

**JEFFERSON COUNTY BOARD MINUTES
MONDAY, AUGUST 13, 2018, 7:00 P.M.**

Chair Jim Schroeder presiding.

County Clerk Barbara A. Frank called the roll, all members being present except Kelly and Poulson. Kelly gave prior notice of his 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	Dan Herbst
District 7.....	Dwayne C. Morris	District 8	Michael Wineke
District 9.....	Amy Rinard	District 10	Lloyd Zastrow
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	Brandon White
District 19.....	Jim Schroeder	District 20	Jim Mode
District 21.....	John C. Kannard	District 22	Blane Poulson
District 23.....	George Jaeckel	District 24	Roger Lindl
District 25.....	Matthew Foelker	District 26	Gregg Patrick
District 27.....	Conor Nelan	District 28	Dick Schultz
District 29.....	Mary K. Roberts	District 30	Walt Christensen

Wehmeier led the 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, Chair of the Executive Committee, moved that the minutes of the July 10, 2018, meeting be approved as presented. Seconded and carried.

Communications.

**GENERAL FINANCIAL CONDITION
JEFFERSON COUNTY, WISCONSIN
August 1, 2018**

Available Cash on Hand			
July 1, 2018	\$	855,747.49	
July Receipts		<u>12,298,354.92</u>	
Total Cash			\$ 13,154,102.41
Disbursements			
General – July 2018	\$	4,642,385.88	
Payroll – July 2018		<u>1,450,284.70</u>	
Total Disbursements			<u>6,092,670.58</u>
Total Available Cash			\$ 7,061,431.83
Cash on Hand (in banks)			
August 1, 2018	\$	7,610,941.97	
Less Outstanding Checks		<u>549,510.14</u>	
Total Available Cash			\$ 7,061,431.83

Local Government Investment Pool - General	\$ 28,697,371.69
DANA Investments	28,446,946.20
Local Government Investment Pool - Clerk of Courts	26,583.04
Local Government Investment Pool - Farmland Preservation	173,617.25
Local Government Investment Pool - Parks/Liddle	83,466.12
Local Government Investment Pool – Highway Bond	<u>1,911,052.34</u>
	\$ 59,339,036.64
2018 Interest – Super N.O.W. Account	\$ 694.95
2018 Interest – L.G.I.P. – General Funds	141,293.58
2018 Interest – DANA Investments	391,521.28
2018 Interest – L.G.I.P. – Parks/Carol Liddle Fund	804.87
2018 Interest – L.G.I.P. – Farmland Preservation	1,674.19
2018 Interest – L.G.I.P. – Clerk of Courts	256.36
2018 Interest – L.G.I.P. – Highway Bond	<u>18,428.31</u>
Total 2018 Interest	\$ 554,673.54

JOHN E. JENSEN, JEFFERSON COUNTY TREASURER

Frank presented the following communication:

Notice of Public Hearing from the Planning & Zoning Committee for a hearing to be held on August 23, 2018, at 7:00 p.m. in Room 205 of the Jefferson County Courthouse, Jefferson.

Frank, County Clerk, introduced Resolution No. 2018-33.

WHEREAS, Alyssa K. Spaanem served as the County Board Supervisor for District 24 from February of 2017 to July of 2018, and

WHEREAS, Supervisor Alyssa K. Spaanem served on the Wisconsin Counties Utility Tax Association (WCUTA), Buildings and Grounds Committee, Fair Park Committee, and Solid Waste & Air Quality Committee, and

WHEREAS, Alyssa was known for her passion in preserving Jefferson County and her never ending desire to learn, and

WHEREAS, the Jefferson County Board of Supervisors recognizes Alyssa’s public service, foresight, leadership, thoughtfulness and sense of command in Jefferson County, which will be missed,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors, meeting this 13th day of August 2018, does hereby honor Alyssa K. Spaanem and wish her happiness and good health in the years ahead.

Jaeckel moved that Resolution No. 2018-33 be adopted. Seconded and carried.

Schroeder read a letter dated July 5, 2018, notifying Ben Wehmeier, County Administrator, that Jefferson County had received the Distinguished Budget Presentation Award for the current budget from Government Finance Officers Association (GFOA).

