

**JEFFERSON COUNTY BOARD MINUTES
TUESDAY, AUGUST 10, 2010, 7:00 P.M.**

Mr. Molinaro presiding.

Mr. Zastrow led the Pledge of Allegiance.

A moment of silence was observed.

The County Clerk called the roll, all members being present except Mr. Morris and Mr. Poulson.

District 1	Richard C. Jones	District 2	Vic Imrie, Jr.
District 3	Greg David	District 4	Augie Tietz
District 5	Jim Braughler	District 6	Ron Buchanan
District 7	Dwayne C. Morris	District 8	Rick L. Kuhlman
District 9	Amy Rinard	District 10	Lloyd Zastrow
District 11	Donald Reese	District 12	Mike Burow
District 13	Ed Morse	District 14	Pamela Rogers
District 15	Steven J. Nass	District 16	John Molinaro
District 17	Vacant	District 18	Michael Miller
District 19	Jim Schroeder	District 20	Jan Rouu
District 21	Craig Peterson	District 22	Blane Poulson
District 23	George Jaeckel	District 24	Gregory M. Torres
District 25	Walt Christensen	District 26	Carlton Zentner
District 27	Glen D. Borland	District 28	Dick Schultz
District 29	Paul Babcock	District 30	Jim Mode

County Board Chair Molinaro addressed the Board regarding the use of the roll-call remote control and the difference between excused and absent.

County Board Chair John Molinaro introduced Mary Delany as the candidate for the District 17 County Board Supervisory seat to fill the unexpired term of Carol Ward Knox who resigned.

County Clerk Frank administered the oath of office to Ms. Delany.

County Administrator Gary Petre informed the Board that it was in compliance with the Open Meetings Law.

The agenda was approved after designating the resolution to approve settlement of Highway 26 land value litigation as a Finance Committee resolution and correcting the appointment of Bill Kern as the Traffic Safety Coordinator effective August 11, 2010.

Mr. Mode moved that the minutes of the July 13, 2010, meeting be approved as corrected. Seconded and carried with Mr. Braughler abstaining due to his absence at the July meeting.

**GENERAL FINANCIAL CONDITION
JEFFERSON COUNTY, WISCONSIN
AUGUST 1, 2010**

Available Cash on Hand	
July 1, 2010	\$ 402,290.01
July Receipts	<u>24,532,575.18</u>
Total Cash	\$24,934,865.19

Disbursements	
General - July 2010	\$18,382,292.67
Payroll - July 2010	<u>2,649,301.62</u>
Total Disbursements	21,031,594.29
Total Available Cash	\$ 3,903,270.90
Cash on Hand (in banks) August 1, 2010	
Less Outstanding Checks	\$ 5,271,848.22
Total Available Cash	<u>1,368,577.32</u>
	\$3,903,270.90
AIM Government & Agency Portfolio	3,989,895.66
Local Govt. Invest. Pool - General	37,257,517.20
Institutional Capital Management	15,600,613.98
Local Government Investment Pool – Clerk of Courts	160,561.52
Local Government Investment Pool – Farmland Preservation	251,468.93
Local government Investment Pool – Parks/Liddle	<u>204,087.98</u>
	\$57,464,145.27
2010 Interest - Super N.O.W. Account	\$ 2,869.06
2010 Interest - L.G.I.P. - General Funds	19,325.80
2010 Interest - ICM	111,071.28
2010 Interest - AIM	908.68
2010 Interest - L.G.I.P. - Parks/Carol Liddle Fund	245.76
2010 Interest – L.G.I.P. – Farmland Preservation	304.98
2010 Interest - L.G.I.P. – Clerk of Courts	<u>193.35</u>
Total 2010 Interest	\$ 134,918.91

JOHN E. JENSEN
JEFFERSON COUNTY TREASURER

County Clerk Barbara A. Frank presented the following communications:

1. Recognition of outgoing Supervisor Knox (Resolution No. 2010-47) is being postponed until next month.
2. E-mails from JJ Johnson, Kevin & Betsey Delorey and Margaret Krueger regarding the Glacial Heritage Area land purchase.
3. Resolution #8-10 from the Town of Jefferson addressing purchases of land by Jefferson County for park purposes.

