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LA CROSSE COUNTY BOARD OF SUPERVISORS REORGANIZATIONAL MEETING PROCEEDINGS; TUESDAY, APRIL 20, 2021

The La Crosse County Board of Supervisors Reorganizational Meeting was held on Tuesday, April 20, 2021 via Microsoft Teams. The County Clerk, Ginny Dankmeyer, took attendance. 29 supervisors were present when Chair Monica Kruse called the meeting to order at 6:00 P.M. 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 Janssen, Barb	Present
4 Freedland, Maureen	Present
5 Mathu, Grant	Present
6 Plesha, Roger	Present
7 Padesky, Gary	Present
8 Isola, Peg	Present
9 Wacek, Dawn	Present
10 Cable, Kim	Present
11 Scheller, Patrick	Present
12 Erickson, Randy	Present
13 Tryggestad, Tina	Present
14 Larson, Margaret	Present
15 Kruse, Monica	Present
16 Ferries, Dan	Present
17 Pogreba, Jack	Present
18 Weber Strauss, Noelle	Present
19 Cornforth, Rick	Present
20 Doyle, Steve	Present
21 Burke, Vicki	Present
22 Viner, Pamela	Present
23 Nikolay, Matt	Present
24 Hoyer, Kevin	Present
25 Hundt, David	Present
26 Hesse, Dan	Present
27 Jacobs, Thomas	Present
28 Keil, Karen	Present
29 O'Neill, Jamie	Present

PLEDGE OF ALLEGIANCE

COMMUNICATIONS AND ANNOUNCEMENTS:

County Board Chair Report - Monica Kruse

- Appointment process update – The Chair will now be presenting the appointments for nomination and ask for a first and second to approve.
- Supervisor Conference Reports
 - Supervisor Burke gave an update on the financial audit of the Mississippi River Regional Planning Commission.

APPOINTMENTS

Motion by K. Cable/D. Wacek to reappoint David Hundt to the Aging & Disability Resource Center Advisory Committee for a three year term to expire July 31, 2024; reappoint Maureen Freedland, and Mike Wobbe to the Solid Waste Policy Board for a three year term to expire April 30, 2024; appoint Char Wegner to the Solid Waste Policy Board for a three year term to expire April 30, 2024; appoint Andrea Fritts to the Winding Rivers Library Board for the remainder of a three year term to expire December 31, 2023; reappoint Jayne Rifenberg and Toya Reynolds to the Criminal Justice Management Council for a three year term to expire April 30, 2024 passed on a voice vote with 28 ayes and 1 abstention – D. Hunt.

CONSENT AGENDA

Motion by R. Erickson/T. Tryggestad to approve the minutes of the La Crosse County Board of Supervisors Planning Meeting minutes held March 8, 2021 and the Monthly Meeting minutes held March 18, 2021 and the claims list for \$1,246,628.36 passed on a unanimous voice vote with 29 ayes.

ORDINANCE NO. 185-4/21 TO AMEND SECTION 9.06 OF CHAPTER 9 ENTITLED “DISCRIMINATION IN HOUSING PROHIBITED” OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

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

Section 1. Section 9.06 entitled “DISCRIMINATION IN HOUSING PROHIBITED” is amended to read:

9.06 DISCRIMINATION IN HOUSING PROHIBITED.

(1) POLICY. It is the policy of the County pursuant to the federal and state constitutions, and to its power to protect the public health, safety and general welfare, that all persons, regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age or ancestry are entitled to an equal opportunity for housing; and to that end, the County enacts this section, which prohibits any person not herein exempted from discriminating against any other person by impairing access to any housing or housing accommodations on any prohibited basis which are listed above, and which creates a Commission with the power and duty to enforce equal opportunity in housing for all citizens of unincorporated areas of the County.

(2) DEFINITIONS.

- (a) "Commission" means the County Commission on Equal Opportunities in Housing, and "Commissioner" means a member thereof.
- (b) "Complainant" means a person who files a complaint alleging discrimination in housing.
- (c) "Disability" means a physical or mental impairment that substantially limits 1 or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01(4), Wis. Stats., or a controlled substance analog, as defined in s. 961.01(4m), Wis. Stats., unless the individual is participating in a supervised drug rehabilitation program.
- (d) "Discriminate" means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in sub.(4) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry.
- (e) "Hearing" means a hearing under the jurisdiction of the Commission, except where otherwise indicated.
- (f) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in Chapter 66 of the Wisconsin Statutes, or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is