The communications and notice were received and placed on

file.

Public Comment (agenda items). Sam Meyers, Town of Hebron, spoke on a zoning issue. Tom Williams, Town of Concord, spoke on solar farms.

Highway Commissioner Bill Kern, Fair Park Supervisor Roger Kylmanen, Human Services Director Kathi Cauley and District Attorney Susan Happ presented their department's annual report. The annual reports were received and placed on file pursuant to Board Rule 3.03(13).

Rinard, Chair of the Executive Committee, introduced Ordinance No. 2018-11.

Executive Summary

The Executive Committee met on July 25, 2018, and recommended forwarding this ordinance to the County Board for the purpose of discussing the number of County Board of Supervisors serving on the County Board and to review the current County Board Committee structure.

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

Section 1. Section 3.01(1)(a) of the Board of Supervisors Rules of Order 2018-2020 is amended as follows:

3.01 MEETINGS, QUORUM AND ORDER OF BUSINESS.

(1)(a) Regular and special meetings of the Jefferson County Board of Supervisors shall be held and conducted in accordance with the provisions of s. 59.11, Wis. Stats. The Board shall hold an annual meeting on the Tuesday after the second Monday of November in each year for the purpose of transacting business unless otherwise established by rule. Regular meetings of the Board shall be held on the following dates unless special elections occur on County Board meeting dates, in which case the Board meeting will be held on the Monday preceding the election. [Am. 08/08/06, Ord. 2006-13; 03/11/08, Ord. 2007-34; 3/13/12, Ord. 2011-24]:

Tuesday, April 17, 2018 at 5:00 p.m.

Tuesday, May 8, 2018

Tuesday, June 12, 2018

Tuesday, July 10, 2018

Monday, August 13, 2018

Tuesday, September 11, 2018

Tuesday, October 9, 2018

Tuesday, October 23, 2018

*Tuesday, November 13, 2018

Tuesday, December 11, 2018

Tuesday, January 8, 2019

Tuesday, February 12, 2019

Tuesday, March 12, 2019

Tuesday, April 16, 2019 at 5:00 p.m.

Tuesday, May 14, 2019

Tuesday, June 11, 2019

Tuesday, July 9, 2019

Tuesday, August 13, 2019

Tuesday, September 10, 2019
Tuesday, October 8, 2019
Tuesday, October 22, 2019
*Tuesday, November 12, 2019
Tuesday, December 10, 2019
Tuesday, February 11, 2020
Tuesday, March 10, 2020
Tuesday, April 21, 2020 at 5:00 p.m.
*Annual Meeting (Required by Statute)
[am. 03/09/10, Ord. 2009-24; 03/13/12, Ord. 2011-24; Ord. 2013-24, 03/11/2014; Ord. 2016-01, 04/19/16; Ord. No. 2018-01, 04/17/2018]

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

Rinard moved for the adoption of Ordinance No. 2018-11. Seconded.

Schroeder informed the Board on the rule regarding amendments to the Board Rules. 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, unless the Board waives laying it over by unanimous vote.

Rinard moved to suspend the rules. By voice vote unanimous approval was given to suspend the rules regarding layover of Ordinance No. 2018-11. Ordinance No. 2018-11 was adopted by a voice vote.

Rinard introduced Resolution No. 2018-34.

Executive Summary

Current law allows the assessed value of certain retail stores to be based on comparing them to nearby vacant or abandoned commercial buildings even though the store is operating at full capacity. The reasoning behind this argument is that in many cases large retail stores are constructed according to a standard design which is unique to that particular retail store, i.e. Menards and Walgreens are built using a design specific to their business needs and if the building was sold on the open market, a purchaser would most likely need to make significant modifications in order to use the building for another business purpose. As a result, Courts have sided with national retail stores requiring communities to refund tax revenue. This method of valuation is known as the "Dark Store" theory of valuation.

This Resolution authorizes Jefferson County to conduct a county-wide advisory referendum to be held at the November 2018 general election. The Executive Committee considered this resolution at its July 25, 2018, meeting and voted to forward to the County Board for approval. Local governments object to the theory because it decreases revenue to the state while also increasing the burden of increased taxes on other property owners. Schools, roads, and other public services still need funding.

