18 feet to the southwest corner of said Lot 37; thence N00°04'08"W 195.01 feet to the northwest corner of said Lot 37; thence S47°16'48"W 157.72 feet; thence S25°37'36"E 153.35 feet; thence S28°41'06"E 124.02 feet; thence N40°25'06"E 210.42 feet to the POB. Tax parcel 7-1647-0 and part of tax parcels 7-227-0 and 7-229-0. Town of Hamilton. 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, and under s. 91.48(1), 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 vote of 6 in favor and one committee position vacancy, the Committee recommended approval of this rezoning to the Residential District "A" subject to the recording of deed restrictions indicating the following:

1. Only one single family residence is allowed on this 1.36 acre parcel;
2. No further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

(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

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authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 17<sup>th</sup> day of May, 2012. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/T. Wehrs to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**ZONING ORDINANCE NO. Z290-5/12 RE: PETITION NO. 1898 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY TIMOTHY M AND JULIE A LYSAKER, TO REZONE FROM TRANSITIONAL AGRICULTURE DISTRICT TO COMMERCIAL DISTRICT "B" A 14.35 ACRE PARCEL FOR PLACEMENT OF BILLBOARDS ON AN EXISTING BUILDING THE FOLLOWING DESCRIBED LAND IN THE TOWN OF HOLLAND**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1898 to amend the La Crosse County Zoning Ordinance filed by Timothy M and Julie A Lysaker, N7912 Bluffview Ct, Holmen, WI 54636 and having held a public hearing on the 30<sup>th</sup> day of April, 2012 for a petition to rezone from Transitional Agriculture District to Commercial District "B" a 14.35 acre parcel for placement of billboards on an existing building the following described land in the Town of Holland. Part of the SW/SW and the SE/SW, Section 25, T18N, R8W. Property address N7727 Bluffview Ct. Tax parcel 8-1105-1. 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, and under s. 91.48(1), 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 vote of 6 in favor and one committee position vacancy, the committee recommends the approval of this rezone from the Transitional Agriculture District to the Commercial District "B". (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 17<sup>th</sup> day of May, 2012. Approved the petition as submitted, becomes an ordinance.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/D. Holtze to approve as recommended by the Committee passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Supervisor Hampson requested an Ad Hoc committee to review Chapters 1-4 of the La Crosse County of Ordinances to update.

**ADJOURN**

Motion by B. Brockmiller/V. Burke to adjourn at 8:11 PM passed on a unanimous voice vote with 28 ayes, 1 excused - K. Johnson.

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

**I, Ginny Dankmeyer , 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, May 17, 2012 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 4 OF JUNE 2012.**