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used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

- (g) "Housing for older persons" means any of the following:
 - 1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.
 - 2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.
 - 3. Housing primarily intended and primarily operated for occupancy by at least 1 person 55 years of age or older per dwelling unit.
- (h) "Owner-occupied building" means a building used for human habitation in which the owner thereof maintains his/her permanent living quarters.
- (i) "Person" includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.
- (j) "Probable cause" means reasonable grounds to believe that a violation of sub. (4) not exempted by sub. (5) may have occurred or may be occurring.
- (k) "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.
- (l) "Respondent" means the person accused in the complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.
- (m) "Single-occupancy room" means any room which the owner has leased or rented or offered to lease or rent to a sole individual; provided the owner permanently occupies living quarters in the same dwelling.
- (n) "Status as a victim of domestic abuse, sexual assault, or stalking" means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in s. 813.12 (1) (am), sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32.

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

MONICA KRUSE, COUNTY BOARD CHAIR
GINNY DANKMEYER, COUNTY CLERK

EXECUTIVE COMMITTEE

Motion by K. Cable/A. Richmond to waive the rules to act on an ordinance at its first consideration passed on a unanimous voice vote with 29 ayes. Motion by K. Cable/D. Wacek to approve passed on a unanimous voice vote with 29 ayes.

RESOLUTION NO. 1-4/21 RE: AUTHORIZING ACCEPTANCE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE CITY OF LA CROSSE TO SUPPORT THE HINTGEN/HUBER PROJECT OF THE LA CROSSE AREA FAMILY COLLABORATIVE
WHEREAS, The City of La Crosse, Wisconsin, has awarded Community Development Block Grant (CDBG) funding in the amount of \$50,000 to La Crosse County Human Services to help support the Hintgen / Huber Project of the La Crosse Area Family Collaborative (Lafc); and, **WHEREAS**, the Lafc is an asset to the Huber neighborhood in the City of La Crosse by making available a neighborhood social worker and flexible funding to stabilize low and moderate income families before their situations require a crisis response from the child welfare and other emergency systems; and, **WHEREAS**, The CDBG funds will be allocated over a period of two (2) years effective April 1, 2021, through March 31, 2023, at \$25,000 per year and will be utilized to offset program costs. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby accepts the CDBG award in the amount of \$50,000 and

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authorizes the County Administrator to execute any documents to effectuate this resolution, after approval by Corporation Counsel; and, **BE IT FURTHER RESOLVED**, that the Finance Department is authorized to make any necessary and appropriate account transfers related to accepting this additional funding. **FISCAL NOTE:** Total grant award is \$50,000 over two years, with no County match required, and the award period ending March 31, 2023. The operating costs will be tracked under the 210.500.4242 division within the County financial system under the Justice Support Services section.

**HEALTH AND HUMAN SERVICES BOARD
EXECUTIVE COMMITTEE**

Motion by T. Tryggestad/K. Keil to approve passed on a unanimous voice vote with 29 ayes.

RESOLUTION NO. 2-4/21 RE: RACISM AS A PUBLIC HEALTH CRISIS

WHEREAS, racism is a social construction with no biologic basis and that longstanding institutional and structural bias has resulted in racial inequities that affect individual and population health, social, economic, and educational outcomes; and **WHEREAS**, racism is a social system with multiple dimensions: individual racism is internalized or interpersonal; and systematic racism is institutional or structural, and is a system of structuring opportunity and assigning value based on social interpretation of how one looks, that unfairly disadvantages some individuals and communities, unfairly advantages other individuals and communities, and depletes the strength of the whole society through the waste of human resources; and **WHEREAS**, racism causes persistent racial discrimination in housing, education, employment and criminal justice; and an emerging body of research demonstrates that racism is a social determinant of health; and **WHEREAS**, the percentage of children living in poverty in La Crosse County by racial categories was 34% for Black children, 21%, for Hispanic children, 20% for Native American children, 10% for Asian children and 6% for White; and **WHEREAS**, according to the most recent data in 2017, infants born at a low birth-weight (less than 2500 grams) in La Crosse County fell in the following categories: Black infants - 16.7%; Native-American infants – 14.3%; Hispanic-Latino infants – 9.4%; Asian infants – 4.6% and White infants - 6%; and **WHEREAS**, according to the most recent data from 2015 to 2018, infant mortality rates in La Crosse County fell in the following categories of babies born to: Black mothers – 14.4%; Native American mothers 11.9%; Hmong/Laotian mothers– 6.3%; Hispanic mothers – 6.2%; and White mothers - 4.7%; and **WHEREAS**, home ownership among the White community in La Crosse is 66.2% compared to 12.3% among the Black community and **WHEREAS**, educational achievement including graduation rates for Black students has been considerably lower than the educational achievement and graduation of rates for White students; and **WHEREAS**, Healthiest Wisconsin 2020 states that, “Wisconsin must address persistent disparities in health outcomes, and the social, economic, educational and environmental inequalities that contribute to them”; and **WHEREAS**, La Crosse County has worked, and continues to work, to identify racial inequities and disparities across our organization and to develop and implement anti-racist and equity policies, practices and programs such as: La Crosse County Juvenile Justice - System of Care (2017), the Regional Analysis of Impediments to Fair Housing Choice (2019) and ongoing racial justice training for La Crosse County Employees; and **WHEREAS**, public health’s responsibilities to address racism include reshaping our discourse and agenda so that we all actively engage in racial justice work; and **NOW THEREFORE, BE IT RESOLVED** that the La Crosse County Board

