

Minutes
Sauk County Board of Supervisors - Regular Meeting
Tuesday, December 20, 2011

West Square Building, 505 Broadway, Room #326, Baraboo, Wisconsin

1. 6:00 p.m., call to order regular meeting.
2. Roll call:
PRESENT: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese.
ABSENT: (0).
3. Certify compliance with Open Meeting Law.
4. Invocation and pledge of allegiance.
5. Adoption of amended agenda: MOVED (Stevens/Tollaksen), to approve amended agenda; move UW EXTENSION, ARTS & CULTURE Resolution 129-2011 Honoring Wormfarm Institute For Innovative And Successful Fermentation Festival And Farm /Art Dtour, October, 2011 to under *Consent Agenda*; and allow Supervisor Borleske to address the Board at the time Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis is brought to the floor. Motion **carried unanimously.**

MOTION (Lehman/Tollaksen), to withdraw LAND CONSERVATION And PLANNING, ZONING AND LAND RECORDS Resolution 121-2011 Regarding American Transmission Company's Application 137CE160 Including A 345 kV Transmission Line Option from the agenda. Motion **carried unanimously.**

MOTION (Halfen/Gaalswyk), to move PLANNING, ZONING AND LAND RECORDS Ordinance 128-2011 (Petition 7-2011) Amending Chapter 7, Zoning Ordinance, Of The Sauk County Code Of Ordinances, To Amend Parts Of Chapter 7 Pertaining To Signs, Including Repealing 7.13(1)(J), to before Resolution 124-2011. Motion **carried.**
6. Approval of minutes of previous meeting of November 15, 2011.: MOVED (Alexander/Gaalswyk), to approve. Motion **carried unanimously.**
7. Scheduled appearances: None.

8. Public comment:

- a. Tom Gillem, La Valle, WI, in opposition to Resolution 121-2011 Regarding American Transmission Company's Application 137CE160 Including A 345 kV Transmission Line Option.
- b. Dianne Hesselbeir, Middleton, WI, representing Dane County; Neil Bainford, Madison, WI, representing AFSCME; and Bill Dagnon, Baraboo, WI, representing Democratic Party of Sauk County; in support of Resolution 119-2011 Authorizing Countywide Referendum Question To Be Placed On The April Ballot.
- c. Scott Frostman, Baraboo, WI, in opposition to Resolution 119-2011 Authorizing Countywide Referendum Question To Be Placed On The April Ballot.
- d. Rita Strutz, La Valle, WI; Ron Churchill, Reedsburg, WI; Robert Johansen, La Valle, WI; Suzanne Strampe, La Valle, WI; and Dale Dorow, Reedsburg, WI; in opposition to Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis.
- e. Beverly Vaillancourt, Town of LaValle Chair, in opposition to Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis; and in opposition to Resolution 121-2011 Regarding American Transmission Company's Application 137CE160 Including A 345 kV Transmission Line Option. (handout on file)
- f. Charles Weeth, La Crosse, WI, representing Citizens For A Scenic Wisconsin, in support of Ordinance 128-2011 (Petition 7-2011) Amending Chapter 7, Zoning Ordinance, Of The Sauk County Code Of Ordinances, To Amend Parts Of Chapter 7 Pertaining To Signs, Including Repealing 7.13(1)(J). (handout on file)

9. Communications:

- a. Letter from Frances Huntley-Cooper, Chair Madison College District Board, regarding thank you to Sauk County for support of Madison College; and information regarding the Madison College tax levy. (on file)
- b. State of Wisconsin Department of Corrections, 2011 Annual Jail Inspection. (on file)
- c. Thank you for sympathy from the family of Drew Martin Brandt. (on file)

10. Bills & referrals: None.

11. Claims: None.

12. Appointments:

Board Of Adjustment, Citizen member replacement:

Nicholas Ladas, S500 Warbler Court, La Valle, (Township of La Valle), to fill unexpired term of Bob Roloff, whose 3 year term expires 06/30/2012.

Health Care Center Board Of Trustees:

Supervisor Joan C. Smoke, 3 year term expires 01/01/2015

Reappointment of citizen member William Higgins, (Baraboo), 3 year term expires 01/01/2015

Veterans Service Commission, reappointment of Harry Schutz, Plain,

3 year term expires 12/31/2014

Workforce Development Board Of South Central Wisconsin, Sauk County Human Services member, 3 year term expires 12/31/2014: William Orth, Director MOVED (Wenzel/Ashford), to approve appointments. VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion **carried unanimously**.