The communications were received and placed on file.

The floor was opened for public comment. Jan Roou, Palmyra, announced the August 18 golf benefit for the Rainbow Hospice facility. Buck Smith, Johnson Creek, spoke on the Rose Lake land purchase.

Fair Park Director Paul Novitzke, Highway Commissioner William Kern, Parks Director Joseph Nehmer and Veterans Service Officer Yvonne Duesterhoeft presented their department’s annual report. The annual reports were received and placed on file pursuant to Board Rule 3.03(12).

Mr. Nass read the report of the Planning & Zoning Committee.

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

The Jefferson County Planning and Zoning Committee, having considered a

petition to amend the zoning ordinance of Jefferson County, filed for public hearing held on July 15, 2010, as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town board and persons in the area affected, hereby makes the following recommendation:

APPROVAL OF PETITION 3487A-10

DATED THIS TWENTY-SIXTH DAY OF JULY, 2010

Donald Reese, Secretary

THE EFFECTIVE DATE OF THE PRIOR MONTH'S AMENDMENTS,
3485T-10 & 3486A-10, IS JULY 17, 2010.

Mr. Nass moved that the report be adopted. Seconded and carried.

Mr. Nass presented Ordinance No. 2010-13.

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the Jefferson County Zoning Ordinance, and

WHEREAS, Petition 3487A-10 was referred to the Jefferson County Planning and Zoning Committee for public hearing on July 15, 2010, and

WHEREAS, the proposed amendment has 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 zoning ordinance of Jefferson County (and official zoning maps) as follows:

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

Rezone to create an approximate 1.5-acre rural residential building site on STH 89 in the Town of Jefferson from part of PIN 014-0614-2811-000 (19 acres). This prime ag land lot 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 driveway access approval by the WI Department of Transportation, upon receipt by Zoning of a soil test showing sites for installation of both initial and replacement private sewage systems, upon approval and recording of a final certified survey map for the lot including extraterritorial plat review if necessary, and upon payment to the State of Wisconsin of an approximate \$1,368 conversion fee for rezoning out of the A-1 Agricultural district. The rezoning 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. (3487A-10 – Marles Staude/Lynn Staude/DK Munns, RM Johnson, Lynn A. & Lee W. Staude property)

Mr. Nass moved that Ordinance No. 2010-13 be adopted. Seconded and carried.

Mr. Mode presented Resolution No. 2010-48.

WHEREAS, according to the Legislative Fiscal Bureau, over the past decade, the State of Wisconsin has transferred approximately \$1.2 billion from its segregated transportation fund to its general fund and replaced it with approximately \$800 million in General Obligation (GO) bonds, thereby, reducing the amount available for transportation purposes by approximately \$400 million; and

WHEREAS, Wisconsin's practice of transferring money from the segregated transportation fund to the general fund has eroded the public's confidence that the "user fees" they pay through the state gasoline tax and vehicle registration fees will be used for their intended purpose; and

WHEREAS, Wisconsin's practice of replacing the dollars transferred from the state's segregated transportation fund with GO bonds puts our state in the precarious position of bonding to fund ongoing operations; and

WHEREAS, the Pew Center on the States recently released a report that included Wisconsin as having one of the ten worst budget situations in the country and specifically cited transferring money from the transportation fund to fund ongoing operations as an example of one of the practices that has put Wisconsin in such an untenable position; and

WHEREAS, the debt service for these bonds will have to be paid for out of the state's general fund which hinders its ability to fund other programs in the future like Shared Revenue, Youth Aids, Community Aids and courts; and

WHEREAS, using the State's general obligation (GO) bonds in this way has hurt the State's bond rating with a report issued by CNN in 2009 listing Wisconsin as having the second worst GO bond rating in the country; and

WHEREAS, gas tax and vehicle registration fees comprise over 90% of the State's segregated transportation account, which revenues have been declining and are inadequate to meet the existing transportation needs in this State; and

WHEREAS, Wisconsin's transportation infrastructure is a fundamental component in its ability to attract and retain business and produce jobs; and