1. Declares that racism is a public health crisis affecting our entire society;
2. Will conduct an assessment of the internal policy and procedures to ensure racial equity is a core element of La Crosse County. This assessment will be led by human resources in collaboration with the La Crosse County Equity, Diversity and Inclusion Committee and other relevant parties, to communicate the results of assessment, and determine an appropriate interval for reassessment;
3. Will work to create an equity and justice orientated organization, with the Board, committees and those who are most impacted, in identifying specific activities to increase diversity and to incorporate anti-racism principles across La Crosse County leadership, employees, staffing and contracting;

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4. Will incorporate into the organizational workplan educational efforts to address and dismantle racism, expand employees' understanding of racism, and how racism affects individual and population health, and provide tools to assist everyone to engage actively and authentically with communities of color;
5. Will advocate for relevant policies that improve health in communities of color, and support local, state, and federal initiatives that advance social justice, while also encouraging individuals' advocacy to dismantle systematic racism;
6. Will work to build alliances and partnerships with other organizations that are confronting racism and encourage other local, state and national entities to recognize racism as a public health crisis.
7. Will allocate adequate financial and human resources to accomplish needed activities.

BE IT FURTHER RESOLVED that the La Crosse County Board hereby supports the County's efforts to address public health disparities due to racial inequities throughout the county.
FISCAL NOTE: No fiscal cost to La Crosse County.

HEALTH AND HUMAN SERVICES BOARD

Motion by T. Tryggstad/G. Mathu to approve. Discussion ensued. County Administrator O'Malley and Chair Kruse responded to questions from the Board. The motion to approve passed on a voice vote with 28 ayes and 1 abstention - K. Hoyer.

RESOLUTION NO. 3-4/21 RE: APPROVAL OF "PUBLIC PARTICIPATION PLAN" FOR LA CROSSE COUNTY COMPREHENSIVE PLAN

WHEREAS, the Board has approved of the formation of the Comprehensive Plan Advisory Committee (CPAC) to guide the work of updating the County's Comprehensive Plan in accordance with Wis. Stats. s. 66.1001; and, **WHEREAS**, Wis. Stats. s. 66.1001(4)(a) requires that the County adopt written procedures 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 current COVID-19 pandemic will make it necessary to use a wide variety of tools to effectively engage the public, communicate the recommendations of the CPAC, and gather broad public feedback throughout the Comprehensive Plan Process. **NOW THEREFORE BE IT RESOLVED** that the County Board approves the attached Public Participation Plan for the Comprehensive Plan Update; and, **BE IT FURTHER RESOLVED**, that the Comprehensive Plan Advisory Committee is tasked with the implementation of the attached Public Participation Plan. **FISCAL NOTE:** Any costs associated with the public participation plan will be for publication of meeting notices, and etc. and will come from the County Board Special Projects budget line item

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/V. Burke to approve passed on a unanimous voice vote with 29 ayes.

