

**JEFFERSON COUNTY BOARD MINUTES  
TUESDAY, JUNE 10, 2014, 7:00 P.M.**

Chair Jim Schroeder presiding.

County Clerk Barbara Frank called the roll with all members being present except Supervisors Morris and Payne who gave prior notice of their inability to attend.

District 1..... Richard C. Jones	District 2 ..... Mike Kelly
District 3..... Greg David	District 4 ..... Augie Tietz
District 5... James B. Braughler	District 6 ..... Ron Buchanan
District 7..... Dwayne C. Morris	District 8 ..... Michael Wineke
District 9..... Amy Rinard	District 10 ..... Al C. Counsell
District 11..... Donald Reese	District 12 ..... Peter A. Hartz
District 13..... Ed Morse	District 14 ..... Kirk Lund
District 15..... Steven J. Nass	District 16 ..... Laura Payne
District 17..... Russell Kutz	District 18 Jennifer Hanneman
District 19..... Jim Schroeder	District 20 ..... Jim Mode
District 21..... John C. Kannard	District 22 ..... Blane Poulson
District 23..... George Jaeckel	District 24 ..... Kate Murley
District 25..... Matthew Foelker	District 26 ..... Carlton Zentner
District 27..... Glen D. Borland	District 28 ..... Dick Schultz
District 29..... Paul Babcock	District 30 ... Walt Christensen

County Administrator Ben Wehmeier led Pledge of Allegiance. A moment of silence was observed.

Wehmeier certified compliance with the Open Meetings Law.

The Board proceeded with the agenda as printed.

**Rinard moved that the minutes of the May 13, 2014, meeting be approved as presented.** Seconded and carried.

**GENERAL FINANCIAL CONDITION,  
JEFFERSON COUNTY, WISCONSIN  
June 1, 2014**

Available Cash on Hand			
May 1, 2014	\$	899,846.01	
May Receipts		<u>4,887,381.69</u>	
Total Cash			\$ 5,787,227.70
Disbursements			
General – May 2014	\$	4,146,602.19	
Payroll – May 2014		<u>1,816,565.31</u>	
Total Disbursements			<u>5,963,167.50</u>
Total Available Cash			\$ (175,939.80)
Cash on Hand			
(in bank) June 1, 2014	\$	443,500.81	
Less Outstanding Checks		<u>619,440.61</u>	
Total Available Cash			\$ (175,939.80)
Local Government Investment Pool -			
General			\$ 24,384,796.70

Institutional Capital Management	16,129,443.95
Local Government Investment Pool - Clerk of Courts	25,934.43
Local Government Investment Pool - Farmland Preservation	227,635.29
Local Government Investment Pool - Parks/Liddle	87,476.84
Local Government Investment Pool - Highway Bond	<u>3,521,315.76</u>
	\$ 44,376,602.97
2014 Interest - Super N.O.W. Acct.	\$ 396.25
2014 Interest - L.G.I.P. - General Funds	9,336.27
2014 Interest - ICM	78,545.09
2014 Interest - L.G.I.P. - Parks/Carol Liddle Fund	31.43
2014 Interest - L.G.I.P. - Farmland Preservation	85.61
2014 Interest - L.G.I.P. - Clerk of Courts	9.33
2014 Interest - L.G.I.P. - Highway Bond	<u>1,265.44</u>
Total 2014 Interest	\$ 89,669.42

**JOHN E. JENSEN, JEFFERSON COUNTY TREASURER**

**Frank presented the following communications:**

1. Letter dated May 16, 2014, from Watertown Area Cares Clinic thanking Jefferson County for its donation of \$10,000 to provide access to health care for the uninsured.
2. Email dated May 29, 2014, from Rep. Joel Kleefisch regarding Enbridge Line 61 expansion (Resolution 2014-14).
3. Appointment by Chair Schroeder appointing Kirk Lund to the Community Action Coalition for an indeterminate term effective May 29, 2014.
4. Notice of Public Hearing from the Planning & Zoning Committee for a hearing to be held on June 19, 2014, at 7 p.m. in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. The communications and notice were received and placed on file.

**The floor was opened for public comment.** Speaking were Buck Smith, Johnson Creek, on Wisconsin's job growth under Governor Walker and energy uses for the new Highway Facility; and Cindy Arbiture, Town of Concord, introducing herself as a member of the Historic Sites Preservation Commission.

Director/Health Officer Gail Scott, Human Services Director Kathi Cauley and People Against Domestic & Sexual Abuse (PADA) Executive Director Amy Venables O'Neil presented their department's/council's annual report. The annual reports were received and placed on file pursuant to Board Rule 3.03(12). The annual report of the Clerk of Courts will be rescheduled to a later date.

**Rinard presented Ordinance No. 2014-08.**

Executive Summary

During the course of a multi-year process to obtain grant funding for the Jefferson County Alcohol Treatment Court, representatives of various branches of the government and agencies have collab-

orated to generate a successful grant application with the commencement of Alcohol Treatment Court scheduled for June 2014. Following successful completion of that process, the ad hoc group responsible for the grant application has concluded that continuing to meet on a regular basis to enhance public safety through community collaboration is desirable. Review of formal bodies in other counties show the use of a county-wide Criminal Justice Collaborating Council as an umbrella organization can effectively serve the public's interest in this arena. The Chief Judge, County Administrator, County Board Chair, District Attorney, Human Services Director, Public Defender, Sheriff and others recommend the County Board create such a collaborating council for Jefferson County.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Jefferson County Criminal Justice Collaborating Council is hereby created.

Section 2. The Council's mission shall be to enhance public safety through community collaboration by ensuring offender accountability, providing rehabilitation programs and supporting the rights and needs of victims.

Section 3. There shall be at least thirteen voting members of the Council whose membership is determined by the position the member occupies or by appointment of the Council:

1. Chief Judge or Presiding Judge for Jefferson County (Chair)
2. County Administrator
3. County Board Chair
4. Sheriff
5. District Attorney
6. Clerk of Circuit Court
7. Local government representative
8. Public Defender – Jefferson County
9. Jefferson County Police Chief & Sheriff's Association representative
10. Human Services Director
11. Parole and Probation Manager for Jefferson County
12. Education representative
13. Jefferson County citizen

The local government representative, education representative and county citizen shall be selected by the other members of the Council. Additional members may be appointed as the Council deems appropriate. Members may designate a staff person to represent them and vote at Council meetings which designation shall be done by written correspondence addressed to the chair of the Council.

Section 4. Compensation. The local government representative, if not a full time government employee, and the county citizen shall be entitled to a county meeting fee and mileage for meetings.

Section 5. The Council shall create by-laws including establishing term lengths for members appointed by it; meet at least quarterly, and make such recommendations to the County Board, or

each members respective organization as is appropriate to facilitate the goals of the Council.

Section 6. This ordinance shall be effective after passage and publication as provided by law.

*Fiscal Note: Estimated annual expenses for per diems and mileage will be approximately \$500 to \$600.*

**Rinard moved that Ordinance No. 2014-08 be adopted.** Seconded and carried.

**Rinard presented Ordinance No. 2014-09.**

Executive Summary

2013 Wisconsin Act 373 clarifies the duties of county clerks. Those changes impact duties assigned by the County Board Rules. Prior law required a county clerk to act as clerk of the county board at the board's meetings, and to keep certain minutes and records regarding the board meetings.

