

**REGULAR SESSION
JANUARY 25, 2016**

The Trempealeau County Board of Supervisors met in regular session at the Government Center in the City of Whitehall, County of Trempealeau and State of Wisconsin on Monday January 25, 2016 at 07:00 P.M. with Chair Richard Miller presiding. The Pledge of Allegiance to the Flag of the United States of America was recited.

Call

Dear Supervisor,

Please be advised that the Trempealeau County Board of Supervisors will meet at 07:00 P.M. on January 25, 2016 in the County Board Room. All County Board Member's claims are due in the County Clerk's office by Noon on January 6, 2016, so they can be prepared for Audit Committee approval.

Sincerely,
/s/ Paul L. Syverson
County Clerk

Clerk Syverson read the call.

Roll was called. A quorum was met with 16 supervisors in attendance. Supervisor Rob Reichwein was absent.

Chair Miller announced the open meeting law requirements have been complied with through postings and notifications to the members and media.

ADOPTION OF THE AGENDA: It was moved by Jeanne Nutter and seconded by Michael Nelson to adopt the 11 item agenda. Motion carried unanimously by vote of 16 acclamation to approve.

APPROVAL OF DECEMBER REGULAR SESSION MINUTES: It was moved by John Aasen and seconded by Douglas Winters to approve the minutes. Motion carried unanimously by a vote of acclamation to approve.

APPEARANCES:

YEARLY UPDATE-SHERIFF RICH ANDERSON: Sheriff Anderson reported the jail population and accident date for the year 2015. There were 894 bookings with 682 males and 212 females. The booking race consisted of 674 White, 42 Black, 152 Hispanic, 9 Asian, and 17 Native Americans. The average daily in-county population was 23.44 and the average out-of-county population was 3.23. Electronic monitoring averaged out to 5.71 for the year. This year they had 521 deer/vehicle crashes, 245 property damage, 80 personal injury, and 8 fatalities.

LAND CONSERVATION SPEAKER WINNERS/POSTER WINNERS: Kevin Lien spoke to the board about the Poster winners. There were 111 poster entries. Two guest speakers' winners present and gave presentation to the Board.

RAY ANDERSON-LAKE MARINUKA LAKE DISTRICT: Mr. Anderson spoke to the Board and answered questions that they had.

RESOLUTION 2016-01-01 REZONE COMMERCIAL (C) TO RURAL RESIDENTIAL (RR)-PUTZ LLC-TN. TREMPEALEAU: ORDINANCE FOR THE REZONE OF LAND IN TOWN OF TREMPEALEAU

WHEREAS, Putz LLC, Property owner, in the Town of Trempealeau has requested the rezone of a parcel of land, and

WHEREAS, the rezone is on approximately one half (1/2) acre more or less, and

WHEREAS, a public hearing was held pursuant to Section 59.69 (5) of Wisconsin Statutes, and

WHEREAS, the Town of Trempealeau supports the rezone request, and

WHEREAS, the Environment and Land Use Committee moved to rezone this parcel from Commercial (C) to Rural Residential (RR) and it appears that the zoning change request is appropriate under the circumstances,

THEREFORE BE IT RESOLVED that the County adopt the attached Ordinance amending the zoning district boundaries as indicated.

Dated this 25th day of January, 2016, at Whitehall, Wisconsin.

Respectfully Submitted,

/s/ George Brandt

/s/ Curtis Skoyen

/s/ Michael Nelson

/s/ Kathy Zeglin

/s/ Wade Britzius

/s/ Jon Schultz

ENVIRONMENT AND LAND USE COMMITTEE

Clerk Syverson read the resolution. It was moved by George Brandt and seconded by Olin Fimreite to adopt the resolution. Roll call was taken; motion carried 16 yes votes, resolution adopted.

RESOLUTION 2016-01-02 AMEND COMMISSION ON AGING ORDINANCE AND DESIGNATE DEPARTMENT OF HUMAN SERVICES AS COUNTY’S ELDER-ADULT-AT-RISK AND ADULT –AT-RISK AGENCY: Amend Commission on Aging Ordinance and Designate the Department of Human Services as the County’s Elder-Adult-At-Risk and Adult-At-Risk Agency

WHEREAS, the County adopted a Commission on Aging Ordinance in February, 1974, which was amended in May of 1979 to create the Trempealeau County Agency on Aging, and was later amended in 1993 and 1998, and

WHEREAS, the County is presently reviewing all of its ordinances in an effort to develop a code book of ordinances, and upon review of the Commission on Aging Ordinance, it was discovered that some of the terminology needed updating and the ordinance needed to be updated to reflect the current structure utilized by Trempealeau County, and

WHEREAS, the Wisconsin Statutes require that a county formally designate an Elder-Adult-At-Risk and Adult-At-Risk Agency to fulfill statutory duties and obligations, and

WHEREAS, the County desires to formally designate the Human Services Department to be the Elder-Adult-At-Risk and Adult-At-Risk agency.