ZONING ORDINANCE NO. Z431-4/21 RE: AFTER-THE-FACT PETITION NO. 2054 FILED BY ROCKY L AND ANGELA M LOCKINGTON, O/B/O HIMSELF AND RANDY E AND HEIDI M LOCKINGTON TO REZONE 0.62 ACRES PORTION OF TAX PARCEL 5-532-0 FROM EXCLUSIVE AGRICULTURE DISTRICT CONDITIONS NOT RECORDED TO EXCLUSIVE AGRICULTURE DISTRICT FOR CONTINUED AGRICULTURAL USE AND REZONE 0.87 ACRES PORTION OF TAX PARCEL 5-535-1 FROM EXCLUSIVE AGRICULTURE DISTRICT CONDITIONS NOT RECORDED TO RURAL DISTRICT FOR CONTINUED RESIDENTIAL USE IN THE TOWN OF FARMINGTON

The La Crosse County Planning, Resources and Development Committee, having considered After-the-Fact Petition No. 2054 to amend the La Crosse County Zoning Ordinance filed by: ROCKY L AND ANGELA M LOCKINGTON, W3945 LOCKINGTON RD, MINDORO, WI 54644 O/B/O HIMSELF AND RANDY E AND HEIDI M LOCKINGTON, W3921 LOCKINGTON RD, MINDORO, WI 54644 and having held a public hearing on the 29th day of March 2021 for a petition to rezone a 0.62acre/26,960 sq. ft portion of tax parcel 5-532-0 from the EXCLUSIVE

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AGRICULTURE DISTRICT CONDITIONS NOT RECORDED to the EXCLUSIVE AGRICULTURE DISTRICT for continued agricultural use and to rezone a 0.87-acre/37,722 sq. ft. portion of tax parcel 5-535-1 from the EXCLUSIVE AGRICULTURE DISTRICT CONDITIONS NOT RECORDED to the RURAL DISTRICT for continued residential use located in the Town of Farmington and is described as follows: Both being part of the Frac. East ½ of the NW ¼ of Section 4, T18N, R6W. Tax parcel numbers 5-532-0 & 5-535-1. Property addresses W3945 Lockington Road and W3921 Lockington Road. 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. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.10(8), 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 seven (7) in favor, and zero (0) no, the committee voted to approve After-the-Fact Zoning Petition No. 2054 subject to the recording of the following four (4) deed restrictions;

1. Only one single family residence is allowed;
2. No further subdivision of the lot; and
3. These deed restrictions shall be recorded within 45 days of County Board approval.
4. These restrictions can be lifted or amended by the La Crosse County Board of Supervisors only.

(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 20th day of April, 2021. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/P. Scheller to approve. Discussion ensued. The motion to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes.

ZONING ORDINANCE NO. Z432-4/21 RE: PETITION NO. 2055 FILED BY ETHAN HOLAK TO REZONE 4.56 ACRE LOT FROM EXCLUSIVE AGRICULTURE DISTRICT TO THE RURAL DISTRICT FOR ONE SINGLE FAMILY RESIDENCE LOCATED IN THE TOWN OF HOLLAND

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 2055 to amend the La Crosse County Zoning Ordinance filed by: ETHAN HOLAK, N6814 ROBERTS RD, HOLMEN, WI 56436 and having held a public hearing on the 29th day of March 2021 for a petition to rezone a 4.56-acre lot from the EXCLUSIVE AGRICULTURE DISTRICT to the RURAL DISTRICT for one single family residence located in the Town of Holland and is described as follows: Depicted on a Plat of Survey completed by Professional Land Surveyor Chris Fechner dated 12/16/2020, being part of the SW/NE of Section 20, T18N, R7W. Tax Parcel 8-241-1. 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. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.10(8), 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 seven (7) in favor, and zero (0) no, the committee voted to approve Zoning Petition No. 2055 subject to the recording of the following four (4) deed restrictions;

1. Only one single family residence is allowed;
2. No further subdivision of the lot; and
3. These deed restrictions shall be recorded within 45 days of County Board approval.

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4. These restrictions can be lifted or amended by the La Crosse County Board of Supervisors only.

(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 20th day of April, 2021. Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by P. Isola/R. Cornforth to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes.

ORDINANCE NO. 183-4/21 NO. 183 TO AMEND S.7.08 ENTITLED "ALL TERRAIN VEHICLES" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

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

Section 1. Section 7.02 entitled "All-terrain vehicles" is amended to read:

7.08 ALL-TERRAIN VEHICLES.

(1) STATE ALL-TERRAIN/UTILITY-TERRAIN LAWS ADOPTED. For purposes of this ordinance, all references to all-terrain vehicles (ATV) shall include utility-terrain vehicles (UTV) as defined by statute. Except as otherwise specifically provided in this Chapter, the statutory provisions in section 23.33, 340 to 348, and 350 Wis. Stats., describing and defining regulations with respect to all-terrain vehicles, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required by this section.