The new law specifies that the clerk has that role at all of the county board's regular, special, limited term, and standing committee meetings. Additionally, Act 373 specifies that the clerk has the responsibility for creating agendas for such meetings, under the direction of the county board chairperson or relevant committee chairperson. The Act also specifies that the minutes of county board meetings, including committee meetings, must be kept and recorded by the clerk, in a format chosen by the clerk.

The proposed rule amendments below seek to incorporate the changes in Act 373.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amend Section 3.04(1) of the Board of Supervisors' Rules of Order as follows:

(1) The County Administrator shall receive proposed resolutions, ordinances, reports and petitions and provide copies to the Clerk. The Administrator shall prepare a written agenda of all matters which are to be brought before the Board or Board committees, which agendas shall based on input from the Board Chair or the Committee Chair respectively, and approved by the Clerk or the Clerk's designee prior to distribution. The County Administrator shall attend board meetings and shall assist the Board whenever possible. The County Administrator may present matters to the board for consideration.

Section 2. Amend Section 3.04(3) of the Board of Supervisors' Rules of Order as follows:

(3) ~~The County Clerk shall attend board meetings and shall perform administrative duties related to the Board~~ act as Clerk of the Board at all of the Board's regular, special, limited term, and standing committee meetings thereof; under the direction of the County Board Chairperson or committee chairperson, create the agenda for board meetings; keep and record true minutes of all the proceedings of the Board in a format chosen by the Clerk, including all committee meetings, either personally or through the Clerk's appointee; file in the Clerk's office copies of agendas and

minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the Board, if required by any member present; publish ordinances as provided in § 59.14(1); and perform all duties prescribed by law or required by the Board in connection with its meetings and transactions. [am. 3/13/12, Ord. 2011-24]

Section 3. Amend Section 3.07(3) of the Board of Supervisors' Rules of Order as follows:

(3) Each committee, board and commission shall select a secretary, who may be appointed by the Clerk to keep and preserve the minutes of committee meetings and attendance in a minute book to be furnished the format determined by the County Clerk. ~~The secretary may request the assistance of the County Administrator, County Clerk, or county employees in keeping minutes or other clerical functions. The secretary shall, if appointed by the Clerk, sign minutes and file the original copies in the office of the County Clerk, and, whenever feasible, shall keep the original minute book in the County Clerk's office.~~ [am. 3/13/12, Ord. 2011-24]

Section 4. This ordinance shall be effective after passage and publication as provided by law.

NOTE: Section 3.09 of the County Board Rules provides that amendments to the rules shall be made by 2/3 vote. Proposed amendments shall be introduced at one session of the Board and laid over until the next session before action is taken.

**Rinard moved and, there being no objection, unanimous approval by voice vote was granted to suspend the rules regarding lay over. Rinard moved that Ordinance No. 2014-09 be adopted:** Seconded and carried: Ayes 28 (Jones, Kelly, David, Tietz, Braughler, Buchanan, Wineke, Rinard, Counsell, Reese, Hartz, Morse, Lund, Nass, Kutz, Hanneman, Schroeder, Mode, Kannard, Poulson, Jaeckel, Murley, Foelker, Zentner, Borland, Schultz, Babcock, Christensen), Noes 0, Absent 2 (Morris, Payne).

#### **Rinard presented Ordinance No. 2014-10.**

##### Executive Summary

Section 59.72(3m), Stats., directs the County to have a Land Information Council. The Real Property Lister is required to be a member. Andy Erdman was both the Land Information Office Director and the Real Property Lister. The Real Property Lister's duties are now assigned to Tracy Saxby, so the language needs to be rephrased to reflect that two different people now fill the two named positions previously both filled by Andy Erdman.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amend Section 3.06(1)(j) of the Board of Supervisors' Rules of Order as follows:

(j) **LAND INFORMATION COUNCIL** – The Council shall be comprised of the Register of Deeds, the Treasurer, the Zoning Director, the Land & Water Conservation Director, the MIS Information Technology Manager, and the ~~real property lister~~ (Land

Information Office Director} and the real property lister, or their designees, and the following members appointed by the County Administrator and confirmed by the County Board: (1) a member of the board, (2) a representative of the land information office, (3) a realtor or a member of the Realtors Association employed within the county, (4) a public safety or emergency communications representative employed within the county, (5) the county surveyor or a registered professional land surveyor employed within the county. [re-lettered 3/13/12, Ord. 2011-24]

.....  
Section 2. This ordinance shall be effective after passage and publication as provided by law.

NOTE: Section 3.09 of the County Board Rules provides that amendments to the rules shall be made by 2/3 vote. Proposed amendments shall be introduced at one session of the Board and laid over until the next session before action is taken.

**Rinard moved and, there being no objection, unanimous approval by voice vote was granted to suspend the rules regarding lay over. Rinard moved that Ordinance No. 2014-10 be adopted:** Seconded and carried: Ayes 28 (Jones, Kelly, David, Tietz, Braugher, Buchanan, Wineke, Rinard, Counsell, Reese, Hartz, Morse, Lund, Nass, Kutz, Hanneman, Schroeder, Mode, Kannard, Poulson, Jaeckel, Murley, Foelker, Zentner, Borland, Schultz, Babcock, Christensen), Noes 0, Absent 2 (Morris, Payne).

**Rinard presented Ordinance No. 2014-11.**

Executive Summary

The Board Chair requested this change in order to allow for greater flexibility in appointing persons with appropriate backgrounds and experience in the subject matter to this important committee.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3.05(2)(c) of the Board of Supervisors' Rules of Order is amended as follows:

**(c) FINANCE COMMITTEE** - Five members. ~~County Board Chair, a Vice Chair designated by County Board Chair, and three other members.~~ This Committee shall receive the proposed county budget from the County Administrator and shall conduct hearings necessary in the review of the proposed budget. The County Administrator and staff shall meet with the Committee and shall assist in the preparation of the budget. [Am. 05/11/04, Ord. 2004-04; 03/09/10, Ord. 2009-24]

.....  
Section 2. This ordinance shall be effective after passage and publication as provided by law.

NOTE: Section 3.09 of the County Board Rules provides that amendments to the rules shall be made by 2/3 vote. Proposed amendments shall be introduced at one session of the Board and laid over until the next session before action is taken.

**Jones moved to layover Ordinance No. 2014-11 and refer it to**

**the Finance Committee.** Seconded and carried.

**Mode read Resolution No. 2014-17.**

Executive Summary

The Comprehensive Community Services (CCS) program is a locally-administered program for persons with mental health and/or substance-use disorders that provides a flexible array of individualized, community-based, psycho-social rehabilitation services authorized by a mental health and/or substance abuse professional. The intent of the services and supports is to provide for a maximum reduction of the effects of the individual's mental and substance abuse disorders. The CCS program uses a wraparound model that is flexible, participant directed, recovery oriented, as well as strength and outcome based. The services provided are individualized to each person's need as identified through a comprehensive assessment.

The Wisconsin 2013-2015 biennial budget (Act 20) provides additional funding for CCS. Act 20 allows the Department of Health Services to provide the non-federal share of Medicaid operating costs for CCS when delivered in an approved regional service model. This system allows counties and tribes access to the federal and non-federal share of CCS Medicaid program costs and saves county levy dollars. The Intergovernmental Agreement creates a regional service group to qualify for Act 20 CCS funding.