WHEREAS, the citizens of Jefferson County deserve the right to have their voices heard on this important issue; and

WHEREAS, providing constitutional protection much like our neighbors in Minnesota, Iowa, Michigan and Ohio already have is the only way to ensure that this practice will not continue;

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors that the following question will be put to the voters of Jefferson County in an advisory referendum during the November 2010 election:

Should the Wisconsin Constitution be amended to prohibit any further transfers or lapses from the segregated transportation fund?

and

BE IT FURTHER RESOLVED that the County Clerk is directed to cause a copy of the Notice of Referendum to be published in the County's official newspaper as required by law; and

BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this resolution and a copy of the results of the advisory referendum to Jefferson County's legislative representatives and the Wisconsin Counties Association.

Fiscal Note: Additional publication and ballot costs are estimated to range between \$1,000 and \$3,000.

Mr. Mode moved that Resolution No. 2010-48 be adopted. Seconded.

Mr. Torres moved to amend Resolution No. 2010-48 as follows:

NOW, THEREFORE, BE IT RESOLVED ~~by that~~ the Jefferson County Board of Supervisors ~~that the following question will be put to the voters of Jefferson County in an advisory referendum during the November 2010 election. Should supports amending the Wisconsin Constitution be amended to prohibit any further transfers or lapses from the segregated transportation fund.~~

~~and~~

~~BE IT FURTHER RESOLVED that the County Clerk is directed to cause a copy of the Notice of Referendum to be published in the County's official newspaper as required by law; and~~

BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this resolution ~~and a copy of the results of the advisory referendum~~ to Jefferson County's legislative representatives and the Wisconsin Counties Association.

~~Fiscal Note: Additional publication and ballot costs are estimated to range between \$1,000 and \$3,000.~~

Motion to amend Resolution No. 2010-48 was seconded and carried: Ayes 27, Noes 1 (Miller), Absent 2 (Morris, Poulson).

Mr. Zentner moved to table amended Resolution No. 2010-48. Seconded and carried: Ayes 15, Noes 13 (Imrie, Tietz, Buchanan, Reese, Burow, Rogers, Molinaro, Delany, Peterson, Jaeckel, Torres, Borland, Mode), Absent 2 (Morris, Poulson).

Ms. Rogers presented Resolution No. 2010-49.

WHEREAS, the State of Wisconsin Department of Transportation needed to acquire 65.5 acres of the County Farm for the Highway 26 Jefferson bypass, and

WHEREAS, the State initially appraised said land (including about 14 acres of limited easements during the construction) for \$1,192,800 or about \$18,000 per acre, and

WHEREAS, Resolution 2008-16 authorized transfer of the acreage sought by DOT and authorized the County Administrator to contract for specialized legal services on a contingent fee basis to contest the value received, and

WHEREAS, the State increased its offer to \$1,344,550 after it was apparent the County would appeal, and

WHEREAS, Michael Bauer, then of Murphy Desmond, S.C., and now of Bauer and Bach, LLC, was retained on a contingent fee basis to process the appeal, which contingent fee provided for legal fees to be paid in the amount of one-third of the recovery if the recovery exceeded 15% of the base amount paid by DOT, and

WHEREAS, mediation with the Department of Transportation representatives took place on July 20, 2010, resulting in a proposed settlement, subject to final approval by the County Board, which settlement provides for payment by DOT of an additional \$450,000 to the County for damages, attorney's fees and costs, and

WHEREAS, the Corporation Counsel and Attorney Bauer recommend

approval of the proposed settlement which will yield a net to Jefferson County of \$316,638.33 after payment of costs and attorney's fees, which includes a fee reduction of \$33,333 by Attorney Bauer as part of the settlement negotiations, and a final per acre amount paid to the County of \$25,147.

NOW, THEREFORE, BE IT RESOLVED that the Memorandum of Understanding resolving the outstanding litigation in return for payment of \$450,000 by Wisconsin Department of Transportation to Jefferson County shall be and is hereby approved.

BE IT FURTHER RESOLVED that the County Administrator and Corporation Counsel are authorized to execute any and all documents necessary to fulfill the terms of the Memorandum of Understanding, with proceeds to be distributed as set forth in the settlement statement from Bauer and Bach, LLC.