13. Unfinished Business: None.

14. Reports - informational, no action required:

- Rezoning petitions filed with the office of the Sauk County Clerk as a requirement of Wisconsin State Statutes 59.69(5)(e): None.
- Sauk County Conservation, Planning and Zoning Department Director, Brentt P. Michalek; and Brian Cunningham, Zoning & Environmental Specialist: Report on Planning, Zoning and Land Records Committee proposed Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis. (report on file)
- 2011 Wisconsin Counties Association (WCA) Annual Report via video: Postponed to 01/17/2011 Board of Supervisors meeting.
- Supervisor Fordham, Vice-Chair, Executive & Legislative Committee, overview of 12/06/2011 Executive & Legislative Committee meeting.
- Marty Krueger, County Board Chair:
 - A report regarding a meeting with the Ho-Chunk Nation on December 07, 2011 will be presented at the January 17, 2012 Board of Supervisors meeting.
- Kathryn Schauf, Administrative Coordinator:
 - Comprehensive Plan Implementation (report on file)

15. Consent Agenda:

UW EXTENSION, ARTS & CULTURE:

Resolution 129-2011 Honoring Wormfarm Institute For Innovative And Successful Fermentation Festival And Farm /Art Dtour, October, 2011. MOVED (Ashford/Bychinski). Supervisor Ashford with overview. VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion **carried unanimously**.

16. Resolutions & Ordinances:

AGING AND DISABILITY RESOURCE CENTER:

Resolution 117-2011 Authorizing The Aging & Disability Resource Center To Contract For The Provision Of Lunches For The 2012 Nutrition Program. MOVED (Carlson/Murray). VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion **carried unanimously**.

COMMUNICATIONS INFRASTRUCTURE:

Resolution 118–2011 Approving Amended Tower Lease Agreement With Wisconsin Power And Light Company. MOVED (Bychinski/Sinklair). VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion **carried unanimously**.

EXECUTIVE & LEGISLATIVE:

Resolution 119-2011 Authorizing Countywide Referendum Question To Be Placed On The April Ballot. MOVED (Alexander/Sinklair). Supervisors Alexander and Sinklair with overview. Discussion in support of, and in opposition to resolution.

MOTION (Netzing/Lehman), for the previous question (to end discussion). VOTE on motion for the previous question: AYE: (25) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Johnson, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Nobs, Riek, Stehling, Stevens, Tollaksen, Wenzel, and Wiese. NAY: (6) Smoke, Kriegl, Stoeckmann, Murray, Haugen and Sinklair.. ABSENT: (0). Motion for the previous question **carried**.

VOTE on original resolution: AYE: (11) Alexander, Carlson, Gaalswyk, Kriegl, Murray, Riek, Sinklair, Smoke, Stehling, Stoeckmann and Wenzel. NAY: (20) Ashford, Bach, Borleske, Bychinski, Dippel, Fordham, Halfen, Hartje, Haugen, Johnson, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Nobs, Stevens, Tollaksen and Wiese. ABSENT: (0). Resolution **failed**.

FINANCE:

Resolution 120-2011 Approving Commitment and Assignment of Fund Balances.

MOVED (Wenzel/Bychinski). Supervisors Wenzel and Bychinski with overview. Discussion regarding special revenue funds. VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion **carried unanimously**.

WITHDRAWN: LAND CONSERVATION and PLANNING, ZONING AND LAND RECORDS Resolution 121-2011 Regarding American Transmission Company's Application 137CE160 Including A 345 kV Transmission Line Option.

LAW ENFORCEMENT & JUDICIARY:

Resolution 121a-2011 Authorizing Contracting With Criterion Associates To Conduct An Organizational Analysis And Assessment Of The Sauk County Sheriff's Department.

MOVED (Halfen/Sinklair). Supervisors Halfen and Sinklair with overview. Discussion in support of, and in opposition to resolution. VOTE: AYE: (24) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Haugen, Krueger, Lane, Lehman, Lombard, Netzing, Riek, Sinklair, Smoke, Stehling, Stevens, Tollaksen, Wenzel and Wiese. NAY: (7) Kriegl, Meister, Hartje, Stoeckmann, Johnson, Murray and Nobs. ABSENT: (0). Motion **carried**.

Ordinance 122-2011 Approving Fee Schedule For Non-4D (NIVD) Cases By The Sauk County Child Support Agency.

MOVED (Halfen/Stevens). Thomas M. Fandry, Director Sauk County Child Support Agency, with overview. VOTE: AYE: (27) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Nobs, Smoke, Stehling, Stevens, Tollaksen, Wenzel, and Wiese. NAY: (4) Stoeckmann, Murray, Riek and Sinklair. ABSENT: (0). Motion **carried**. Ordinance effective upon passage pursuant to §59.02(2), of the Wisconsin State Statutes, December 20, 2011.