WHEREAS, Jefferson County is able to access additional state funds available through Act 20 for its CCS program serving persons with mental health and/or substance abuse disorders by joining a regional group with other counties to provide these services, and

WHEREAS, an application has been submitted with the proposed Intergovernmental Agreement executed by the directors of the Human Services Departments for Walworth, Rock and Jefferson counties, pending ratification by the appropriate County Boards, and

WHEREAS, ratification and approval will allow funds to be accessed as soon as July 1, 2014,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board hereby approves the JRW Tri-County Shared Regional Comprehensive Community Services Intergovernmental Agreement.

*Fiscal Note: The new state funding of the nonfederal share of Medicaid operating costs for CCS is estimated to add \$176,000 in new revenue and replace an equal amount of levy funds previously used.*

**Mode moved that Resolution No. 2014-17 be adopted.** Seconded and carried.

**Braugler read Resolution No. 2014-18.**

Executive Summary

With the approval of the Jefferson-Rock-Walworth Shared Regional Comprehensive Community Services Intergovernmental Agreement, funding will be available to serve an increasing pop-



ulation in need of services. Wisconsin Chapter DHS 36.11 mandates a certain level of clinical collaboration and supervision for the Comprehensive Community Services program. This includes a minimum number of direct supervision hours required each week with each staff member. In addition, DHS 36.11 mandates a minimum level of staff orientation and training hours.

In anticipation of the Regional CCS Intergovernmental agreement, two CCS Facilitator positions were created in the 2014 budget, effective July 1, 2014. Both positions remain vacant at this time. However, it is recommended that the duties mandated under Chapter DHS 36 would best be accomplished by an individual dedicated to the supervision role, while still managing a small caseload of clients. Therefore, it is recommended that one of the facilitator positions be eliminated and a CCS Supervisor position be created.

WHEREAS, the Human Services Director and the Human Services Board request, and the Human Resources Committee recommends, the elimination of one full-time, vacant CCS Facilitator position and the creation of one full-time CCS Supervisor position to accommodate the mandates required by serving a larger population of clients in the Tri-County Shared Regional Comprehensive Community Services program.

NOW, THEREFORE, BE IT RESOLVED that the 2014 County Budget setting forth position allocations and funding at the Human Services Department be and is hereby amended to reflect the above change, to become effective upon passage.

*Fiscal Note: This position is fully funded by Federal Medicaid and State dollars available with the regionalization of the Comprehensive Community Services program. Therefore, no tax levy is required.*

**Braugler moved that Resolution No. 2014-18 be adopted.** Seconded and carried: Ayes 28 (Jones, Kelly, David, Tietz, Braugler, Buchanan, Wineke, Rinard, Counsell, Reese, Hartz, Morse, Lund, Nass, Kutz, Hanneman, Schroeder, Mode, Kannard, Poulson, Jaeckel, Murley, Foelker, Zentner, Borland, Schultz, Babcock, Christensen), Noes 0, Absent 2 (Morris, Payne).

### **Foelker presented Ordinance No. 2014-12.**

#### Executive Summary

Several changes to the ordinance were made to clarify requirements and to acknowledge the Livestock Siting requirements in the Zoning Ordinance. In addition, language was added about the State's agricultural performance standards that the county implements. Other noteworthy changes are highlighted below.

#### Section 2: Definitions

- Definitions were added and amended to be consistent with definitions in State rules and statutes.

#### Section 3: Activities Subject To Regulation

- The cost-sharing requirement language was deleted because the State rules on cost sharing have become more complicated. The requirements are related to various dates of operation and



do not cover all practices (such as closure of manure storage for structures constructed on or after October 2002). Staff will continue to provide cost-sharing to farms according to the State rules.

- Language was added to require storage facilities that are threatening public health, groundwater, or fish and aquatic life to be upgraded, replaced, or abandoned.

#### Section 5: Application for and Issuance of Permits

- The fee structure was changed from a flat fee of \$100 to a fee structure based on the size of the structure.
- Current language only requires that a nutrient management plan be submitted as part of the permit application. New language makes it a requirement that farms submit an annual nutrient management plan update to the Land & Water Conservation Department.
- The current ordinance does not address setbacks of manure storage structures. Language was added to make the manure storage structure setbacks consistent with the setbacks in the Livestock Siting language in the Zoning Ordinance – 350 feet from public road right-of-ways and property lines. This setback is effective for all new facilities and also the expansion of existing facilities (such that they cannot expand toward road right-of-ways or property lines if the structure is already within the 350 foot setback). It should be noted that there is an existing variance process in the ordinance.

#### Section 7: Violations

- The penalty for violations was changed from \$200 to \$500.

#### Additional Information

- The Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection have both reviewed and provided comments on the proposed revisions. Necessary changes were made as a result of their review.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Animal Waste Storage and Nutrient Management Ordinance is amended as follows:

#### **SECTION 1: INTRODUCTION**

##### 1.01 **Authority**

This ordinance is adopted under authority granted by Sections 59.70(1), 92.15, and 92.16 of the Wisconsin Statutes.

##### 1.02 **Title**

This ordinance shall be known as, referred to and may be cited as the Jefferson County Animal Waste Storage and Nutrient Management Ordinance and is hereinafter referred to as the ordinance.

##### 1.03 **Findings and Declaration**

The Jefferson County Board of Supervisors finds that animal waste storage facilities may not meet current technical design and construction standards. Pollution of the surface and safety of county residents and transients, livestock, aquatic life and other animals and plants, and to the property tax base of Jefferson

County. The Jefferson County Board of Supervisors also finds that improper management of animal waste storage facilities, including improper land application of stored animal waste, may cause pollution of the groundwater and surface water of Jefferson County. The Jefferson County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resources Conservation Service and adopted by the Jefferson County Land and Water Conservation Committee provide effective, practical and environmentally safe standards and specifications of storing and managing animal wastes.

1.04 **Purpose**

The purpose of this ordinance is to regulate the (a) location, design, construction, and use of all new animal waste storage facilities, (b) modification or closure of all storage facilities, (c) transfer of wastes into storage facilities, and (d) utilization of wastes from storage facilities in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Jefferson County. Additionally, the purpose of this ordinance is to implement state manure management prohibitions and enact setbacks to animal storage facilities. It also is intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

1.05 **Applicability**

This ordinance applies to the unincorporated areas of Jefferson County. Facilities constructed prior to the effective date of this ordinance shall be exempt, except as indicated in Subsection 3.02 of this ordinance.

1.06 **Interpretation**

The interpretation and application of the provisions of this ordinance shall be minimum requirements, be liberally construed in favor of Jefferson County, and not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 **Severability Clause**

If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.

1.08 **Effective Date**

This ordinance shall become effective after a public hearing, and upon its adoption and publication by the Jefferson County Board of Supervisors.

**SECTION 2: DEFINITIONS**

2.01 **Adequate sod, or self-sustaining vegetative cover** means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

2.02 **Animal waste or manure** means livestock excreta. "Animal waste or manure" includes livestock the following when intermingled with excreta in normal farming operations: debris includ-

ing bedding, water, soil, hair and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids and process water; and runoff collected from barnyards, animal lots and feed storage areas. And other debris that becomes intermingled with livestock excreta in normal waste handling operations.

2.03 **Animal waste or manure storage facility structure** means a manure storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure.

2.04 **Animal waste or manure storage facility** means one or more manure storage structures. "Manure storage facility" includes stationary equipment and piping used to load or unload a manure storage facility structure if the equipment is specifically designed for that purpose and is an integral part of the facility. Manure storage facility includes system components used to transfer milking center waste, barnyard runoff and feed storage leachate to the manure storage. "Manure storage facility" does not include equipment used to apply manure to land.

