

AGENDA

JEFFERSON COUNTY BOARD MEETING

July 12, 2016 7:00 p.m.

**Jefferson County Courthouse
311 S. Center Avenue, Room 205
Jefferson, WI 53549**

1. **CALL TO ORDER**
 2. **ROLL CALL BY COUNTY CLERK**
 3. **PLEDGE OF ALLEGIANCE**
 4. **CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW**
 5. **APPROVAL OF THE AGENDA**
 6. **APPROVAL OF JUNE 14, 2016 MEETING MINUTES**
 7. **PUBLIC COMMENT** (Agenda Items)
 8. **COMMUNICATIONS**
 - a. Treasurer's Monthly Report (Addendum to Agenda)
 - b. Retirement Recognitions
 - c. Zoning Committee – Notice of Public Hearing, July 21, 2016 (Page 1-2)
 9. **ANNUAL REPORTS**
 - a. Child Support – Stacey Jensen
 - b. Emergency Management – Donna Haugom
 - c. Presiding Judge – Randy Koschnick
 - d. Sheriff's Office – Paul Milbrath
 - e. Veterans' Service – Yvonne Duesterhoeft
- COMMITTEE REPORTS / RESOLUTIONS / ORDINANCES**
10. **HUMAN RESOURCES COMMITTEE**
 - a. Resolution - Creating a full-time Intake/On Call Worker position and eliminating a full-time Child Protective Services Ongoing Professional I position at Human Services (Page 3-4)
 11. **INFRASTRUCTURE COMMITTEE**
 - a. Resolution – Accepting bid for Hillside Window Replacement (Page 5)
 12. **PARKS COMMITTEE**
 - a. Resolution – Designating the Glacial Drumlin Trail through Jefferson County as part of United States Bike Route 30 (Page 6-7)
 13. **PLANNING AND ZONING COMMITTEE**
 - a. Report – Approval of Petitions (Page 8)
 - b. Ordinance – Amend Zoning Ordinance (Page 9-12)
 14. **COUNTY ADMINISTRATOR**
 - a. Resolution – Concerning the Proposed Great Lakes Basin Transportation, Inc. Rail Project (Page 13-29)
 15. **PUBLIC COMMENT** (General)
 16. **ANNOUNCEMENTS**
 17. **ADJOURN**

**NEXT COUNTY BOARD MEETING
AUGUST 8, 2016 – 7:00 P.M. - ROOM 205**

**NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

DATE: Thursday, July 21, 2016

TIME: 7:00 p.m. (*Courthouse doors will open at 6:30*)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

1. **Call to Order**
2. **Roll Call**
3. **Certification of Compliance with Open Meetings Law Requirements**
4. **Approval of Agenda**
5. **Explanation of Public Hearing Process by Committee Chair**
6. **Public Hearing**

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, July 21, 2016, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL
RESIDENTIAL**

R3909A-16 – Stephen Peirick & Mary Burr-Peirick: Create a 2.2-acre lot around the existing home at **N9006 Branch Rd**, and a 1.3-acre vacant lot adjacent to it. The site is part of PIN 012-0816-1231-001 (5 Acres) in the Town of Ixonia.

SUBDIVISION REPLAT

R3910A-16 – Kory Anderson: Request for a replat of Shorewood Hills Phase 3 in order to create outlots meeting DNR stormwater regulations. This involves lots on **Polo Lane and Bridle Path** in the Town of Lake Mills.

REVOCATION OF CONDITIONAL USE PERMIT

CU1756-13 – Notbohm Trust: Revoke Conditional Use CU1756-13 (per Sec. 11.05 a.7 of the Jefferson County Zoning Ordinance) issued to Grade Tech Pavers, c/o David Schmied for mineral extraction on the Notbohm Trust/Charles Notbohm Trust property, due to both non-compliance with conditions of approval and revocation of the NR135 reclamation permit by the Land and Water Conservation Department on March 4, 2016. The original approval was for PINs 018-0713-3441-000 and 018-0713-3532-000 on **Nelson Lane** in the Town of Lake Mills.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

A recording of the meeting will be available from the Zoning Department upon request.

Further information about Zoning can be found at www.jeffersoncountywi.gov

RESOLUTION NO. 2016 - _____**Creating a full-time Intake/OnCall Worker position and eliminating a full-time Child Protective Services Ongoing Professional I position at Human Services**Executive Summary

The Intake/OnCall Worker position provides diagnosis, assessment, case planning, treatment, protection and case management services to child and/or adult clients including, but not limited to, persons with developmental disabilities, mentally ill (Emergency Mental Health), chronically mentally ill, alcohol and other drug abusers, criminals, delinquents and status offenders, physically disabled, children in need of protection or services, and the elderly. This position also serves as the access point for interventions and services from Human Services. The Human Services Director is requesting the creation of an Intake/OnCall Worker position to specifically function in the Child Protection and Juvenile Justice areas, providing initial screening, treatment and referrals to children and juveniles in crisis.

In addition, the Human Services Director is requesting the elimination of a vacant, full-time Child Protective Services Ongoing Professional I (CPSOP I) position. The newly created Intake/OnCall Worker position will provide many of the same services as the CPSOP, but will also provide additional initial assessment duties necessary to support the increasing number of children and juveniles facing emergency situations.

On Tuesday, June 21, 2016, the Human Resources Committee met to discuss the request of the Human Services Director. In consideration of the increasing number of children and juveniles in Jefferson County that are struggling with mental health and other crisis issues and the significant impact it has to the children, family and community, the Human Resources Committee is recommending the creation of a full-time Intake/OnCall Worker position and the elimination of a vacant, full-time CPSOP I position.

WHEREAS, the Executive Summary is hereby incorporated by reference into this resolution, and

WHEREAS, in 2015 there were 586 initial assessments for child protection reports performed by four Intake/OnCall workers, the highest in the state, and

WHEREAS, the workload has significantly decreased for the Child Protective Services Ongoing Professional I (CPSOP I) position largely due to restructuring of work done by Intake/OnCall workers at the time of initial assessments, and

WHEREAS, the Human Services Director is requesting the creation of one full-time Intake/OnCall Worker position and the elimination of one vacant, full-time CPSOP I position to address the needs of these children and juveniles, and

WHEREAS, the Human Resources Committee recommends the creation of one full-time Intake/OnCall Worker position and the elimination of one vacant, full-time CPSOP I position effective immediately upon passage.