(2) APPLICABILITY OF RULES OF THE ROAD TO ALL-TERRAIN VEHICLES. The operator of an all-terrain vehicle upon a roadway shall, in addition to the provisions of section 23.33, Wis. Stats., also be subject to the rules of the road as provided in s. 346.02(11), Wis. Stats.

(3) OPERATION ON COUNTY PROPERTY. No person shall operate any all-terrain vehicle on lands owned by the County except where the use is authorized by posted notice or County permit.

(4) ATV ROUTES. As authorized by sec. 23.33(8)(b), Wis. Stats. and following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, the following ATV routes have been created:

a. Routes.

1. Entire length of CTH A from CTH C to STH 162.
2. Entire length of CTH Q from CTH V to STH 108.
3. Entire length of CTH VV from CTH T to Jackson Co.
4. Entire length of CTH AE from CTH A to CTH TA.
5. Entire length of CTH TA from CTH T to CTH A.
6. Entire length of CTH T from STH 162 to STH53
7. Entire length of CTH DD from CTH T to CTH D.
8. Entire length of CTH TT from CTH T to CTH V.
9. Entire length of CTH EE from STH 162 to CTH T.
10. CTH M from CTH D to CTH Q.
11. Entire length of CTH E from STH 16 to CTH DE.
12. Entire length of CTH DE from STH 16 to CTH C.
13. CTH V from CTH TT east to the end of CTH V.
14. CTH C from STH 108 to CTH DE.
15. CTH D from CTH C to the Farmington town line.
16. CTH J from Rockland Village limits south to the Monroe County Line.
17. The entire length of CTH Y from CTH J to the Monroe County Line.

b. Conditions. As a condition for the use of these routes, the following conditions shall apply to all operators and passengers:

1. All ATV operators shall obey posted roadway speed limits.

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2. All ATV operators shall ride single file.
3. All ATV's shall operate only on the extreme right side of the paved portion of the roadway. Operation of an ATV on the shoulder, ditch, or right-of-way is prohibited and illegal.
4. Headlights and taillights must be turned on at all times.
5. All persons under the age of 18 operating or riding an ATV must wear a helmet.
6. Routes must be signed in accordance with NR 64.12 and NR 64.12(7)(c).

(5) ENFORCEMENT. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(6) PENALTIES. The Wisconsin ATV penalties as found in Wisconsin Statute 23.33(13) are adopted by reference.

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

MONICA KRUSE, COUNTY BOARD CHAIR
GINNY DANKMEYER, COUNTY CLERK

PUBLIC WORKS AND INFRASTRUCTURE

Supervisor Erickson yielded the floor to Supervisor Hesse. Motion by D. Hesse/D. Ferries to approve. Discussion ensued. The motion to approve passed on a voice vote with 21 ayes and 8 no - K. Cable, R. Erickson, M. Freedland, K. Keil, G. Mathu, P. Viner, D. Wacek and N. Weber Strauss.

ORDINANCE NO. 184-4/21 TO AMEND S.8.04(7) ENTITLED "DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS" 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.

8.04 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS.

(1) APPLICABILITY. In accordance with s. 86.07(2), Wis. Stats., this section applies to all design, layout and construction of private driveways which will be adjacent to a County Trunk Highway, or on a roadway which is within 200 feet of an intersection of a County Trunk Highway.

(2) INTERPRETATION AND PURPOSE.

(a) The County Board has determined that improper design, layout and or construction of driveway access onto County Trunk Highways impairs the ability of said highway system to efficiently and safely serve as a part of an integrated intermodal transportation system. This section specifies the County's minimum standards for the design, layout and construction of private driveways abutting on a County Trunk Highway or on a roadway which is within 200 feet of an intersection to County Trunk Highway. These minimum design standards have been adopted in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation related fuel-consumption, air pollution, and adverse effects on the environment and on landowners and users.

(b) It is not intended by this section to repeal, abrogate, annul, impair or interfere with any regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this section imposes a greater restriction upon the design and construction of driveways the provisions of this section shall govern.

(3) DEFINITIONS.

(a) "County" means La Crosse County, including any agency, department or committee thereof.

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(b) "County Planning Committee" means the Planning, Resources & Development Committee as authorized by s. 59.69, Wis. Stats., and s. 1.49 of this Code.

(c) "County Highway Committee" means the Public Works and Infrastructure Committee of La Crosse County as authorized by s. 83.015, Wis. Stats., and s. 1.46 of this Code.