Fiscal Note: DOT originally offered \$1,192,800. The offer was increased by \$151,750 to \$1,344,550 when the County indicated its willingness to appeal. The additional \$450,000 from this settlement will be distributed in the amount of \$25,042.67 for costs, \$108,319 for attorney's fees (a reduction of \$33,333 from the one-third contingent fee contract amount), and a net due Jefferson County of \$316,638.33. After all is said and done, the County will net \$468,388 more than DOT's first offer, for a total of about \$25,150 per acre. In accordance with prior resolutions of the Board, the Finance Committee shall recommend allocations of funds received for sale of county farmland.

Ms. Rogers moved that Resolution No. 2010-49 be adopted. Seconded and carried: Ayes 28, Noes 0, Absent 2 (Morris, Poulson).

Ms. Rogers presented Resolution No. 2010-50.

WHEREAS, counties are subject to two separate levy constraints, the 3% "levy freeze cap" Wis. Stats. 66.0602 and the "tax levy rate limit" Wis. Stats. 59.605(2); and

WHEREAS, the "levy freeze cap" permits all counties to increase the operating tax levy by up to 3%, and the "tax rate limit" establishes the 1992 operating levy rate for each county as the maximum ceiling, not permitting the county to exceed this 1992 rate unless approved by a referendum; and

WHEREAS, the Operating Levy Tax Rate is a function of the levy divided by the Total Equalized Value, so that in a time of declining property values, some counties will quickly reach the 1992 operating rate limit and would not be able to increase their operating tax levy by the 3% permitted for all counties to meet the rising costs of underfunded mandated programs; and

WHEREAS, Jefferson County has over \$1M of unused tax levy authority under the levy freeze cap, yet would be unable to increase the operating levy by 3% if property values declined to where the tax rate would exceed the 1992 operating levy rate of \$4.6699; and

WHEREAS, establishing the 3% allowable increase of Wis. Stats. 66.0602 (1)(d) as the controlling factor over the 1992 rate limit would be an alternative to a referendum permitting a county to exceed the 1992 rate, while still restricting the rise in a county tax levy so that all counties would be permitted the same 3% limit.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of

Supervisors urges the Wisconsin Counties Association to support legislation in its legislative platform to correct the disparate impact on some Wisconsin counties of the tax rate limit at a time of declining property values by adding the following exception for a county to exceed the 1992 rate limit in addition to the referendum option:

§59.605 (3) TAX BASE: If a county's allowable levy under §66.0602(1)(d) is greater than the allowable levy under §59.605 (2), then the county is exempt from the limit under §59.0605(2) in that tax year, and the Department of Revenue shall modify the Operating Levy Rate for subsequent years to this new rate.

Fiscal Note: If the Wisconsin Counties Association is successful in gaining this legislative change, all counties would be subject to the same 3% limit, regardless of decline in property values because of the recession. Adoption of this resolution will not have a fiscal impact to the County.

Ms. Rogers moved that Resolution No. 2010-50 be adopted. Seconded.

Mr. Schroeder moved to table Resolution No. 2010-50. Seconded and carried: Ayes 22, Noes 6 (Kuhlman, Zastrow, Reese, Rogers, Molinaro, Borland), Absent 2 (Morris, Poulson).

Mr. Borland read Resolution No. 2010-51.

WHEREAS, the State of Wisconsin enacted legislation providing for allocation of funds to the respective counties on an acreage basis for the county fish and game projects on the condition that the counties match the state allocation, and

WHEREAS, Jefferson County desires to participate in county fish and game projects pursuant to the provisions of s. 23.09(12) of the Wisconsin Statutes,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors, that the Board is hereby authorized to expend the funds appropriated and the funds to be received from the State of Wisconsin for the improvement of fish and wildlife habitat, and to operate and maintain or to cause to be operated and maintained the projects for their intended purpose, and

BE IT FURTHER RESOLVED that the Jefferson County Board authorizes the Parks Director to act on behalf of Jefferson County to submit a state grant application to the Wisconsin Department of Natural Resources (DNR) for financial aid for county fish and game projects; sign documents; and take necessary action to undertake, direct and complete the approved projects.