NOW, THEREFORE, BE IT RESOLVED that the creation of one full-time Intake/OnCall Worker position and the elimination of one vacant, full-time CPSOP I position at Human Services is authorized and the 2016 County Budget setting forth position allocations in the Human Services Department is hereby amended.




Fiscal Note: The eliminated CPSOP I position is fully funded in the 2016 budget with \$51,570 in wages and \$26,340 in fringe benefits. The newly created Intake/OnCall Worker position also has an annual cost of \$51,570 in wages and \$26,340 in fringe benefits. Therefore, there is no fiscal impact. As a budget amendment, 20 affirmative votes are required for passage.

Ayes_____ Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Human Resources Committee

07-12-16

Terri M. Palm: 06-14-16; J. Blair Ward: 06-21-16

REVIEWED: Administrator ; Corp. Counsel ; Finance Director 

RESOLUTION NO. 2016-_____

Accepting bid for Hillside Window Replacement

Executive Summary

The Hillside building on the grounds of Human Services serves a vital role to Jefferson County serving as the site for the Comprehensive Community Services program (CCS), outpatient mental health clinic, Children's Long term Support (CLTS) program, Emergency Mental Health (EMH) team and the Coordinated Services staff. Due to the age of the building, installing new energy efficient windows will return a cost savings to the County with decreased energy costs. In addition, this update will create an evacuation route and eliminate the existing safety risks that the current windows pose to staff at Human Services. The replacement of the outdated inefficient windows with new energy efficient windows will keep the Hillside building functional and efficient which is a vital piece to the overall Human Services facilities plan. The bid of \$45,800 from Jefferson Glass was determined to be the lowest responsible bid by the Human Service Board at its June meeting and the Infrastructure Committee at its July meeting and both bodies recommend that the County Board accept this bid.

WHEREAS, the Executive Summary is hereby incorporated by reference into this resolution, and

WHEREAS, Hillside building serves Jefferson County as office space for the Comprehensive Community Services program (CCS), outpatient mental health clinic, Children's Long term Support (CLTS) program, the Emergency Mental Health (EMH) team, Coordinated Services staff, Wrap Around, Project Yes, and Headstart, and

WHEREAS, the original windows are inefficient and pose a safety concern for evacuation, and

WHEREAS, installing new windows will decrease utility bills and allow access for evacuation, and

WHEREAS, the following bids were received:

Lueck's, Inc., Oshkosh, WI	\$54,180
Softer Lite, Milwaukee/Chicago	\$53,435
Baker Glass, Fort Atkinson, WI	\$46,760
Jefferson Glass, Jefferson, WI	\$45,800

WHEREAS, the Human Services Board and Infrastructure Committee have reviewed all bids and are recommending accepting the lowest responsible bid from Jefferson Glass, Jefferson, Wisconsin, in the amount of \$45,800.

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to execute a contract for Window Replacement with Jefferson Glass, Jefferson, Wisconsin, as the lowest responsible bidder in an amount not to exceed \$45,800.




Fiscal Note: The project funding is included in the 2016 Human Services budget.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by Human Services Board and
Infrastructure Committee

07-12-16

Brent Ruehlw: 06-30-16; J. Blair Ward & Barb Frank: 07-05-16

REVIEWED: Administrator , Corp. Counsel ; Finance Director 

RESOLUTION NO. 2016-__

Designating the Glacial Drumlin Trail through Jefferson County as part of United States Bike Route 30

Executive Summary

Bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists. The American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor crossing central Wisconsin to be developed as United States Bike Route 30 (USBR 30), with a section of this corridor using the Glacial Drumlin Trail through Jefferson County. The Jefferson County Parks Committee and Highway Committee have reviewed the proposed route and found it to be suitable for its intended purpose and request that the route be designated as United States Bike Route 30.

WHEREAS, bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists, and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor crossing central Wisconsin to be developed as United States Bike Route 30 (USBR 30), and

WHEREAS, WisDOT, the Wisconsin Bike Federation, and the Adventure Cycling Association have proposed a specific route to be designated as USBR 30, a map of which is herein incorporated into this resolution by reference, and

WHEREAS, the proposed route for USBR 30 comes through Jefferson County and can therefore provide a benefit to residents and businesses, and

WHEREAS, the proposed route for USBR 30 through Jefferson County uses the Glacial Drumlin Trail including sections of east Junction Road and County Highway Y, and

Whereas, Jefferson County Parks Committee and Highway Committee have reviewed the proposed route and found it to be suitable for its intended purpose and request that the route be designated as United States Bike Route 30.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby expresses its approval and support for the development of United States Bike Route 30, and requests that the appropriate officials ensure that the route is formally designated by the American Association of State Highway and Transportation Officials as soon as this can be achieved, and further authorizes the posting of signs within Jefferson County right-of-way identifying the route through the community once the formal designation has been made.

Fiscal Note: This resolution will have no fiscal impact.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by
Parks Committee