(d) "Department" means the Department of Zoning, Planning and Land Information of La Crosse County.

(e) "Driveway" means a private road giving access from a public roadway to a building or other land use on abutting grounds.

(f) "Grade" means the slope of a road, street, alley, foot path, lot or block, specified in percent.

(g) "Pavement" means a material installed to formulate a semi-permanent surface onto the roadway width.

(h) "Permit" means the written authority granted to the Department to conduct activities regulated by this section.

(i) "Reconstruct" means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions.

(j) "Registered Professional" means an engineer, surveyor, or landscape architect registered and certified to practice within the State of Wisconsin.

(k) "Roadway" means any public road, street, highway, alley (in towns), or portion thereof.

(l) "Sight Distance" means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.

(m) "Tracking" means the detachment and movement of soil, sediment, or rock fragments by vehicle tires.

(n) "Urban Section" means a roadway cross section which is typical to urban areas, including curb and gutter, sidewalk, underground storm sewer and etc.

(o) "Zoning Administrator" means the Director of the Zoning, Planning and Land Information Department, or a person designated by the County Board to administer Chapters 17 and 18 of this Code.

(4) PERMITS.

(a) No owner of real estate, owner of an easement of ingress and egress or tenant of real estate which abuts a County Trunk Highway or within 200 feet of an intersection to County Trunk Highways on another roadway, shall open, construct, reconstruct or change the principal use of a driveway or roadway onto that County Trunk Highway or roadway, without obtaining a permit under this section.

(b) All permits applied for under this section shall be filed with the Department and shall include an application fee that shall be determined from time to time by the County Board. Upon receipt of the application by the Department, the application shall be referred to the County Highway Commissioner for inspection and consideration of approval. Applicants shall be notified in writing of the County's decision on their application within 30 days of receipt of completed application. The Department shall issue a permit under this section for driveways which meet the following standards:

(5) LOCATION. All driveways shall:

(a) Be located at a point deemed most appropriate using the following standards:

1. That point which maximizes sight distance at the driveway location from both directions.

2. That point which maximizes sight distance at an intersection, curve or other adjacent traffic use.

3. That point which maximizes distance between adjacent driveways.

(b) Ensure that access shall be obtained off of a local road whenever possible, and not off of a County Trunk Highway.

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(c) Any subdivision of land, after the effective date of this section, that requests access onto a County Trunk Highway shall be designed so as to maintain a minimum of 500 feet between each such driveway or access point.

(d) A sight distance of at least 500 feet in both directions is recommended. Due to the topography and existing land uses in La Crosse County, this recommended sight distance is not always feasible. In those cases where it is not feasible, the next, most appropriate location should be utilized as the above standards indicate. In doubtful cases, the County Highway Commissioner may require the applicant to submit, at the applicant's expense, a sight/distance study performed by a registered professional.

(6) DESIGN. All driveways shall:

(a) Be constructed at a 90° angle (perpendicular) to the roadway that it abuts, for at least 20 feet from the edge of the pavement of the roadway.

(b) Be constructed at a maximum slope of 5% for at least 20 feet from the edge of the pavement of the roadway, and a slight depression shall be constructed across the drive so as to insure that drainage and debris not be discharged to the County Trunk Highway or roadway.

(c) Be constructed so as to support typical vehicle traffic during all weather conditions.

(d) Be constructed so as to eliminate the tracking of material off of the driveway onto the roadway.

(e) Be constructed so that the width of a driveway at the right of way line complies with the following table:

TABLE – DRIVEWAY WIDTH

Use of Property to be Served by Driveway	Minimum Width Of Driveway	Maximum Width Of Driveway
Residential	16 feet	22 feet
Shared Driveway	20 feet	24 feet
Agricultural	20 feet	32 feet
Commercial	20 feet	32 feet
Industrial	24 feet	40 feet

(f) The County Highway Commissioner is authorized to determine if a culvert is required. Any required culvert shall be installed entirely at the applicant's expense. Any culvert in the County Trunk Highway right-of-way must be designed to carry a minimum of a 25 year storm event, which is 2.9 inches of rainfall within a 24 hour period, unless otherwise directed by the County Highway Commissioner. The County Highway Commissioner may require that a culvert design be submitted by a registered professional at the applicant's expense.

(g) The culvert shall be a minimum of 18 inches corrugated metal pipe. Any culvert that is not Corrugated Metal Pipe (CMP) or Reinforced Concrete Pipe (RCP) shall be certified by a registered professional as appropriate for the construction of said driveway.