2.054—**Applicant** means any person applying for a permit under this ordinance.

2.06 **Bedrock** means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. Bedrock includes but is not limited to limestone, dolomite, sandstone, shale and igneous and metamorphic rock.

2.075 **Closure** means removal and proper disposal of accumulated wastes and proper abandonment of a storage facility as in NRCS Technical Standard 360.

2.086 **DATCP** means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

2.097 **Direct Runoff** means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices.

(a) Runoff from a manure storage facility.

(b) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.

(c) Discharge of leachate from manure pile.

(d) Seepage from a manure storage facility.

(e) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3).

2.108 **DNR** means the Wisconsin Department of Natural Resources.

2.11 **Groundwater** means any of the waters of the state occurring in a saturated subsurface geological formation of rock or soil.

2.1209 **Idle Storage Facility** means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.

2.130 **Land and Water Conservation Committee** means the

committee of Jefferson County Board members and others, who by authority of Chapter 92, Wisconsin Statutes, guides soil and water conservation activities of the Jefferson County Land and Water Conservation Department.

2.144 **Land and Water Conservation Department** means the department of Jefferson County government which is responsible for administering and enforcing this ordinance.

2.152 **Livestock** means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.

2.163 **Livestock Operation** means a feedlot or other facility or pasture where animals are fed, confined, maintained, or stabled.

2.174 **Milking Center Waste** means all wastewater, cleaning ingredients, and waste milk that is discharged from a milkhouse or milking parlor.

2.185 **Modification** means enlargement or reduction to the facility, change in the facility's configuration, addition to the facility (such as ramps, push-off walls, etc.), or repairs that change the facility's configuration or capacity.

2.196 **Nutrient Management Plan** means any of the following:  
(a) A plan required under s. ATCP 50.04 (3) or 50.62 (5) (f).  
(b) A farm nutrient plan prepared or approved for a landowner by a qualified nutrient management planner.

Note: A nutrient management plan must comply with s. ATCP 50.04 (3).

2.20 **Overflow** means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through a man-made device including a pump or pipe.

2.2147 **Permit** means the signed, written statement issued by the Jefferson County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, modify, or close an animal waste storage facility.

2.2248 **Permittee** means any person to whom a permit is issued under this ordinance.

2.2349 **Person** means any individual, corporation, partnership, joint venture, trust, limited liability corporation, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof that owns, rents, leases, or has other interest in land being regulated under this ordinance.

2.240 **Repair** means to restore to sound condition after damage or malfunction of storage facility.

2.25 **Site that is susceptible to groundwater contamination** means any one of the following:

(a) An area within 250 feet of a private well.

(b) An area within 1,000 feet of a municipal well.

(c) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.

(d) A channel that flows to a direct conduit to groundwater.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where the soil does not exhibit one of the following soil characteristics:

1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.

2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.

3. At least a 5-foot soil layer with 10% fines or greater above groundwater and bedrock.

2.264 **Standards** means guidelines that have been adopted by the Natural Resources Conservation Service.

2.272 **Substantially altered** means a change initiated by an owner or operator that results in a relocation of a facility or significant changes to the size, depth or configuration of a facility including:

(a) Replacement of a liner in a manure storage facility.

(b) An increase in the volumetric capacity or area of a facility by greater than 20%.

(c) A change in a facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.

2.283 **Technical Guide** means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the Jefferson County Land and Water Conservation Committee.

2.29 **Unconfined manure pile** means a quantity of manure that is at least 175 feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching to pollutants to groundwater.

2.302 **USDA – NRCS** means the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.

2.3125 **Water pollution** means contaminating or rendering unclean or impure the groundwater or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

2.3226 **Water Quality Management Area** means any of the following:

(a) The area within 1,000 feet from the ordinary high water mark of a navigable lake, pond, or flowage other than a glacial pothole.

(b) The area within 1,000 feet from the high water mark of a glacial pothole lake.

(c) The area within 300 feet from the ordinary high water mark of a navigable river or stream.

(d) An area that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contami-

nation to reach groundwater.

2.3327 **Working day** means a calendar day, except Saturdays, Sundays and County, State, and Federal recognized legal holidays.

### **SECTION 3: ACTIVITIES SUBJECT TO REGULATION**

#### **3.01 General Requirement**

Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do the same on land subject to this ordinance shall be subject to the provisions of this ordinance.

#### **3.02 Compliance with Permit Requirements**

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, receives a permit from the Jefferson County Land and Water Conservation Department before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of ordinance.

#### **3.03 Manure Management Prohibitions**

4. All Livestock Operations shall comply with the following:

(a) A livestock operation shall have no overflow of manure storage facilities.

(b) A livestock operation shall have no unconfined manure pile in a water quality management area.

(c) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.

(d) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

#### **~~2. Cost Sharing Requirement~~**

~~Pursuant to Section 281.16(3) of the Wisconsin Statutes, a livestock operation that is in existence prior to October 1, 2002 shall not be required to comply with the manure management prohibitions unless cost sharing is made available.~~

#### **3.04 Existing Animal Waste Storage Facilities**

1. Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or abandoned in accordance with this ordinance.

2. Levels of materials in storage facilities may not exceed the margin of safety level.

#### **3.05 Livestock Siting**

Facilities that hold a Conditional Use Permit issued by the Jefferson County Planning and Zoning Committee shall follow additional requirements under Jefferson County Zoning Ordinance 11.05(d).

### **SECTION 4: STANDARDS**

#### **4.01 Animal Waste Storage Facilities**

Standards and specifications for design, construction and management of animal waste storage facilities are those in Standard 313 (Waste Storage Facility), and Standard 634 (Waste Transfer) of the Technical Guide. Construction specifications referenced within the above listed standards shall be included.

4.02 **Nutrient Management**

The standards for nutrient management of land-applied animal wastes are those in Standard 590 of the Technical Guide. Livestock operations subject to regulations under Chapter NR 243 of the Wisconsin Administrative Code follow nutrient management requirements contained in NR 243.14.

4.03 **Amendments to Standards**

If approved by the DATCP or DNR, future amendments to Standards 313, 634, and 590 or the current standards for waste management systems, waste storage facilities, waste transfer, and nutrient management of the Technical Guide are incorporated by reference in the ordinance and made part of this ordinance, unless otherwise acted upon by the Jefferson County Board of Supervisors.

4.04 **Variances**

Variances from these standards and Chapter NR151 of the Wisconsin Administrative Code agricultural performance standards can only be granted through an appeal by the applicant in accordance with Section 8 of this ordinance unless otherwise acted upon by the Land and Water Conservation Committee.

4.05 **Human Wastewater**

Human wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human wastewater.

4.06 **Animal Waste Storage Facility Closure**

Standards for closure of an idle storage facility are those in Standard 360 of the Technical Guide.

**SECTION 5: APPLICATION FOR AND ISSUANCE OF PERMITS**

5.01 **Permit Required**

Except as hereinafter provided, no person shall undertake an activity subject to this ordinance without first obtaining an **ANIMAL WASTE STORAGE FACILITY PERMIT** or **ANIMAL WASTE STORAGE FACILITY CLOSURE PERMIT** from the Jefferson County Land and Water Conservation Department. The requirement of this ordinance shall be in addition to any other ordinance or administrative rule regulating animal waste storage or applicable technical standards. In the case of conflict, the most restrictive provision shall apply.