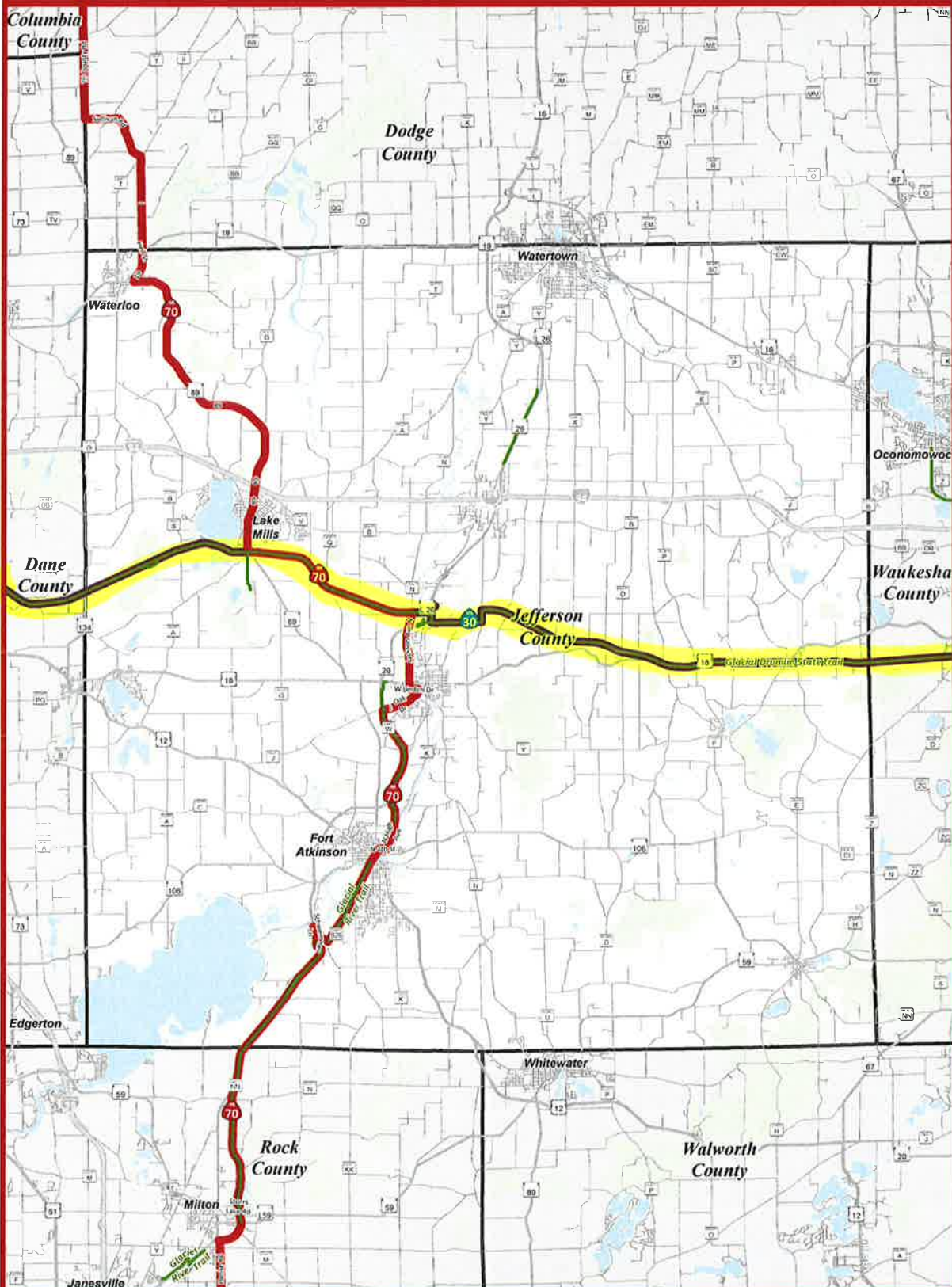
07-12-16

J. Blair Ward: 06-23-16

REVIEWED: Administrator [Signature]; Corp. Counsel [Signature]; Finance Director [Signature]

Wisconsin Bikeways Project DRAFT Route Alignments

Jefferson County



Legend

Existing Trails/Routes

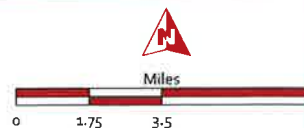
- Trail not recommended for bicycling
- Trail recommended for bicycling
- U.S. Bicycle Route in adjoining state

Draft Bicycle Route Alignments

- U.S. Bicycle Route - Proposed
- Wisconsin State Bicycle Route - Proposed
- Connecting Route
- USBR 30 - Proposed as separate project

Note: A more detailed, scalable map is available online: http://wikimapping.net/wikimap/WI_Bikeways2.html

Note: Not all items displayed in the legend will appear on individual county maps.



**REPORT
TO THE HONORABLE MEMBERS OF THE JEFFERSON COUNTY BOARD OF
SUPERVISORS**

The Jefferson County Planning and Zoning Committee, having considered petitions to amend the official zoning map of Jefferson County, filed for public hearing held on June 16, 2016, as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town boards and persons in the areas affected, hereby makes the following recommendations:

**APPROVAL OF PETITIONS R3890A-16, R3891A-16, R3892A-16, R3893A-16,
R3894A-16, R3895A-16, R3896A-16, R3897A-16, R3898A-16, R3899A-16,
R3900A-16, R3901A-16, R3902A-16, R3903A-16, R3904A-16, R3905A-16, R3906A-16,
R3907A-16 and R3908A-16**

DATED THIS 27th DAY OF JUNE, 2016

Donald Reese, Secretary

**THE PRIOR MONTH'S AMENDMENTS R3879A-16, R3880A-16, R3881A-16,
R3882A-16, R3883A-16, R3884A-16, R3885A-16, R3886A-16, R3887A-16, R3888A-16,
AND R3889A-16 ARE EFFECTIVE UPON PASSAGE BY COUNTY BOARD, SUBJECT
TO WIS. STATS. 59.69(5).**

ORDINANCE NO. 2016-__**Amend Zoning Ordinance**

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the official zoning map of Jefferson County, and

WHEREAS, Petitions R3890A-16, R3891A-16, R3892A-16, R3893A-16, R3894A-16, R3895A-16, R3896A-16, R3897A-16, R3898A-16, R3899A-16, R3900A-16, R3901A-16, R3902A-16, R3903A-16, R3904A-16, R3905A-16, R3906A-16, R3907A-16 and R3908A-16 were referred to the Jefferson County Planning and Zoning Committee for public hearing on June 16, 2016, and

WHEREAS, the proposed amendments have been given due consideration by the Board of Supervisors in open session,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/ RURAL
RESIDENTIAL**

Create a 3.5-acre farm consolidation lot around the home at **N5296 Popp Road** in the Town of Aztalan, and a 6-acre vacant lot combination to the east, both from PIN 002-0714-2844-000 (39.75 acres). This action is conditioned upon road access approval and suitable soil test for the vacant lot, and for approval and recording of a final certified survey map, including extraterritorial plat review if necessary. This utilizes the last available A-3 zone for the property; therefore rezoning is also conditioned upon recording of an affidavit acknowledging that fact. R3890A-16 – Robert Wagner/Jane Wagner property

Create a 4-acre lot combination at **W5140 Gillis Road** in the Town of Koshkonong from PIN 016-0514-1331-000 (40 acres). This utilizes the last available A-3 zone for the property; therefore rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is also conditioned upon road access approval, upon receipt of suitable soil test, upon approval and recording of a final certified map including extraterritorial plat review, if necessary. No development is allowed on slopes exceeding 20%. R3891A-16 – Kathy Pope-Hookstead/Dark Acres Farm property