(h) All culverts shall be designed with adequate length and appropriate apron ends, unless otherwise directed by the County Highway Commissioner.

(7) CONSTRUCTION.

(a) All construction shall be completed within 6 months of the County's issuance of the driveway permit. If the driveway is not completed within this deadline, the permit shall be null and void and construction must stop on the driveway until a new permit has been issued by the County.

(b) All costs of installing the new driveway shall be the responsibility of the applicant.

(c) All land disturbance activities shall comply with Chapter 21 of this Code. All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway.

(d) There shall be no sediment, brush or other debris in the roadway right-of-way as a result of the construction of the driveway.

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(e) All driveway sideslopes within the right-of-way shall be constructed with a maximum sideslope of 3:1 in order to facilitate vehicle recovery.

(f) All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.

(g) Unless urban section standards apply, if a concrete driveway extends into the road right-of-way it must terminate at least six feet from the edge of the pavement.

(h) Where driveways are to be installed in urban section the following construction standards apply:

1. When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat manner. The driveway surface shall connect with the highway pavement and sidewalk, if applicable, in a neat manner. The driveway construction shall include the replacement of sidewalk areas which are inadequate or become damaged.

2. All curb flares shall be tangent to the curb line, and within the right-of way.

3. A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.

(i) All driveways existing as of August 6, 2018 shall be deemed to be permitted driveways and no permit shall be required, except as specified in s. 8.04(4)(a) of this Code.

(8) VIOLATIONS AND PENALTIES. Any person, firm or corporation; including, but not limited to the landowner, contractor, or excavator; who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this section, shall be subject to a forfeiture as provided by section 25.04 of this Code for each offense. Each working day where said activity is in violation of this section shall be deemed a separate and continuing offense.

(9) APPEALS.

(a) Any person aggrieved by an objection to a driveway permit or failure to approve a driveway permit may appeal to La Crosse County Zoning Board of Adjustment at public hearing as noticed under s.59.695(6) Wis. Stats. The Board of Adjustment will have the powers described in s.59.694, Wis. Stats.

(b) Appeals shall be in writing and shall be postmarked within 30 days after written notification was received by the applicant as specified s. 8.04(4)(b). The fee for filing such appeal is set by the La Crosse County Board of Supervisors and as established for an appeal under Chapter 17 of this Code.

(c) The La Crosse County Zoning Board of Adjustment has the power to hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this section.

(d) The La Crosse County Zoning Board of Adjustment has the power to authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(e) A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section by demonstrating that strict compliance with the driveway access ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

(f) In exercising the powers under this section, the La Crosse County Zoning Board of Adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make the order, requirement, decision or

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determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(g) A person aggrieved by any decision of the La Crosse County Zoning Board of Adjustment may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari to the circuit court under s. 59.694(10).

(10) VALIDITY. Should any, clause or provision of this section, be declared invalid, the same shall not affect the validity of the section or any part thereof, other than the part so declared invalid.

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

MONICA KRUSE, COUNTY BOARD CHAIR
GINNY DANKMEYER, COUNTY CLERK

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson/R. Geary to approve passed on a unanimous voice vote with 29 ayes.

RESOLUTION NO. 4-4/21 RE: APPROVAL OF LANDFILL SITING AGREEMENT BETWEEN LA CROSSE COUNTY, THE CITY OF LA CROSSE AND THE CITY OF ONALASKA

WHEREAS, on October 22, 2019, the County submitted an Initial Site Report (hereinafter referred to as "ISR") to the Wisconsin Department of Natural Resources (hereinafter referred to as "DNR") in connection with the County's intention to expand the current landfill facility on property located within La Crosse and Onalaska; and **WHEREAS**, on January 16, 2020, DNR issued a positive opinion letter in connection with the ISR; and, **WHEREAS**, the City of La Crosse and the City of Onalaska both timely adopted and filed a siting resolution with the Wisconsin Waste Facility Siting Board and then each City appointed four members to serve on the negotiating committee and filed a Statement of Economic Interest as required by Wis. Stat. §289.33(7)(c); and, **WHEREAS**, the City of Onalaska and the City of La Crosse have negotiated with the County through the respective local negotiating committees pursuant to Wis. Stat. §289.33; and, **WHEREAS**, the local committees have reached a negotiated agreement with the County on subjects of concern to the City of Onalaska, the City of La Crosse and the County a copy of which is attached as Exhibit A; and, **WHEREAS**, this negotiated agreement must be approved both by the local negotiating committees, and by all three of the governing bodies; **WHEREAS**, it is in the best interests of La Crosse County and the Company to agree to such an Amendment. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby approves La Crosse County entering into Landfill Siting Agreement consistent with the negotiated terms. **BE IT FURTHER RESOLVED**, that the County Board Chair is hereby authorized to execute such an agreement, after approval by Corporation Counsel. **FISCAL NOTE:**