5.02 **Exception to Permit Requirements**

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an Animal Waste Storage Facility Permit. Emergency repairs shall not result in increased capacity to the animal waste storage facility. The responsible person (owner or tenant) shall contact the Jefferson County Land and Water Conservation Department on the first working day following emergency repairs for a determination



by the Department on whether a permit will be required for any additional modification or repair to the facility.

5.03 **Fee**

All applicants, except those applying for an Animal Waste Storage Facility Closure Permit, shall be required to pay a non-refundable fee at the time of permit application, see Table 1. Application fees may be waived by the Land and Water Conservation Committee upon finding of economic hardship.

TABLE 1

<u>Gallons of Storage</u>	<u>Fee</u>
<u>Closure</u>	<u>\$0</u>
<u>1 – 1,000,000</u>	<u>\$150</u>
<u>1,000,001 – 3,000,000</u>	<u>\$200</u>
<u>3,000,001 and greater</u>	<u>\$300</u>

If the application is submitted after the commencement of activities requiring a permit, then the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply. Applications received after the commencement of activities requiring a permit do not preclude the Land and Water Conservation Department from taking enforcement action.

5.04 **Permit Application**

An application for an Animal Waste Storage Facility Permit or Animal Waste Storage Facility Closure Permit shall be filed with the Land and Water Conservation Department on forms supplied by the Land and Water Conservation Department. The Land and Water Conservation Department shall mail a copy of the approved permit application to the appropriate Town Board. In addition the Land and Water Conservation Department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.

Each application for an Animal Waste Storage Facility Permit under this ordinance shall include an Animal Waste Storage Facility Plan and a Nutrient Management Plan.

**1. All Animal Waste Storage Facility Plans shall include the following:**

(a) A plan map showing location of the facility with regard to buildings, roads, lot lines and homes within ~~three~~ five hundred (~~300~~ 500) feet of the proposed facility. The map shall be drawn to scale no smaller than one (1) inch equals one hundred (100) feet. The plan map shall include a north arrow.

(b) A complete set of detailed construction plans, including but not limited to facility dimensions, cross-section views, profile views, storage facility liners, concrete thickness of floors and/or walls, steel reinforcement plans, water stops and expansion joints, material specifications, and fencing. Preparation of detailed construction plans may likely require the applicant to hire a registered professional engineer or be designed by federal, state, or local agency staff with appropriate NRCS job approval.

(c) Worksheet 1 (Animal Units) of Chapter ATCP 51 of the Wisconsin Administrative Code will be included. If the type of animal that the facility is to be used for is not on Worksheet 1, then

The number and kinds of animals for which waste storage is to be provided.

(d) Planned duration of storage, expressed in days and/or months, and volume of storage, expressed in cubic feet or gallons.

(e) The location of any wells within three hundred (300) feet of the facility.

(f) The location and elevation of all soil tests pits, including a detailed soil description of each pit, to a depth of at least three (3) feet below the planned bottom elevation of the facility. Soil test pits, which are acceptable to the Jefferson County Land and Water Conservation Department, shall be dug within the outermost boundaries of planned waste storage facility bottom area and shall consist of a minimum of 4 pits located in 4 different quadrants of the planned facility.

(g) The location of drain tiles, sink holes, and drainage ditches.

(h) The elevation of seasonably high groundwater or bedrock if encountered in the soil profile and the date of any such determination.

(i) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. This shall include plans for erosion control of disturbed areas and soil stockpiles if the site is in a water quality management area.

(j) The location of and distance to any navigable body of water within three hundred (300) feet of the proposed facility must be shown.

(k) A description of how waste will be delivered to and removed from the facility.

(l) A proposed time schedule for construction of the facility.

(m) A Chapter NR 151 of the Wisconsin Administrative Code Evaluation Form completed by the Land and Water Conservation Department.

(n) Any other additional information required by the Jefferson County Land and Water Conservation Department to determine compliance with this ordinance.

**2. Nutrient Management Plans will be required at the time of permit application for an Animal Waste Storage Facility Permit. All nutrient management plans shall conform to the NRCS standards and specifications for nutrient management (590) and if applicable NR 243.14 as specified in Subsection 4.02. All nutrient management plans shall comply with ATCP 50.04(3) as amended from time to time and the following:**

When the livestock operation that is applying for a permit is proposing to spreading animal waste on another landowner's fields, and that other landowner also spreads animal waste ~~from their own operation~~, then a nutrient management plan accounting for nutrients from all sources for both operations must be provided to the Land and Water Conservation Department.

**3. All applicants' land must be in compliance with the**

**agricultural performance standards and manure management prohibitions contained in NR 151 if cost sharing is made available and is applicable, located in Section 3.03 of this ordinance.**

**4. Animal Waste Storage Facility Closure Requirements**

(a) Closure of an animal waste storage facility shall occur when an operation where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters.

(b) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met: 1. The facility is designed, constructed and maintained in accordance with the applicable standards. 2. The facility is designed to store manure for a period of time longer than 24 months. 3. Retention of the facility is warranted based on anticipated future use.

(c) Each application for an Animal Waste Storage Facility Closure Permit under this ordinance shall include a site-specific design for closure as specified in Standard 360.

**5.05 Review of Application**

The Jefferson County Land and Water Conservation Department shall receive and review all permit applications; including the Animal Waste Storage Facility Construction Plans and the Nutrient Management Plan, or the Animal Waste Storage Facility Closure Design; and shall determine if the proposed facility or closure will comply with ordinance requirements. In making this determination, the department may require a site inspection and/or may consult with an outside agency. Prior to issuance of a permit, the NRCS or DATCP engineer or designee, or a registered professional engineer shall verify that plans meet the applicable standards. Within 30 working days after receiving the completed application and fee, the Jefferson County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved, disapproved, or if more information is needed. If additional information is required, the Jefferson County Land and Water Conservation Department shall so notify the permit applicant. The Jefferson County Land and Water Conservation Department has 30 working days from the receipt of the additional information to approve or disapprove the application. If, in addition to the applicant's information, the department required comment from an outside agency, the department has 15 working days from receipt of the comments from the referral agency to approve or disapprove the application. If the Land and Water Conservation Department fails to approve or disapprove the permit application in writing within 30 working days of the receipt of the permit application, within 30 working days of receipt of additional applicant information, or within 15 working days of receipt of referral agency comments, as appropriate, the application shall be deemed approved and the applicant may proceed as if a per-

mit had been issued. Nothing herein shall authorize construction, maintenance, or closure of a facility that does not meet ordinance and technical guide standards.

5.06 **Permit Conditions**

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(a) Animal waste storage design, construction, modification, closure, and application shall be carried out in accordance with the construction plan or closure plan and applicable standards specified in Section 4 of this ordinance.

(b) Any person applying for an Animal Waste Storage Facility Permit under this ordinance must develop a Nutrient Management Plan as part of the application process to demonstrate their ability to utilize the animal waste in an environmentally safe manner. This condition may require the applicant to hire a crop consultant to prepare the Nutrient Management Plan. ~~Although not required, a~~ All recipients of Animal Waste Storage Facility Permits are ~~encouraged~~ required to provide annual updates of their Nutrient Management Plans to the Jefferson County Land and Water Conservation Department.

(c) An existing storage that is located within 350 feet of a property line or public road right-of-way cannot be expanded toward that property line or public road right-of-way.