Rezone 1.25 acres around the home at **W8295 Cemetery Road** in the Town of Lake Mills from PIN 018-0713-0313-000 (23.5 acres). Approval is conditioned upon approval and recording of the final certified survey map including extraterritorial plat review, if necessary. R3892A-16 – Sharilyn DeGolier

Create a 3-acre A-3 zone at **W8756 Alley Road** in the Town of Lake Mills to allow for new home construction on PIN 018-0713-2134-000 (3 acres). The structure permitted as a garage must be converted back to a garage, and the new home must be served by a code-compliant private on-site waste treatment system. Inspection shall take place prior to issuance of a Zoning and Land Use Permit for the house. R3893A-16 – Jay Lewellin

Create a 1-acre building site on **Raether Road** and PIN 018-0713-0622-000 (32.07 acres) in the Town of Lake Mills. This utilizes the last available A-3 zone for the property; therefore, rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval, receipt by Zoning of a suitable soil test, approval and recording of a final certified survey map for the lot. The area where the former Town road existed shall be transferred to this owner. There shall be no development on slopes exceeding 20%. R3894A-16 – Steve Saniter/Rachel Raether LE property

Rezone 1 acre of PIN 020-0714-0321-000 (54 acres) for a new building site near **W5962 Church Road** in the Town of Milford. This is considered a consolidation of parcels of record, and is conditioned upon road access approval, receipt by Zoning of a suitable soil test and receipt and recording of a final certified survey map for the lot. R3895A-16 – Todd & Leeann Duwe/Duwe Farms LLC property.

Rezone 1.01 acres of PIN 020-0814-3241-001 (23 acres) in the Town of Milford at **W6543 Vandre Road**. This is conditioned upon approval and recording of the final certified survey map for the lot. R3896A-16 – Trisha & Erik Miller/Joel & Gayle Medenwaldt property

Create two, 2-acre lots on **US Highway 12** in the Town of Oakland from part of PIN 022-0613-1812-000 (15.81 acres). This is conditioned upon road access approval by the DOT, utilizing the approved variance. It uses the last available lot for the property, and is conditioned upon recording of an affidavit acknowledging that fact. Further, approval is conditioned upon receipt by Zoning of a suitable soil test and final certified survey map including extraterritorial plat review, if necessary. A Town signature line shall be included on the map. R3897A-16 – Nancy Hook

Create a 1.33-acre building site from PIN 028-0513-0123-000 (39 acres) in the Town of Sumner on **Schwemmer Road**. This is conditioned upon road access approval, receipt by Zoning of a suitable soil test and approval and recording of a final certified survey map including extraterritorial plat review, if necessary. R3898A-16 – Lindsay Jilek/Franz & Vicki Weigand property:

Rezone 1.68 acres of PIN 002-0714-2032-000 (35.254 acres) on **Harvey Road** for a new residential building site in the Town of Aztalan. This utilizes the last available A-3 zone for the property; rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is also conditioned upon road access approval, receipt of a suitable soil test, and upon approval and recording of a final certified survey map for the lot including extraterritorial plat review, if necessary. R3899A-16 – Leo & Lisa Kucek/Ardis Eilenfeldt Trust property

FROM A-2, AGRICULTURAL & RURAL BUSINESS AND A-3 TO A-1, EXCLUSIVE AGRICULTURAL

R3900A-16 – Leo & Lisa Kucek/Debbie Reece Trust property: Negate previous approvals for an A-2 zone (R3658A-13) and an A-3 zone (R3659A-13) on **Harvey Road** in the Town of Aztalan on PIN 002-0714-2032-002 (1.735 acres) to allow for new A-3 lot creation. This is conditioned upon action to override the previously submitted certified survey map. R3899A-16 – Leo & Lisa Kucek/Ardis Eilenfeldt Trust property

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL & RURAL BUSINESS

Rezone to create a 1.5-acre A-2 zone adjacent to **N5983 Hillside Drive** in the Town of Concord from PIN 006-0716-1914-000 (93.4 acres). This is conditioned upon road access approval, receipt of suitable soil test only if the proposed structure will have water service, and approval and recording of a final certified survey map for the lot. There shall be a note on the final map that the A-2 zone and adjacent A-1 zone shall not be sold separately unless access requirements of the Jefferson County Zoning Ordinance are met. R3901A-16 – Joel Kleefisch/Donald & Bonnie Lott property

FROM A-1 TO A-3

Rezone to create a 5-acre lot around the home at **N5983 Hillside Drive** and two, 3-acre building sites nearby from PIN 006-0716-1914-000 (93.4 acres) in the Town of Concord. This uses the last available A-3 zone for the property; therefore rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval, receipt by Zoning of a suitable soil test and approval and recording of a final certified survey map for the lots. R3902A-16 – Joel Kleefisch/Donald & Bonnie Lott property

FROM A-3 TO A-1

Rezone to negate a previous A-3 zone approval, R3664A-13, to allow request for creation of new building sites on PIN 006-0716-1914-000 (93.4 acres) on **Hillside Drive** in the Town of Concord. The affidavit previously created for this property shall be updated and recorded. R3903A-16 – Donald & Bonnie Lott property

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

Redefine the A-2 zone near **N1730 Kelln Lane** in the Town of Palmyra on PIN 024-0516-1033-000 (39 acres). Approval is conditioned upon road access approval for the lot, receipt of a suitable soil test only if water service to the buildings is proposed and approval and recording of a final certified survey map including extraterritorial plat review, if necessary. R3904A-16 – John & Brenda Soden/Charles Soden Trust property

FROM A-1 TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

Rezone to create a 1.4-acre lot around the home at **N1730 Kelln Lane** in the Town of Palmyra from PIN 024-0516-1033-000 (39 acres). This action is conditioned upon approval and recording of the final certified survey map including extraterritorial plat review, if necessary. R3905A-16 – John & Brenda Soden/Charles Soden Trust property

FROM A-1 TO N, NATURAL RESOURCES

Create an 8.9-acre Natural Resource zone north of **N1730 Kelln Lane** from part of PIN 024-0516-1033-000 (39 acres) in the Town of Palmyra. Approval is conditioned upon receipt and recording of a final certified survey map for the lot including extraterritorial plat review, if necessary. The property may only be transferred to an adjoining owner. R3906A-16 – John & Brenda Soden/Charles Soden Trust property

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL//RURAL RESIDENTIAL

Rezone to create a 2-acre lot around the buildings at **N8331 County Road X** in the Town of Watertown from part of PIN 032-0815-2114-001 (24 acres). This is conditioned upon approval and recording of a final certified survey map including extraterritorial plat review, if necessary. R3907A-16 – Scott & Connie Vinz

FROM A-1 TO N, NATURAL RESOURCES

Rezone to create a 2.6-acre Natural Resource zone near **N8331 County Road X** from part of PIN 032-0815-2114-001 (24 acres) in the Town of Watertown. Rezoning is conditioned upon road access approval and approval and recording of a final certified survey map including extraterritorial plat review, if necessary. R3908A-16 – Scott & Connie Vinz

The above rezonings shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date.