- 1) In addition to the closure and long-term care obligations as required by law, it is recognized that the County has established and will maintain an Environmental Protection Fund (hereinafter referred to as the "EPF") which is funded through a portion of the tipping fees from operation of the Phase II North Expansion. The County shall deposit quarterly in the EPF 15 cents per ton of solid waste disposed of in the Phase II North Expansion, which applies to newly-received solid waste and does not include waste deposited from the existing closed landfill site or waste already accounted for in the North Expansion agreement. For its duration, the EPF shall be available to pay for the investigation and remediation of soil and/or groundwater contamination as required by law, caused by the proposed Phase II North Expansion.
- 2) The county agrees to maintain the current Host Community Fund, as identified in the 2005 host agreement for North Expansion, consisting of a maximum of \$25,000 per year to be paid to La Crosse/Onalaska on a 60%/40% basis so that a maximum of \$15,000 is available to the City of La Crosse and \$10,000 is available to the City of Onalaska per year. The monies shall be used for beautification or mitigation of landfill

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effects on public or private properties within line-of-sight ("viewshed") of the landfill. Monies shall be held by the County and shall be paid to the cities upon receipt of bills detailing the work performed within areas affected by the landfill.

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson/G. Padesky to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 29 ayes.

RESOLUTION NO. 5-4/21 RE: APPROVAL OF DEVELOPMENT OF A DOG PARK AT VETERAN'S MEMORIAL PARK

WHEREAS, La Crosse County Facilities Department has been approached by a group of citizen requesting consideration of the addition of a dog park at Veteran's Memorial park; **WHEREAS**, this same group of citizens has indicated that they would raise money and donate the funds required for the installation of fencing and other necessary changes to provide a safe, enclosed area for such a dog park; and, **WHEREAS**, the identified area is in the southeast section of the park; and **WHEREAS**, as long as the plans for the dog park enclosure address any concerns that the Facilities Department has, then the Facilities Department is not opposed to the addition of a dog park enclosure in the identified area; and, **NOW, THEREFORE BE IT RESOLVED**, as long as there is no cost to the County for construction, the La Crosse County Board hereby approves the development of a dog park at Veteran's Memorial Park; **BE IT FURTHER RESOLVED**, that any and all plans and construction must be approved by the La Crosse County Facilities Director. **FISCAL NOTE:** Org 100.165.2035 Parks Management–Dog Park will be set up to account for revenues and expenditures associated with the dog park. Donations and fees will cover all costs, and any excess funds for ongoing maintenance will be reserved at each year end within account 100-34301.018 Committed Fund Balance–Dog Park.

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson/G. Mathu to approve. Discussion ensued. Facilities Director Ryan Westpfahl and Corporation Counsel Megan DeVore responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 29 ayes.

ORDINANCE NO. 186-4/21 TO AMEND SECTION 19.07 OF CHAPTER 19 ENTITLED "PARKS" 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 19.07 is amended to read:

19.07 DOGS AND CATS RESTRICTED. No person having charge or control of any dog or cat shall allow such dog or cat to run at large within a County park, but shall keep such dog or cat under control on a leash at all times.

(a) EXCEPTION. Dogs are permitted to be off-leash within the confines of the fenced area designated as the dog park located at Veteran's Memorial Park.

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

MONICA KRUSE, COUNTY BOARD CHAIR

GINNY DANKMEYER, COUNTY CLERK

PUBLIC WORKS AND INFRASTRUCTURE

Motion by R. Erickson/G. Padesky to waive the rules to act on an ordinance at its first consideration passed on a unanimous voice vote with 29 ayes. Motion by R. Erickson/R. Plesha to approve passed on a unanimous voice vote with 29 ayes.

SUGGESTIONS FOR FUTURE AGENDA TOPICS – none offered.

ADJOURN

Motion by G. Padesky/K. Keil to adjourn at 7:00 PM passed on a unanimous voice vote with 29 ayes.

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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 Reorganizational Meeting held Tuesday, April 20, 2021 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 21 OF APRIL 2021.