THEREFORE, BE IT RESOLVED that the Trempealeau County Board of Supervisors hereby adopts the attached Ordinance, which creates section 12.01 regarding designation of the Elder-Adult-At-Risk and Adult-At-Risk Agency and section 12.02 amends and replaces the former Commission on Aging ordinance originally adopted in February, 1974, as amended through the years.

Dated at Whitehall, Wisconsin, this 25th day of January, 2016.

Respectfully submitted,

HUMAN SERVICES BOARD

/s/ Curtis Skoyen

/s/ Karen Sepich

/s/ Wade Britzius

/s/ Richard Frey

/s/ Jeanne Nutter

/s/ Dora Jean Blaha

/s/ Diane Schroeder

Clerk Syverson read the resolution. It was moved by Curtis Skoyen and seconded by Ernest Vold to adopt the resolution. Roll call was taken; motion carried 16 yes votes, resolution adopted.

RESOLUTION 2016-01-03 ADDITIONAL PUBLIC HEALTH FUNDS:

TREMPEALEAU COUNTY HEALTH DEPARTMENT

Additional Public Health Funds

WHEREAS, the Health Department’s approved 2016 budget did not provide for increases in anticipated revenues in funding for existing programs, and

WHEREAS, these additional funds generate additional expenditures not budgeted for, and

WHEREAS, these additional funds will not require additional county appropriations, and

WHEREAS, the Health Department received a Radon Grant resulting in the following additional revenue and expenditures, and

WHEREAS, in order to educate the citizens of Trempealeau County in the harmful effects of Radon in their living environment, provide test kits for monitoring and obtaining results and maintaining a database.

Account Number	Account Name	Revenue	Expense
201. 43607	GRANT – Radon	\$ 3,500.00	
201.54122.111	Wages		\$ 2398.66
201.54122.151	Social Security		\$ 148.72
201.54122.152	Retirement		\$ 160.71
201.54122.153	Medicare		\$ 34.78
201.54122.225	Telephone		\$ 100.00
201.54122.310	Office Supplies		\$ 557.13
201.54122.339	Mileage		\$ 100.00

NOW THEREFORE, BE IT RESOLVED, that the aforementioned revenues to be added to the anticipated revenue account and budget expenditure account as shown.

Dated at Whitehall, Wisconsin this 25th day of January 2016

Respectfully submitted,

/s/ George Brandt

/s/ Tim Zeglin

/s/ Dr. Wm Baxa

/s/ Sally Miller

/s/ Wade Britzius

/s/ Charles Walek

/s/ Pamela Nelson

BOARD OF HEALTH COMMITTEE

Clerk Syverson read the resolution. It was moved by Charles Walek and seconded by George Brandt to adopt the resolution. Roll call was taken; motion carried 16 yes votes, resolution adopted.

RESOLUTION 2016-01-04 OPPOSITION OF AB 582/SB 464:

Opposition of AB 582/SB 464 as Originally Introduced in December, 2015

WHEREAS, Assembly Bill 582 and Senate Bill 464, relates to government actions affecting rights to real property; the regulation of shoreland zoning; the substitution of hearing examiners in contested cases; and the property tax treatment of unoccupied property, and

WHEREAS, in regards to property rights, the bill requires a political subdivision to provide written notice to a landowner that potential action by the political subdivision may affect the allowable use of the landowner's property. The bill also requires counties and towns to provide such notice if a proposed zoning ordinance will affect the size or density requirements of a landowner's property, and also prohibits a county from enacting a development moratorium, and

WHEREAS, under the bill's vested rights provisions, if a project requires an approval from a state agency and a political subdivision, the existing requirements applicable at the time of filing the first application, whether filed with the state agency or political subdivision, are applicable to all subsequent approvals required for the project, and

WHEREAS, under the bill's shoreland zoning provisions, the bill expands prohibitions to a structure of which any part is legally located in the shoreland setback area only by operation of a variance. Under the bill, neither DNR nor a county shoreland zoning ordinance may prohibit the owner of a boathouse with a flat roof from using the roof as a deck if the roof has no side walls or screens or from having or installing a railing around the roof that is consistent with Department of Safety and Professional Services standards. This bill provides that a shoreland zoning standard or ordinance may not prohibit placement of a device or system that retains runoff in a shoreland setback area, and

WHEREAS, the bill also requires a court to resolve any ambiguity in a matter involving a zoning ordinance or shoreland zoning ordinance in favor of the free use of private property, and