Ayes_____ Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Planning & Zoning Committee

07-12-16

Deb Magritz: 07-05-16

REVIEWED: Administrator ; Corp. Counsel ; Finance Director 

RESOLUTION NO. 2016-__**Resolution Concerning the Proposed Great Lakes Basin Transportation, Inc. Rail Project**Executive Summary

Currently before the Surface Transportation Board (STB) is a request from Great Lakes Basin Transportation, Inc. for the authority to construct a rail line in Indiana, Illinois and Wisconsin. As part of this process, the STB is taking public comment on the draft Environmental Impact Statement (EIS) which is due on July 15th. The primary purpose for this project request from Great Lakes Basin Transportation, Inc., (GLBT) is to assist in rail congestion within the Midwest, specifically the main rail hub of Chicago. The proposed route currently is from approximately La Porte, Indiana looping around Chicagoland ending in Milton, Wisconsin.

From Milton, this new main line would integrate within the Wisconsin Tier 1 system and local rail system run by Wisconsin Southern Railroad (WSOR) on behalf of the Wisconsin River Rail Transit Commission (WRRTC), of which Jefferson County is a member. As shown in the Wisconsin Department of Transportation (WisDOT) response to the STB, there are several options to consider. As these options are still being evaluated, the impact specifically to Jefferson County is unknown both from an environmental impact and opportunities to assist in commerce or potential passenger capacity. However, two main initial concerns would be preservation of prime agriculture lands and coordination with existing trail systems that were established when portions of the local rail system were abandoned. This was specifically the case for Rock County where the proposed new main line would have significant impact on agricultural land based on their analysis and as such, Rock County is in opposition to this proposal.

Staff recommends supporting the WisDOT comments to the Surface Transportation Board on the Environmental Impact Statement which include: 1) Request to Participate as a Cooperating Agency to ensure Wisconsin interests are represented; 2) Review of Railroad Operations in Wisconsin to ensure any new system would be a partnership and would not result in reduction in services to communities and businesses in the state; 3) Review of Alternative Routes that would limit construction of the new railroad corridor in greenfields of Wisconsin to include an option of no-build in Wisconsin that would still allow linkage to the state; 4) Crossing and Safety Concerns; 5) Impact upon Wisconsin Communities and Wisconsin Southern Railroad; and 6) Alignment with WisDOT Planning.

WHEREAS, the Executive Summary is hereby incorporated by reference into this resolution, and

WHEREAS, by this resolution that Jefferson County incorporates by reference Wisconsin Department of Transportation comments dated June 14, 2016, and concurs with the Comments of the Environmental Impact Statement to the Surface Transportation Board, and

WHEREAS, Jefferson County requests that any new rail within the County limit impacts to greenfield and prime agricultural land, and

WHEREAS, Jefferson County requests that any new rail that reestablishes abandoned lines within the County recognizes existing trail systems and works to limit conflicts with these trail systems, and

WHEREAS, the Surface Transportation Board recognizes potential impacts to local communities and the Wisconsin Southern Railroad and works with Great Lakes Basin Transportation, Inc. to mitigate these concerns.

NOW, THEREFORE, BE IT RESOLVED that Jefferson County requests that the Surface Transportation Board consider the comments from the WisDOT related to the construction and operation of the Great Lakes Basin Transportation Line and the impacts related to agriculture and existing recreational land uses.

Fiscal Note: There is no fiscal impact at this time.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by
County Administrator

Ben Wehmeier: 07-07-16

REVIEWED: Administrator ; Corp. Counsel ; Finance Director 

07-12-16

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 35952

GREAT LAKES BASIN TRANSPORTATION, INC—AUTHORITY TO CONSTRUCT AND
OPERATE A RAIL LINE IN INDIANA, ILLINOIS AND WISCONSIN

**COMMENT ON THE DRAFT SCOPE OF ENVIRONMENTAL IMPACT STATEMENT
(EIS)**

Wisconsin Department of Transportation

The Wisconsin Department of Transportation (WisDOT) hereby submits its Comment in response to the decisions served March 18, 2016 and April 8, 2016, seeking comments on the Draft Scope of the Environmental Impact Statement (EIS) to be prepared by the Surface Transportation Board (Board) Office of Environmental Analysis (OEA) in the above-referenced proceeding.

I. Introduction and Request to Participate as a Cooperating Agency.

The Wisconsin Department of Transportation is the designated rail transportation authority in the state of Wisconsin.¹ WisDOT is responsible for all state and federally-aided highway and airport construction in Wisconsin and is responsible for planning, promoting, and protecting all forms of transportation in the state.² WisDOT has statutory first right to acquire for present or future transportation and recreational purposes any property used in operating a

¹ 49 U.S.C. 22701(4); Wis. Stat. Chp. 85.

² Secs. 84.01(2), 114.32(1) and (5), and 85.02(1), Wis. Stats.; Wisconsin Department of Transportation, Wisconsin Rail Plan 2030: Statewide Long-Range Rail Transportation Plan, March 19, 2014, *available at* <http://wisconsindot.gov/Pages/projects/multimodal/railplan/default.aspx>.

railroad that is abandoned in Wisconsin, and the authority to administer grants and loans for rail projects to assist in the preservation and improvement of freight rail service in the state.³

WisDOT has reviewed all filings and communications submitted to the Board, including all material submitted to the Board by the Applicant, Great Lakes Basin Transportation, Inc. (GLBT), and has met with representatives of GLBT, as well as private and public stakeholders in railroad matters and this proposal specifically.⁴

Pursuant to its statutory authority and responsibility, WisDOT respectfully requests that the Board invite WisDOT to participate in this EIS process as a cooperating agency on the basis of its special expertise and applicable jurisdiction within the state. WisDOT has commented on previous significant transactions and has filed its Notice of Intent to Participate as a Party of Record in this Proceeding.⁵ WisDOT encourages STB to conduct a transparent and inclusive process during the development of the Scope and Draft EIS, including by holding periodic public-agency involvement meetings in addition to a draft EIS public hearing.