(d) A new waste storage facility may not be located within 350 feet of any property line, or within 350 feet of the nearest point of any public road right-of-way, unless the waste storage facility is a single new waste storage facility constructed no closer to the relevant property line or public road than a waste storage facility that existed on the same tax parcel prior to January 2014, provided that the new structure is no larger than the existing facility and is located within 50 feet of the existing facility. The 350 foot setback does not apply to waste storage completely contained under a building used to house livestock. However, all Jefferson County Zoning Ordinance setbacks for buildings are applicable.

(ee) The permittee certifies in writing that all other local, city, County, State or Federally required permits shall be obtained from the appropriate authorities. The department may require proof of any permit known to be needed prior to issuing an Animal Waste Storage Facility Permit or Animal Waste Storage Facility Closure Permit.

(fd) Any change to an approved Animal Waste Storage Facility Plan or closure design shall be approved in writing by the Jefferson County Land and Water Conservation Department. Written approval by the Department shall occur only after the DATCP engineer or designee, registered professional engineer, or state, federal, or local agency staff person, having the appropriate engineering certification, has reviewed and approved the proposed modifications.

(ge) The permittee shall give no less than 3 working days advance notice to the Jefferson County Land and Water Conservation Department before starting any construction activity autho-

rized by the permit.

(hf) Activities authorized by permit shall be completed within 2 years from the date of issuance after which time such permit shall expire.

(ig) The permittee shall certify in writing, by a professional engineer or a person with appropriate engineering job approval according to NRCS standards, that the animal waste storage was installed or closed as planned. A copy of the signed certification sheet shall be given to the Land and Water Conservation Department within 1 month of completion of installation or closure. Any approved changes made to the Animal Waste Storage Facility Plan or closure design shall be specified in the certification. Land and Water Conservation Department personnel may conduct site inspections during and following construction to determine that the facility was installed or closed as planned and designed.

(j) Before any waste facility is put into use, the structure must be fully constructed as designed including the marking of the maximum operating level and implementing all safety design features.

## **SECTION 6: ADMINISTRATION**

### **6.01 Delegation of Authority**

The Jefferson County Board hereby designates the Jefferson County Land and Water Conservation Department to administer and enforce this ordinance.

### **6.02 Administrative Duties**

In the administration and enforcement of this ordinance, the Jefferson County Land and Water Conservation Department shall:

(a) Keep an accurate record of all permit applications, Animal Waste Storage Facility Plans, Nutrient Management Plans, closure designs, permits issued, inspections made, closure extension requests, extensions issued, and other official actions.

(b) Review permit applications and issue permits in accordance with Section 5 of this ordinance.

(c) Periodically inspect animal waste storage facility construction to insure the facility is being constructed or closed according to plan specifications.

(d) Investigate complaints relating to compliance with this ordinance.

(e) Perform other duties as specified in this ordinance.

### **6.03 Inspection Authority**

The Jefferson County Land and Water Conservation Department is authorized by Section 92.07(14), Wisconsin Statutes, to enter upon any lands affected by this ordinance to inspect the site prior to and after permit issuance to determine compliance with the ordinance. If permission cannot be received from the applicant or permittee, entry shall be according to Sections 66.0119 and 66.0119 (3) as amended, Wisconsin Statutes. Refusal to grant permission to enter lands affected by this ordinance for purposes of inspection may be grounds for denial of a permit or revocation thereof.

6.04 **Enforcement Authority**

The Jefferson County Land and Water Conservation Department is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance.

Any permit revocation or order stopping work shall remain in effect until retracted by the Jefferson County Land and Water Conservation Department, or by a court of general jurisdiction. The Jefferson County Land and Water Conservation Department is authorized to refer any violation of this ordinance or of an order stopping work issued pursuant to this ordinance to the Jefferson County Corporation Counsel for commencement of further legal proceedings.

**SECTION 7: VIOLATIONS**

7.01 **Penalties**

Any person who violates, or fails, neglects, or refuses to comply with any of the provisions of the ordinance shall upon conviction thereof, forfeit up to ~~Two~~ Five Hundred (\$~~2500.00~~2500.00) Dollars, and costs of prosecution for each violation. Each day a violation exists or continues to exist shall constitute a separate offense. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit, or any failure to comply with notice of a permit revocation or stop work order.

7.02 **Enforcement by Injunction**

As a substitute for, or in addition to forfeiture actions, Jefferson County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

**SECTION 8: APPEALS**

8.01 **Authority**

Under the authority of Chapter 68 Wisconsin Statutes, the Jefferson County Land and Water Conservation Committee, created under Section 59.878, Wisconsin Statutes and acting as an appeal authority under Section 68.09(2) Wisconsin Statutes, is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Jefferson County Land and Water Conservation Department in administering this ordinance.

8.02 **Who May Appeal**

Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision, or determination made by the Jefferson County Land and Water Conservation Department.

8.03 **Limitations of Appeal**

Only one appeal on a particular concern can be made of an order, requirement, decision, or determination made by the

Jefferson County Land and Water Conservation Department.

8.04 **Procedure**

Any appeal shall be made by written request mailed or delivered to the Jefferson County Land and Water Conservation Department. The request shall state the grounds upon which it is contended that the order, requirement, decision, or determination should be modified or reversed, and/or the grounds upon which a variance is sought. The request shall be filed within 30 calendar days of the date when the order, requirement, decision, or determination was received. The Jefferson County Land and Water Conservation Committee shall schedule a hearing within 15 working days of the filing of the appeal. The hearing shall be conducted in accordance with Chapter 68, Wisconsin Statutes. A copy of the hearing notice shall be sent to the applicant and the appropriate Town Board.

The final decision on an appeal shall be made within 20 working days of completion of the hearing and shall be in the form of a written determination signed by the Chair or Secretary of the Land and Water Conservation Committee. The determination shall state the specific facts, which are the basis for the Committee's decision, and shall affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance. The reasons or justifications for granting an appeal, which were demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the Committee meeting. If a final decision on an appeal is not made within 20 working days, the appeal shall be deemed approved and the applicant may proceed with activities that were requested in the appeal.

8.05 **Variances**

The Land and Water Conservation Committee may upon appeal authorize a variance from the requirements of this ordinance.

1. The granting of a variance shall be consistent with the spirit and purpose of this chapter as stated in Subsection 1.03 and 1.04.

2. The Committee may not grant a variance solely on the basis of economic hardship or gain.

3. The variance shall not permit an activity or practice that may fail structurally or otherwise cause significant water pollution or other off site impacts.

4. The variance shall be due to unique circumstances and not to the general conditions of the area.

5. The variance shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.

6. The variance shall not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance.

7. The Land and Water Conservation Committee may au-



thorize a variance from the requirements of this ordinance contingent on the applicant receiving a variance from the technical standards through the Natural Resources Conservation Service or other qualified engineering authority. If public funds are involved, this may be a program requirement.

~~8.~~ 8. The Committee shall not grant a variance to the Chapter NR 151 agricultural performance standards without following Chapter NR 151.097 of the Wisconsin Administrative Code.

~~98.~~ The Committee may grant a variance only if all of the following conditions are met:

(a) Compliance with the standard is not feasible due to site conditions. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.

(b) The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in located in Chapter NR 151 of the Wisconsin Administrative Code.

(c) The conditions for which the variance is requested are not created by the landowner or operator or their agents or assigns. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.