BE IT FURTHER RESOLVED that the Jefferson County Board does hereby appropriate a matching allocation for such project and such appropriations shall continue as long as state matching aids are available, or until this resolution is modified by this Board.

Fiscal Note: The County's 2010 state allocation is \$1,560. The County's match is force account labor to do the projects. This year's project was woodland restoration at Carnes Park, providing nesting areas for wood ducks, ground nesting birds and song birds.

Mr. Borland moved that Resolution No. 2010-51 be adopted. Seconded and carried: Ayes 27, Noes 1 (Jaeckel), Absent 2 (Morris, Poulson).

County Administrator Petre read Resolution No. 2010-52.

WHEREAS, the Jefferson County Sheriff's Office has joined with the City of Watertown to make application for a 2010 Byrne Justice Assistance Grant, which, when awarded, generated \$6,218 as the County's share, and

WHEREAS, the City of Watertown as the grant recipient required an Interlocal Agreement on short notice to disburse grant funds to Jefferson County to meet certain paperwork deadlines in connection therewith, and

WHEREAS, such Interlocal Agreement indicates that the County will use the funds as required by the grant program which will be for the purchase of a new server for the squad mobile video system for dash-mounted cameras in county squad cars, and

WHEREAS, to accommodate the City's paperwork requirements, the agreement was signed,

NOW, THEREFORE, BE IT RESOLVED that the County Board ratifies the Interlocal Agreement between the City of Watertown, Wisconsin, and County of Jefferson for the 2010 Byrne Justice Assistance Grant program funds in the amount of \$6, 218.

Fiscal Note: Funds from this grant will be used to replace a server for the squad mobile video system. In the event grant funds are unavailable, tax levy funds would be required.

Mr. Buchanan moved that Resolution No. 2010-52 be adopted. Seconded and carried: Ayes 28, Noes 0, Absent 2 (Morris, Poulson).

County Administrator Gary R. Petre made the following appointment:

TO THE JEFFERSON COUNTY BOARD OF SUPERVISORS:
MEMBERS OF THE BOARD:

By virtue of the authority vested in me under Section 59.18, 59.72(3m) and 59.54 (17)(c) of the Wisconsin Statutes, I do hereby appoint and request the County Board's confirmation of Highway Commissioner Bill Kern as Traffic Safety Coordinator effective August 11, 2010.

Mr. Kuhlman moved that the appointment be confirmed. Seconded and carried.

County Board Chair John Molinaro appointed Supervisor Delany to the Economic Development Consortium, Human Resources Committee, Infrastructure Committee and the Strategic Plan Steering Committee effective August 10, 2010.

Ms. Delany's appointment to the Economic Development Consortium was confirmed by Mr. Miller. Seconded and carried.

Mr. Mode announced the following appointment:

TO THE JEFFERSON COUNTY BOARD OF SUPERVISORS:
MEMBERS OF THE BOARD:

By virtue of the authority vested in the Human Services Board under Section 3.06(1)(h) of the County Board Rules, the Human Services Board hereby requests County Board's confirmation of the following appointments to the Aging and Disability Resource Center Advisory Committee:

- a. Nancy Haberman, Jefferson; reappointed for a three-year term commencing July 1, 2010.
- b. Leah Getty, Jefferson; reappointed for a three-year term commencing July 1, 2010.
- c. Marian Moran, Watertown; reappointed for a three-year term commencing July 1, 2010.
- d. Mary Ann Steppke, Fort Atkinson; reappointed for a three-year term commencing July 1, 2010.

Mr. Kuhlman moved that the appointments be confirmed. Seconded and carried.

County Clerk Frank announced the County Board Chair's appointments to the Sustainability Task Force: Greg David, Walt Christensen, Amy Rinard, Jan Rouou, Dick Jones and Amanda Reichertz. Three additional members will be appointed at a later date.

Supplemental information presented at the August 10, 2010, Jefferson County Board meeting will be available at the County Clerk's office upon request.

There being no further business, Mr. Buchanan moved that the Board adjourn. Seconded and carried at 8:40 p.m.