WisDOT expects the Board will follow applicable National Environmental Policy Act (NEPA) and Wisconsin regulations in evaluating alternatives and making decisions that affect WisDOT facilities.

³ Secs. 85.09(2), 85.08(4m) Wis. Stats.

⁴ WisDOT sections of Railroad and Harbors, and Environmental Process and Documents, and regional offices all contributed to this Comment.

⁵ Canadian National Railway Co., et al.-Control-Wisconsin Central Transportation Co., et al., STB Finance Docket No. 34000, Decision No. 10 (2001), at 5; Canadian National Railway Company and Grand Trunk Corporation-Control-EJ&E West Company, STB Finance Docket No. 35087, Decision No. 16 (2008) at 7; Canadian Pacific Railway Company, et al.-Control-Dakota, Minnesota & Eastern Railroad Corp., et al., STB Finance Docket No. 35081, Decision No. 11 (2008) at 49; Watco Holdings, Inc., et al.-Acquisition of Control Exemption-Wisconsin & Southern Railroad, L.L.C., STB Finance Docket No. 35573 (2012); Wisconsin Department of Transportation Notice of Intent to Participate, Great Lakes Basin Transportation, Inc. – Authority to Construct and Operate a Rail Line in Indiana, Illinois and Wisconsin, STB Finance Docket No. 35952 (April 26, 2016).

II. Railroad Operations in Wisconsin.

The State of Wisconsin currently hosts four Class I Railroads and seeks cooperative and productive relationships with all its partners, particularly in the areas of shared interests.

WisDOT will monitor the proposal for potential effect upon existing railroad-state concerns.

Wisconsin communities, shippers and manufacturers have seen declines in their freight railroad service on Canadian National Railway Company (CN) lines since it acquired Wisconsin Central Ltd. (WCL) in 2001, and the EJ&E West Company (EJ&E) in 2008. The Board has expressed its continuing commitment to Wisconsin rail service stating, “[t]he Board . . . takes seriously DATCP [Department of Agriculture, Trade and Consumer Protection] and WisDOT’s concerns regarding rail service. Pursuant to the operational monitoring condition and oversight period established in this decision, the Board will monitor and address any diminution in service resulting from the control transaction.”

WisDOT respectfully requests that the Board support state efforts to monitor and address Wisconsin rail service concerns as it examines the GLBT proposal, including how it may mitigate or affect other carriers’ service declines.

Furthermore, WisDOT encourages the OEA and Board to consider challenges presented by existing railroads in Wisconsin while developing the Scope of Study for EIS, and reviews anticipated application or petition. Currently, WisDOT sees opportunities to improve cooperation in the following areas:

- Port of Milwaukee. As a main intermodal transportation hub, the Port of Milwaukee is a critical element in the Wisconsin economy. The GLBT proposal provides opportunity to connect with the Canadian Pacific Railway Company (CP) line that serves the Port. WisDOT asks the Board to encourage CP to permit

reasonable access to the Port of Milwaukee for Wisconsin & Southern Railroad, L.L.C. (WSOR) and other common carriers as it examines the GLBT proposal.

- Passenger Rail. As passenger rail expands in the Midwest, WisDOT asks that the Board examine how the added capacity GLBT proposes may mitigate obstacles to passenger rail on the CP line in Wisconsin. Specifically, could the GLBT proposal facilitate cooperation by host railroad with WisDOT on increasing intercity passenger rail frequencies between Chicago and Milwaukee (Amtrak Hiawatha Service route) and Chicago, Milwaukee and St. Paul (Amtrak Empire Builder route)? Current railroad demands of significant infrastructure investments to accommodate additional passenger trains may soften if Chicago congestion and freight issues are more satisfactorily addressed.

III. Proposed Alternative Routes for Study.

WisDOT requests that the OEA EIS scope include alternatives that do not entail construction of substantial new railroad corridor on greenfield in Wisconsin. At traffic levels below 30 trains per day, WisDOT believes projected Class I railroad traffic that would divert to the proposed GLBT route in Illinois might be safely handled on the underutilized routes in southern Wisconsin and northern Illinois, with some improvements needed to upgrade the infrastructure on those existing routes. Considering the excess capacity available on existing routes, there may be no need for the construction of a new railroad corridor for the GLBT north of CN's Galena–Cicero subdivision in either Winnebago or Boone County, Illinois.

WisDOT staff maintains a state railroad database with which WisDOT has evaluated the route proposed by GLBT, existing operating rail corridors, and railbanked and abandoned corridors to examine whether other routes may serve the purpose and need expressed by GLBT

in its Information Paper.⁶ As a result, WisDOT proposes routes on active, out-of-service, and abandoned railroad corridors in southern Wisconsin, including the eight (8) detailed below and a no-build in Wisconsin alternative, for further study as possible alternatives to the proposed GLBT route, including acquisition of and/or trackage rights on routes, all or in part, to serve the project's purpose and need. See Exhibit 1 (Map).⁷