PERSONNEL:

Ordinance 123-2011 Amending Chapter 13, Sauk County Personnel Ordinance To Implement Wisconsin Act 10 Changes.

MOVED (Lane/Meister). Supervisors Lane and Meister with overview. VOTE: AYE: (30) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (1) Sinklair. ABSENT: (0). Motion **carried**. Ordinance effective upon passage pursuant to §59.02(2), of the Wisconsin State Statutes, December 20, 2011.

PLANNING, ZONING AND LAND RECORDS:

Ordinance 128-2011 (Petition 7-2011) Amending Chapter 7, Zoning Ordinance, Of The Sauk County Code Of Ordinances, To Amend Parts Of Chapter 7 Pertaining To Signs, Including Repealing 7.13(1)(J). MOVED (Halfen/Gaalswyk). Supervisors Halfen and Gaalswyk with overview. Discussion regarding the tourism industry in the State of Wisconsin; and opposition to, and support of Ordinance 128-2011.

MOTION (Borleske/Johnson), to postpone Ordinance 128-2011 until the January 17, 2012 Board of Supervisors meeting. Discussion in support of, and in opposition to postponing Ordinance 128-2011.

MOTION (Bach/Bychinski), for the previous question, (to end discussion on motion to postpone). VOTE on motion for the previous question: AYE: (27) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Hartje, Haugen, Johnson, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Smoke, Stehling, Stevens, Tollaksen, Wenzel, and Wiese. NAY: (4) Kriegl, Stoeckmann, Halfen and Sinklair. ABSENT: (0). Motion for the previous question **carried**.

VOTE on motion to postpone Ordinance until the January 17, 2012 Board of Supervisors meeting: AYE: (12) Borleske, Hartje, Haugen, Johnson, Krueger, Lehman, Lombard, Meister, Netzing, Stevens, Stoeckmann, Tollaksen. NAY: (19). Alexander, Ashford, Bach, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Kriegl, Lane, Murray, Nobs, Riek, Sinklair, Smoke, Stehling, Wenzel, and Wiese. ABSENT: (0). Motion to postpone Ordinance **failed**.

MOTION (Alexander/Halfen), to amend Ordinance 128-2011 Chapter 7.34(2), by changing 30% to 40%. VOTE on motion to amend: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion to amend **carried unanimously**.

MOTION (Lehman/Stevens), to amend Ordinance 128-2011 by changing:

- 7.36(f), *Farm Identification* to *Agricultural Identification*; changing 25 Sq. Ft. per sign to 50 sq. ft. per sign; and changing 12 ft. to no height restriction
- 7.38(a), remove *Farm Crop Identification*
- 7.34(3), change 24 hour period to 6 seconds

Discussion regarding sign heights. VOTE on motion to amend Ordinance 128-2011: AYE: (13) Borleske, Hartje, Johnson, Krueger, Lehman, Lombard, Meister, Netzing, Nobs, Stevens, Stoeckmann, Tollaksen and Wiese. NAY: (18) Alexander, Ashford, Bach, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Haugen, Kriegl, Lane, Murray, Riek, Sinklair, Smoke, Stehling and Wenzel. ABSENT: (0). Motion to amend **failed**.

MOTION (Bach/Stevens), to send Ordinance 128-2011 back to the Planning, Zoning and Land Records Committee. Discussion in support of, and in opposition to motion. VOTE on motion to send Ordinance 128-2011 back to the Planning, Zoning and Land Records Committee: AYE: (20) Ashford, Bach, Borleske, Bychinski, Dippel, Fordham, Hartje, Haugen, Johnson, Krueger, Lehman, Lombard, Meister, Netzing, Riek, Smoke, Stevens, Stoeckmann, Tollaksen and Wiese. NAY: (11). Alexander, Carlson, Gaalswyk, Halfen, Kriegl, Lane, Murray, Nobs, Sinklair, Stehling and Wenzel. ABSENT: (0). Motion to return Ordinance 128-2011 to Committee carried.

Resolution 124-2011 Approving Program And Agreement With The State Of Wisconsin Department Of Transportation To Utilize Funds For Various Identified And Approved Conservation Programs Outside The Baraboo Range National Landmark (BRNNL) In Connection With U.S. Highway 12 Improvements. MOVED (Gaalswyk/Ashford). Supervisors Gaalswyk and Ashford with overview. Discussion regarding administration of funds, and identified conservation programs, i.e. easements to stream banks. VOTE: AYE: (27) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (4) Meister, Hartje, Lombard and Stevens. ABSENT: (0). Motion carried.