~~109.~~ 109. The Committee shall use the following process when administering a variance request:

(a) The landowner or operator shall submit the variance request to the Committee or the Land and Water Conservation Department within 60 days of receiving notice that their operation is not in compliance with this ordinance.

(b) The Land and Water Conservation Department shall forward any variances that it receives to the Committee. The Committee may consider a recommendation from the governmental unit concerning acceptance of the variance request.

(c) The Committee shall make its determination based on the factors in subparagraph ~~98.~~

(d) The Committee shall notify the landowner or operator and the Land and Water Conservation Department of its determination. If the variance is granted, the Committee or Land and Water Conservation Department shall send a notice to the landowner or operator and to the appropriate Town Board.

(e) The period of time required to make a ruling on a variance request does not extend the compliance periods allowed under Chapter NR 151.09 and 151.095 of the Wisconsin Administrative Code.

Note: The Committee may consider decisions made by the Land and Water Conservation Department, in accordance with local ordinance provisions, when making its determination whether to accept or deny the variance.

Section 2. This ordinance shall be effective after passage

and publication as provided by law.

**Foelker moved that Ordinance No. 2014-12 be adopted.** Seconded and carried.

**Rinard presented Resolution No. 2014-19.**

Executive Summary

Jefferson County obtained a 9,800 square foot flood prone parcel on the shore of Lake Ripley (PIN 022-0613-0742-053) in April 2010, using Community Development Block Grant-Emergency Assistance Program funds. In 2013, the Lake Ripley Management District indicated its interest in owning said parcel, which is in the Lake Management District and subject to deed restrictions preventing the construction of any permanent structure on the property and requiring it be kept as green space. The District is aware of the restrictions and pledges to honor them along with any other restrictions imposed by use of the federal grant funds for purchase of the property. The grant funds were provided to Jefferson County for the purpose of remediating flood damage. The parcel has been restored to a natural state and has no structures.

WHEREAS, Jefferson County purchased Parcel 022-0613-0742-053 in April 2010, using Community Development Block-Emergency Assistance program funds, and

WHEREAS, such program requires the property purchased to be maintained in a natural state without any permanent structures on it, and

WHEREAS, the parcel is located on the shore of Lake Ripley within the Lake Ripley Management District, and

WHEREAS, the Lake Ripley Management District desires to own the property, to preserve and protect it, and

WHEREAS, the Law Enforcement/Emergency Management Committee has previously recommended this transfer,

NOW, THEREFORE, BE IT RESOLVED that the County Clerk is authorized to execute a quit claim deed in the form drafted by the Corporation Counsel for no cash consideration to the Lake Ripley Management District for PIN #022-0613-0742-053 which deed will be restricted so as to require the property to be maintained in a natural state without any permanent structures on it in accordance with all the original grant requirements.

*Fiscal Note: There is no fiscal impact.*

**Rinard moved that Resolution No. 2014-19 be adopted.** Seconded and carried: Ayes 27, Jones, David, Tietz, Braughler, Buchanan, Wineke, Rinard, Counsell, Reese, Hartz, Morse, Lund, Nass, Kutz, Hanneman, Schroeder, Mode, Kannard, Poulson, Jaeckel, Murley, Foelker, Zentner, Borland, Schultz, Babcock, Christensen), Noes 1 (Kelly), Absent 2 (Morris, Payne).

**Nass read the following report:**

**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 zoning ordinance of Jefferson

County, filed for public hearing held on May 15, 2014, 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 R3725A-14, R3726A-14,  
R3727A-14, R3728A-14 and R3731A-14  
DATED THIS SECOND DAY OF JUNE 2014

Donald Reese, Secretary

THE PRIOR MONTH'S AMENDMENTS, R3724A-14,  
R3712A-14, R3713A-14, R3714A-14, R3715A-14, R3716A-14,  
R3717A-14, R3718A-14, R3719A-14, R3720A-14, R3721A-14,  
R3722A-14 and R3723A-14 ARE EFFECTIVE UPON PASSAGE  
BY COUNTY BOARD, SUBJECT TO WIS. STATS. 59.69(5).

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

**Nass presented Ordinance No. 2014-13.**

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

WHEREAS, Petitions R3725A-14, R3726A-14, R3727A-14, R3728A-14 and R3731A-14 were referred to the Jefferson County Planning and Zoning Committee for public hearing on May 15, 2014, 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 zoning ordinance of Jefferson County (and official zoning maps) as follows:

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

Create two new 1-acre building sites, one from part of PIN 004-0515-1633-001 (20 acres) and one from part of PIN 004-0515-2122-000 (40 acres). They are in the Town of Cold Spring, near N1290 Fremont Road. Conditions of rezoning include road access approval, receipt of a soil test showing initial and replacement systems, approval and recording of a final certified survey map including extraterritorial plat review if necessary, and filing of an affidavit acknowledging that there will be no further A-3 lots for the property. R3725A-14 – Bruce Lucht

Rezone to create a 2-acre building site on Fremont Road in the Town of Cold Spring from part of PIN 004-0515-1742-000 (40 acres). Conditions of rezoning include road access approval, receipt of a soil test showing sites for installation of both initial and replacement systems, approval and recording of a final certified survey map including extraterritorial plat review if necessary, and filing of an affidavit acknowledging that there will be no further A-3 lots for the property. R3726A-14 – John Tincher/Tikalsky Farms LLC property

Rezone 6 acres from PIN 004-0515-1714-001 (20 acres) for a new residential building site with existing barn on Fremont Road,

Town of Cold Spring. Conditions of rezoning include receipt of a soil test showing sites for installation of both initial and replacement systems, approval and recording of a final certified survey map for the property, and filing of an affidavit acknowledging that there will be no further A-3 lots for the property. R3727A-14 – John Tincher/Tikalsky Farms LLC property

Create a 2-acre farm consolidation lot at W4147 Fremont Road in the Town of Cold Spring from part of PIN 004-0515-1741-000 (36.945 acres). A condition of rezoning calls for receipt and recording of a final certified survey map. R3728A-14 – John Tincher/Tikalsky Farms LLC property

**FROM A-1, EXCLUSIVE AGRICULTURAL TO N,  
NATURAL RESOURCES**

Rezone 14 acres of PIN 004-0515-1821-001 (15 acres) on Heyse Drive in the Town of Cold Spring. Rezoning is conditioned upon receipt of and recording of a final certified survey map for the lot, and upon restoration of the cropland to its natural state by planting prairie grasses as testified to by the petitioner's representative in public hearing. R3731A-14 – Paul Kramer

All of the above petitions 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.

**Nass moved that Ordinance No. 2014-13 be adopted as printed.** Seconded and carried.

**Wehmeier presented Ordinance No. 2014-14.**

Executive Summary

Section 59.54(4), Wis. Stats., sets forth the process for destruction of obsolete county records, specifying how long each type of record must be kept, with a default 7 year period for any type of record not listed specifically therein or governed by another statute. The Wisconsin Public Records and Forms Board has approved 79 pages of reduced retention periods for many county records, reducing space needed for storage. Pursuant to County Board Rule 3.04(1) the County Administrator may present matters to the Board for its consideration. This item is presented for action by the Administrator.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Records Retention Ordinance is created as follows:

**A. Purpose.** The purpose of this ordinance is to establish a county wide records retention schedule and authorize destruction of county records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to § 16.61(7), Wisconsin Statutes. If there is not a specific law requiring a specific retention period, all records must be retained seven (7) years, unless the Wisconsin Public Records and Forms Board has approved a shorter period.