- 1) Portage–Madison (CP) + Madison–Monroe–Orangeville–Freeport (former Illinois Central) + Freeport–Rockford (CN): Provides connection from CP-owned track at Portage, WI to the Rockford, IL area.
- 2) Portage–Madison (CP) + Madison–Oregon–Evansville (WSOR) + Evansville–Afton (former C&NW) + Afton–Beloit–Rockford (CP): Provides connection from CP-owned track at Portage, WI to the Rockford, IL area.
- 3) Portage–Madison (CP) + Madison–Milton Jct.–Janesville (WSOR) + Janesville–Beloit–Rockford (CP): Provides connection from CP-owned track at Portage, WI to the Rockford, IL area.
- 4) Portage–Madison (CP) + Madison–Cottage Grove (WSOR) + Cottage Grove–Jefferson Jct. (former C&NW) + Jefferson Jct.–Fort Atkinson (UP) + Fort Atkinson–Milton Jct. (former C&NW) + Janesville–Beloit–Rockford (CP): Provides connection from CP-owned track at Portage, WI to the Rockford, IL area.
- 5) Waukesha–Milton Jct.–Anderson (WSOR) + Anderson–Janesville (UP) + Janesville–Beloit–Rockford (CP): Provides connection from CN-owned track at Waukesha to the Rockford, IL area.
- 6) Waukesha–Burlington (CN) + Burlington–Elkhorn (former Milwaukee Road) + Elkhorn–Bardwell (WSOR) + Bardwell–Clinton Jct. (former Milwaukee Road) + Clinton Jct.–Beloit (UP & CP) + Beloit–Rockford (CP): Provides connection from CN-owned track at Waukesha to the Rockford, IL area.
- 7) Milwaukee–Sturtevant (CP) + Sturtevant–Kansasville (CP) + Kansasville–Elkhorn (former Milwaukee Road) + Elkhorn–Bardwell (WSOR) + Bardwell–Clinton Jct. (former Milwaukee Road) + Clinton Jct.–Beloit (UP & CP) + Beloit–Rockford (CP): Provides connections from CP-owned track at Sturtevant and CN-owned track at Burlington to the Rockford, IL area.
- 8) Clyman Jct.–Watertown–Jefferson–Fort Atkinson (UP) + Fort Atkinson–Milton Jct. (former C&NW) + Milton Jct.–Anderson (WSOR) + Anderson–Janesville (UP) + Janesville–Beloit–Rockford (CP): Provides connections from UP-owned track at Clyman Junction and CP-owned track at Watertown to the Rockford, IL area.

⁶ By letter dated October 15, 2015, from Jay C. Johnson to Director Vicki Ruston, attached as “Information Paper Great Lakes Basin Railroad Project”.

⁷ “WisDOT Proposed Alternative Routes for Scope EIS Comment,” Map attached as Exhibit 1.

WisDOT is concerned about the potential imposition of trackage rights on state-owned railroad corridors in southern Wisconsin that are currently operated by WSOR. The GLBT proposed route and some alternatives would require that the Class I railroads operate on the state-owned Waukesha–Milton line, the Janesville–Fox Lake line, and possibly others. WisDOT requests that costs to the state, WSOR and local communities to upgrade infrastructure, improve safety, and mitigate other impacts be considered in all route evaluations, and that GLBT be required to pay all costs associated with all necessary improvements and mitigation measures.

Finally, WisDOT respectfully requests OEA examine a no-build in Wisconsin alternative, where the route would end at the proposed northern terminus of the Illinois Subdivision, south of Rockford, IL. Wisconsin local and state governments, individuals and groups have expressed concerns to WisDOT about the substantial effect building the GLBT in Wisconsin may have, including the surrender of valuable land with decades of soil management planning and investment, in addition to listed scoping areas. Will Wisconsin realize any benefit to its state and local economies? How will STB and GLBT ensure Wisconsinites share in the fruits of this project, as we contribute our significant resources thereto?

IV. Crossing Concerns

A. At-Grade Crossings: Skew Angles and Vision obstruction.

Several of the at-grade crossings proposed by GLBT would have significant skew angles which will cause issues for motorists being able to see a train coming as they approach the crossing. These skewed crossings will also cause safety concerns for bicycles crossing the track, as a tire could possibly get caught in the flangeway. Two examples of skewed crossings are at State Line Road and East Tighe Road proposed crossings in the Rock County Township of Clinton.

Most of the at-grade crossings proposed by GLBT have vision issues due to the proposed line's proximity to tree lines and farm buildings. Therefore, WisDOT encourages OEA to consider how even slightly different alternatives may enhance safety and reduce impacts.

Another at-grade vision concern is at CTH X (Clinton Township). GLBT proposes to have the Pelishek Nature Trail go over the railroad in the Rock County Township of LaPrairie, but such a design would prevent motorists traveling in either direction on CTH X from seeing oncoming trains from the south due to the trail running parallel and very close to CTH X.

East Creek Road (LaPrairie Township) is another cause for concern because the railroad line will have to go over a creek near the roadway such that the elevation going over the creek may affect the elevation of the track at the crossing. The railroad must be constructed high enough to ensure the creek remains navigable. In general, it appears that the vertical alignment has not been thoroughly considered. There are several locations where the track will be on a curve with a significant superelevation at proposed at-grade crossings that will not fit well with the vertical alignments of the highways.

GLBT has not listed any roads for closure on its list of crossing treatments. WisDOT suggests that GLBT and the Board consider some crossings for closure due to the low traffic volumes and availability of alternate routes.

B. Warning Devices.

Warning devices at all crossings will be key in maintaining public safety at all crossings. WisDOT would like GLBT to identify what warning devices it proposes for each crossing, as well as which crossings quiet zones will be pursued. If anticipating a quiet zone at a crossing, WisDOT would like GLBT to disclose whether it will propose 4-quadrant gates or instead some kind of median, including whether it be a hardened median or a temporary type such as Quick Kurb.

Quiet zones affect residents' quality of life as they reduce the amount of train horn noise at the crossings. The warning devices necessary to qualify for a quiet zone also enhance crossing safety.

C. Grade-separated Crossings

WisDOT also notes concern regarding proposed grade-separated crossings.

- GLBT has proposed that the railroad be constructed over I-43. WisDOT is concerned whether there will be sufficient highway portal to permit the widening of the interstate in the future, if needed. WisDOT also notes concern at whether the distance between I-43 and Carvers Rock Road is sufficient for the railroad to return to an at-grade crossing at Carvers Rock Road.
- Bradford-Clinton Town Rd. crossing. If the interstate were to go over the railroad, WisDOT is concerned about creating more bridges that the State would then have to maintain, and the inherent safety concerns of bridges on high speed roadways during inclement weather.
- There are several crossing locations where farm buildings and driveways would potentially be in the way of a structure. WisDOT would like GLBT to explain how it plans to address these obstructions.
- Another grade separation concern is at STH 140. There is approximately 500ft between the crossing and where STH 140 intersects Bradford-Clinton Town Rd, so this could be a problem for the bridge approach.
- For all of the proposed structure locations, WisDOT would like to know if there are any plans for widening of roadways or if the GLBT foresees adding tracks in

the future. This will allow for the structures to be built to accommodate a wider road or an extra track below them in the future.