Resolution 125-2011 Approving An Amendment To The Town Of Merrimac Zoning Ordinance And Zoning District Map For A Rezone From An Agricultural To A Single Family Residential District As Filed By The Town Of Merrimac. MOVED (Ashford/Lehman). Supervisors Ashford and Lehman with overview. VOTE: AYE: (31) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Halfen, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Sinklair, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (0). ABSENT: (0). Motion carried unanimously.

Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis. MOVED (Bychinski/Halfen). Supervisor Borleske addressed the Board in opposition to the Ordinance, and then, due to a possible conflict of interest, recused herself from the Board room for the remainder of time the Ordinance was on the floor. Discussion by remaining Supervisors regarding liability; equalized assessed value; number of properties involved; high hazard dam; floodplain maps; and support of, and opposition to Ordinance 126-2011.

MOVED (Stevens/Hartje), for the previous question, (to end discussion on Ordinance 126-2011). VOTE on motion for the previous question: AYE: (26) Alexander, Ashford, Bach, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Hartje, Haugen, Johnson, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Nobs, Riek, Smoke, Stehling, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. NAY: (4) Kriegl, Murray, Halfen and Sinklair. RECUSED (1) Borleske. ABSENT: (0). Motion for the previous question **carried**.

VOTE on Ordinance 126-2011: AYE: (5) Ashford, Gaalswyk, Halfen, Sinklair and Stehling. NAY: (25) Alexander, Bach, Bychinski, Carlson, Dippel, Fordham, Hartje, Haugen, Johnson, Kriegl, Krueger, Lane, Lehman, Lombard, Meister, Murray, Netzing, Nobs, Riek, Smoke, Stevens, Stoeckmann, Tollaksen, Wenzel, and Wiese. RECUSED (1) Borleske. ABSENT: (0). Ordinance **failed**

Ordinance 127-2011 (Petition 6-2011) Approving The Rezoning Of Lands In The Town Of Baraboo From A Resource Conservancy 35 To A Commercial Zoning District Filed Upon Garry Zellmer, Applicant And Property Owner. MOVED (Tollaksen/Halfen).

MOTION (Halfen/Murray), to postpone Ordinance 127-2011 until a legal opinion from the Federal Highway Administration is obtained. Discussion in support of, and in opposition to motion to postpone. Todd Liebman, Corporation Counsel, with legal opinion regarding questions pertaining to the Sauk County Code of Ordinances Chapter 7, (Sign Ordinance), amendments; and Zellmer rezoning request, Petition 6-2011, (on file).

VOTE on motion to postpone Ordinance 127-2011 until a legal opinion from the Federal Highway Administration is obtained: AYE: (9) Kriegl, Johnson, Murray, Haugen, Nobs, Wiese, Halfen, Wenzel and Stehling. NAY: (22) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Dippel, Fordham, Gaalswyk, Hartje, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Riek, Sinklair, Smoke, Stevens, Stoeckmann, Tollaksen. ABSENT: (0). Motion to postpone **failed**.

VOTE on Ordinance 127-2011: AYE: (25) Alexander, Ashford, Bach, Borleske, Bychinski, Carlson, Fordham, Gaalswyk, Hartje, Haugen, Johnson, Krueger, Lane, Lehman, Lombard, Meister, Netzing, Nobs, Riek, Sinklair, Stehling, Stevens, Stoeckmann, Tollaksen and Wiese. NAY: (6) Smoke, Kriegl, Murray, Dippel, Halfen and Wenzel. ABSENT: (0). Ordinance **carried**. Ordinance effective upon passage pursuant to §59.69(5)(e)(6), of Wisconsin State Statutes, December 20, 2011.

17. Adjournment to a date certain: 11:43 p.m., MOVED (Stevens/Lane) to adjourn until Tuesday, January 17, 2012 @ 6:00 p.m. Motion **carried unanimously**.

Respectfully,

Patricia A. Van Oosten
Lead Deputy Sauk County Clerk

Minutes approved: January 17, 2012

State Of Wisconsin) County of Sauk) I certify that the above is a true and correct copy of the December 20, 2011 Proceedings of the Sauk County Board of Supervisors. /s/ Rebecca A. DeMars, Sauk County Clerk

Original documents & audio mp3 recording on file @ Office of the Sauk County Clerk
West Square Building, 505 Broadway, Room #144, Baraboo, WI 53913
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