**B. Definitions.** As used in this ordinance:

*Legal custodian* means the individual responsible for maintaining records pursuant to § 19.33, Wisconsin Statutes.

*Record* means record as defined in § 19.32(2), Wisconsin Statutes.

**C. Historical Society Notification.** Prior to the destruction of any public record described in this section, at least sixty (60) days' notice in writing shall be given to the State Historical Society of Wisconsin, unless such notice has been waived in advance by the State Historical Society as part of the Records and Forms Board approval process.

**D. Destruction After Request for Inspection.** No requested record may be destroyed until after the request is granted by the State Historical Society of Wisconsin or sixty (60) days after the request is denied. If any action is commenced under § 19.36(6), Wisconsin Statutes.

**E. Destruction Pending Litigation.** No record subject to pending litigation shall be destroyed until the litigation has been resolved.

**F. Preservation of County Records.** County records may be kept and preserved by any means approved by the County Board and allowed by Wisconsin Statutes. County records may be kept and preserved through the use of microfilming that meets the applicable standards established in § 16.61(7), Wis. Stats. After verification that destruction is allowed, paper records may be destroyed if these records are to be preserved in accordance with this section.

**G. Review and Approval by Public Records and Forms Board.** Retention periods approved by the Public Records and Forms Board from time to time are incorporated in this ordinance as if fully set forth.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

**Nass moved that Ordinance No. 2014-14 be adopted.** Seconded and carried.

**Murley read Resolution No. 2014-20.**

WHEREAS, the University of Wisconsin-Whitewater baseball team was crowned NCAA Division III champion in May, making UW-Whitewater the only school to ever win a football, men's basketball and baseball national title in the same year, and

WHEREAS, both the men's and women's wheelchair basketball teams and the gymnastic team have also won national titles this year, and

WHEREAS, other UW-Whitewater teams and individual athletes have been successful this year including the softball team and an individual national title in women's track,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board offers its congratulations to the UW-Whitewater athletes, national championship teams and athletic department for their unprecedented success.

**Murley moved that Resolution No. 2014-20 be adopted.** Seconded and carried.

**Lund presented Resolution No. 2014-21.**

WHEREAS, the State of Wisconsin has yet to take advantage of billions of new federal Medicaid dollars which would improve the state's BadgerCare program - these federal funds are available at any time, and, upon acceptance, would provide access to BadgerCare to 84,000 Wisconsin residents as estimated by the State's Legislative Fiscal Bureau, and

WHEREAS, the decision to reject federal Medicaid funding shrinks the number of Wisconsin residents who have health care coverage while increasing the costs to the state for the BadgerCare program (according to the Legislative Fiscal Bureau, the state budget will require over \$100 million more this budget cycle by rejecting these federal funds), and

WHEREAS, 19 counties have passed resolutions urging Wisconsin to utilize these federal funds, a position that has been reiterated by the Wisconsin Counties Association, and these federal funds would bring an estimated \$30,340,000 into the Jefferson County economy by 2021 and would help an estimated 1,052 parents and childless adults in Jefferson County gain access to BadgerCare, and

WHEREAS, having un-insured and under-insured residents impacts the Jefferson County Human Services Department because it can lead to untreated mental health or substance abuse and lack of preventive health care that can lead to loss of jobs, the inability to function, and loss of self-sufficiency,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby directs the Jefferson County Clerk to place the following advisory referendum question on the countywide ballot at the election to be held on November 4, 2014: ***"Shall the next State Legislature accept available federal funds for BadgerCare to ensure that thousands of Wisconsin citizens have access to quality and affordable health coverage?"***

BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Jefferson County legislative delegation, the Governor, the Secretary of the Wisconsin Department of Health Services, and the Wisconsin Counties Association.

*Fiscal Note: For the first 3 years the federal government will pay 100% of the cost of new BadgerCare (Medicaid) enrollees, and after those three years the federal government will continue to pay 90% or more of the cost thereafter. This 90 cents on the dollar is a much better deal than standard 60 cents on the dollar Medicaid.*

*This not only means covering more people in a more cost effective way, but that the state will save money over time. Wisconsin would actually save a total of at least \$495 million over the next ten years by accepting the federal money to fill the holes in BadgerCare (Kaiser Family Foundation). Wisconsin would save \$248 million over the next ten years because the federal government*

would pay over 90% of the costs of coverage for many current BadgerCare recipients. Wisconsin would also save an additional \$247 million in the cost of uncompensated medical care because more people would have health coverage.

Jefferson County expenditures for services for individuals with mental illness in 2011: \$7,032,315. (Wisconsin Legislative Fiscal Bureau, December 2013)

**Schroeder referred Resolution No. 2014-21 to the Administration & Rules Committee and the Human Services Board pursuant to Board Rule 3.03(8).**

**Wehmeier read the following:**

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

By virtue of the authority vested in me under Sections 59.18 of the Wisconsin Statutes, I do hereby request the County Board's confirmation of the following appointments:

a. Dale Weis, Johnson Creek, Wisconsin, to the Zoning Board of Adjustment for a three-year term ending July 1, 2017.

b. Ed Morse, Lake Mills, Wisconsin, to the Historic Sites Preservation Commission to fill an unexpired term ending April 1, 2016.

c. Mark Hanson, Watertown, Wisconsin, to the Mid-Wisconsin Federated Library Systems Board to fill an unexpired term ending January 1, 2015.

**Buchanan moved that the appointments be confirmed.** Seconded and carried.

**Schroeder read the following:**

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

By virtue of the authority vested in me I do hereby appoint and request the County Board's confirmation of the following individuals as members of the designated consortiums, commissions and committees:

Local Emergency Planning Committee (LEPC)

a. Chief Vern Butzine, Waterloo, Wisconsin, for an indeterminate term.

b. Jeff Larkin, Watertown, Wisconsin, for an indeterminate term.

**Buchanan moved that the appointments be confirmed.** Seconded and carried.

**Frank read the following commendation:**

WHEREAS, Philip C. Ristow served as Corporation Counsel from June of 1978 to July 1985 returning April 1996 to 2014 (a really long time), and

WHEREAS, that period has involved significant change in county staff (2 administrative secretaries, 4 county administrators, 2 county clerks, and 5 county board chairs and numerous county board members and county department heads), and

WHEREAS, Phil has guided the County with many cost saving ideas and the development of policies that have promoted stable financial performance and management, and

WHEREAS, Jefferson County has benefited from your ability to



handle a multitude of issues from election recounts to manure, and WHEREAS, we “can appreciate that” Phil’s ~~lengthy~~ legal explanations with hand talking will be missed by all those who have had the pleasure of working with him over the years,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors meeting this 10th day of June 2014, does hereby honor Phil Ristow and wish him happiness and good health in the years ahead.

BE IT FURTHER RESOLVED that the Jefferson County Board of Supervisors, County Administrator, all elected and appointed department heads, and all Jefferson County employees commend Philip Ristow for a job well done and wish him well in his retirement.

Supplemental information presented at the June 10, 2014, Jefferson County Board meeting will be available at the County Clerk’s office upon request or on the County’s website at [www.jeffersoncountymi.gov](http://www.jeffersoncountymi.gov).

**There being no further business, Buchanan moved that the Board adjourn.** Seconded and carried at 8:18 p.m.