V. Impact upon Wisconsin Communities and WSOR

WisDOT requests the Scope of Study for EIS include examination of the impact of additional frequency and speed of trains on existing and proposed crossings within Wisconsin communities, including downline impacts, such as in the Cities of Janesville, Waukesha, Whitewater, Eagle, Palmyra and North Prairie, and others affected by alternative routes, as well as the impacts upon routes leading from the connections of existing lines to the GLBT proposed line at Milton Junction, Avalon, and Clinton Junction to the Class I connections at Waukesha, Janesville and Madison, WI. The EIS should consider the effects of increased train operations on these corridors if the GLBT line is constructed along the proposed route.

WisDOT and the regional railroad Wisconsin and Southern Railroad, L.L.C. are long-term partners, and have shared interest in the safe and efficient movement of freight through Wisconsin. WSOR operates on approximately 600 miles of state-owned railroad lines. WisDOT requests that the Scope of Study for EIS include examination of potential effects upon downline WSOR operations and Wisconsin shipments, especially origins from and destinations to our state. For example, the line from Milton to Waukesha would require substantial infrastructure improvement to accommodate the described GLBT traffic. And, WisDOT and public and private stakeholders would like the Board to examine whether/how the introduction of GLBT project and operations could affect industry consolidation, reduced competition and potential increasing shipping rates.

VI. WisDOT Planning

WisDOT has reviewed the *Wisconsin Rail Plan*⁸ and *Connections 2030*⁹ to evaluate how the GLBT proposal aligns with Wisconsin planning policies to support and promote rail service for Wisconsin. Based on this review, the GLBT proposal appears consistent with *Connections 2030* and the *Wisconsin Rail Plan*. WisDOT is interested in ensuring that GLBT and its proposal support the viability of freight rail for Wisconsin shippers and recognize the importance of a strong rail system in maintaining and improving the state's economic vitality.

A. Connections 2030

Connections 2030 established a policy to ensure that freight rail remains a viable transportation mode for Wisconsin's shippers. WisDOT recognizes the intended benefit of the GLBT proposal for Wisconsin shippers because the bypass around Chicago could make freight rail more competitive with other freight modes.

The system plan environmental evaluation in *Connections 2030* identifies concerns that new rail lines have a greater potential to fragment habitat than new rail investments that occur within an original rail corridor. The EIS for the GLBT proposal should be reviewed by WisDOT and other agencies to ensure that habitat fragmentation will not result from the new rail line.

B. Wisconsin Rail Plan 2030

A strong rail system is important for maintaining and improving the state's economic vitality, supports livable communities, and improves the efficiency of the state's entire transportation system.

⁸ Wisconsin Rail Plan, *supra* note 2.

⁹ Wisconsin Department of Transportation, *Connections 2030: Wisconsin's long-range transportation plan*, October, 2009, available at <http://wisconsindot.gov/Pages/projects/multimodal/conn2030.aspx>.

Freight rail is addressed in Chapter 5 of the Wisconsin Rail Plan. In 2003, the major freight carriers, Metra, the city of Chicago and the Illinois Department of Transportation put together a \$1.5 billion capital improvement plan to eliminate bottlenecks and improve train velocity through the city, called the Chicago Region Environmental and Transportation Efficiency Program (CREATE).

Wisconsin's proximity to the Chicago rail gateway gives our state a major stake in the program's success. Traffic moving east from Wisconsin does not have the option to move via "alternative gateways" such as St. Louis or Memphis when connecting to the eastern roads. Congestion in the Chicago terminal area can "back up" rail operations and negatively impact rail service in southeastern Wisconsin. Finally, intercity passenger rail in Wisconsin and in the Midwest region (the state-supported corridors in the Chicago Hub Network) can only reach full potential with the assurance of reliable travel time and competitive intercity passenger rail service into the Chicago hub.

WisDOT asks OEA to consider whether and how GLBT proposal will affect CREATE and address Chicagoland congestion.

VII. Specific Comment Upon Draft Scope of Study

A. Transportation Systems

Documentation provided by GLBT indicates several grade-separated crossings of WisDOT roadway facilities. Any alterations of these roadways must follow the geometric design standards as established in Chapter 11 of the WisDOT Facilities Development Manual (FDM), and should be included as a direct impact in the EIS. Coordination with WisDOT during preliminary design of these crossings will be required.

B. Safety

If hazardous materials will be transported over the Great Lakes Basin Railroad, the EIS should identify “the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant’s safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plan to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.”¹⁰

C. Recreation

WisDOT requests that OEA consider the feasibility and safety of bicycle and pedestrian trails and accommodations as it examines the impact of the GBLT proposal.

D. Relating to both Biological and Water Resources

WisDOT maintains a large wetland mitigation bank system, as illustrated by the attached map.¹¹ Although the proposed route may not impact any of these mitigation sites, there are many small on-site wetland mitigation locations scattered throughout the project area that will require future coordination with WisDOT to determine whether there may be any impacts. Therefore, WisDOT requests the Scope of Study for the EIS consider these important features.

WisDOT also request OEA include local biological and water resources, as well as national and state resources, in its Scope of Study.

E. Cultural and Historic Resources

WisDOT strongly encourages OEA and the Board to initiate and maintain tribal coordination and consultation regarding 106 topics early in the process, and document cultural and historic

¹⁰ 49 CFR 1105.7(e)(7)(ii).

¹¹ Bank System Map for Sites Operating Under the DOT WMBTG 2002 Agreement (12/31/15), attached as Exhibit 2.

resources, and relevant coordination and approvals. WisDOT notes with favor the early communication to the Board from the Citizen Potawatomi Nation.

Conclusion

WisDOT appreciates the opportunity to comment on the scope of the EIS that OEA will conduct. In submitting this Comment, WisDOT seeks to execute and meet its statutory authority and obligations to protect, promote, and plan wisely for rail service in Wisconsin, and support its citizens, environmental, and economic welfare.

The GLBT Proposal has the potential to significantly impact Wisconsin communities, resources and economy. WisDOT respectfully requests that OEA consider seriously the concerns and information expressed herein, and from all Wisconsin filings and participants, whether Parties of Record or commenters.

Respectfully Submitted,



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STB Scoping Phase Potential Routes for Internal Evaluation