WHEREAS, this bill defines, for property tax purposes, "undeveloped land" to include land that is platted and zoned for residential, commercial, or manufacturing use until such time that a permit is issued for constructing a building or other structure on the land. The bill provides that such land be assessed at its unimproved value, and

WHEREAS, if passed by the State Legislature, this bill would likely significantly limit local regulation of land use and negatively impact the ability of Trempealeau County and its communities, and

WHEREAS, it also would be anticipated to incentivize development and will likely undermine the farmland preservation component of use value taxation. The bill provides financial incentives to develop land that is held in conservation easements or is deliberately undeveloped, and

WHEREAS, the bill shifts property tax burdens onto residential property owners by exempting developers from paying their reasonable share of taxes for land they own, and

WHEREAS, AB 582 bill is written so broadly that a permit approved in one part of the state could affect land owned by the same company in another part of the state.

WHEREAS, the bill also gives “vesting rights” retroactively. The vested rights doctrine is the rule of [zoning](#) law by which an owner or developer is entitled to proceed in accordance with the prior zoning provision where there has been a substantial change of position, expenditures, or incurrence of obligations made in good faith by an innocent party under a [building permit](#) or in reliance upon the probability of its issuance. If the bill is passed into law, the new law would apply to any project that has not yet been finally approved by the municipality by the time the bill passes and

WHEREAS, the bill also provides that any deadline set by the political subdivision for approving a permit application must be extended so that it coincides with the period in which other related applications are being decided on, including the duration of any proceedings contesting the approval of such applications, which would likely affect pending court cases, and

WHEREAS, a consequence of the bill would likely be the creation of a race between a developer, builder or contractor against a local community, if the developer can get the project started before the local community takes final action.

WHEREAS, other parts of the bill stop a county from imposing a development moratorium while a comprehensive zoning amendment is thoroughly studied and considered. Moratoriums are a vital tool often used by counties to provide time to determine appropriate policies and procedures before a new industry has moved in and it's too late, and

WHEREAS, AB 582 also prevents a comprehensive plan from being used to prohibit conditional uses. Comprehensive plans are created to be used as guides for decision making, and are meant to provide advice on any number of community issues. This bill would prevent a municipality from looking to its plan as a guide in prohibiting a conditional use, and

THEREFORE, BE IT RESOLVED that the Trempealeau County Board of Supervisors hereby opposes, AB 582/SB 464 and further resolves to oppose any state legislation that would limit local governments' ability to create new zoning laws, place bans on moratoria, or increase tax burdens on residential property owners by exempting developers from paying their reasonable portion for their land.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Walker, State Senators Kathleen Vinehout and Terry Moulton, State Representatives Kathleen Bernier and Chris Danou, Adam Jarchow, the Wisconsin Counties Association, and the Wisconsin Towns Association.

Dated at Whitehall this 25th day of January, 2016.

Michael Nelson	\$140.00	\$40.25	\$180.25
Jeanne Nutter	\$105.00	\$48.30	\$153.30
Robert Reichwein	\$0.00	\$0.00	\$0.00
Jon Schultz (3 months)	\$280.00	\$205.31	\$485.31
Curtis Skoyen	\$140.00	\$59.24	\$199.24
Ernest Vold	\$140.00	\$121.33	\$261.33
Chuck Walek	\$175.00	\$34.52	\$209.52
Douglas Winters	\$105.00	\$101.20	\$206.20
Timothy Zeglin	<u>\$175.00</u>	<u>\$73.60</u>	<u>\$248.60</u>
TOTALS	\$2,310.00	\$1,183.28	\$3,493.28

Dated at Whitehall, Wisconsin, this 25th day of January, 2016

Respectfully
submitted,

/s/Jeanne Nutter

/s/ Dick Miller

/s/ Tim Zeglin

Audit Committee

Clerk Syverson read the resolution. It was moved by Jeanne Nutter and seconded by Olin Fimreite to adopt the resolution. Roll call vote taken; motion carried with 16 yes votes; resolution adopted.

ANNOUNCEMENTS/ELCTIONS/APPOINTMENTS:

A: Appointments to Aging and Disability Resources Center Advisory Council; Clerk Syverson read the letter. It was moved by Olin Fimreite to reappoint William Suttie and Judy Hawkiness and seconded by Ernest Vold to approve the committee members. Motion carried unanimously by vote of Acclamation.

COMMITTEE REPORTS: BUDGET UPDATE: Reports are all on your desks.

CORRESPONDENCE: None

CLOSING: It was moved by Richard Frey and seconded by Michael Nelson to instruct the Clerk to pay mileage and per diem; roll call vote; motion carried with 16 yes votes.

ADJOURNMENT: Chair Miller declared the meeting adjournment at 8:25 P.M. until February 22, 2016 at 7:00 P.M.

Recording Secretary,
Sherri Maug