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

WHEREAS, some national retail stores in Wisconsin have successfully argued that the assessed value of their property for property tax purposes should be based on the fair market value of the building if it was vacant or abandoned, and

WHEREAS, some national retail stores are using what is known as the “Dark Store” theory to argue that the assessed value of a new, thriving store should be based on comparing their buildings to nearby vacant or abandoned stores from a different market segment and in many cases, courts have sided with the national retail stores, requiring communities to refund tax revenue, and

WHEREAS, lawsuits in Wisconsin are forcing assessors to reduce the assessed value of thriving national retail stores, shifting the tax burden to local businesses and homeowners, and

WHEREAS, homeowners in Wisconsin pay over 70% of the total statewide property tax levy, and

WHEREAS, over the past several months, municipal, county, city, and town officials have been in contact with state legislators testifying against the Dark Store tax loophole in order to avoid a property tax burden shifting to other tax paying entities such as residential homeowners and other businesses and/or cuts in essential services provided by an affected municipality, and

WHEREAS, the disproportionate burden of property taxes on homeowners will worsen unless legislators take action to amend the property tax law and prevent some national retail stores from receiving significant reductions in the assessed value of their commercial stores resulting in a significant reduction in their property taxes, and

WHEREAS, Wisconsin State Statute 59.52(25) allows for a county board to conduct a county-wide referendum for advisory purposes, and

WHEREAS, a county-wide advisory referendum on the issue of Dark Stores would provide guidance to the state legislature as to the will of the Jefferson County electorate on this issue, and

WHEREAS, this resolution seeks to conduct such a county-wide advisory referendum.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors that a county-wide advisory referendum be conducted at the November 2018 general election with the question stated as follows:

Should the state legislature enact proposed legislation that closes the Dark Store loophole, which currently allows commercial retail property valuation to be significantly reduced for property tax assessment purposes which may result in a shift in taxes levied against other tax paying entities, such as residential home owners and other business entities, and/or cuts in essential services provided by an affected municipality?

BE IT FURTHER RESOLVED that the Corporation Counsel prepare a Notice of Referendum to be published by the Jefferson County Clerk in accordance with statutory requirements.

BE IT FURTHER RESOLVED that the Corporation Counsel

draft an Explanatory Statement to be approved by the Executive Committee and published by the Jefferson County Clerk in accordance with statutory requirements.

BE IT FURTHER RESOLVED that this resolution and the referendum shall be filed with the Jefferson County Clerk no later than 70 days prior to the election at which the question will appear on the ballot.

BE IT FURTHER RESOLVED that that publication of this resolution may occur through posting in accordance with Section 985.02 of the Wisconsin Statutes.

BE IT FURTHER RESOLVED that this resolution, upon passage, be forwarded to Governor Scott Walker, the Wisconsin Counties Association and Jefferson County's Legislative Representatives with the request that they assist in this endeavor.

Fiscal Note: This advisory referendum will cost an estimated \$1,000.

Rinard moved that Resolution No. 2018-34 be adopted.
Seconded.

Lund moved to adopt the following amendment to the referendum question. Seconded and carried:

Should the state legislature enact proposed legislation that closes the "Dark Store" property tax loophole, which currently allows ~~commercial retail property valuation~~ a significant reduction in the property tax assessment valuation of the commercial property of national retail stores, ~~to be significantly reduced for property tax assessment purposes~~ which may result in ~~a shift in taxes levied against~~ increased property taxes for other tax-paying entities, such as residential home owners and other business entities, and/or cuts in essential services provided by an affected municipality?

Nass moved to amend the amendment to include . . . regional and national retail stores, . . . Seconded and carried.

Amended Resolution No. 2018-34 was adopted by a voice vote.

Jones, Chair of the Finance Committee, introduced Resolution No. 2018-35.

Executive Summary

The Jefferson County Human Services Department maintains a vehicle escrow account under s. 85.21, Wis. Stat., that had a balance of \$90,730 at the end of 2017. The Human Services carryover request for 2018 budgeted for non-capital expenditures of this entire balance. The Human Services Department would like to make a capital purchase of a wheelchair accessible van with these funds in 2018 in the amount of up to \$48,000. The Finance Committee considered this resolution at its meeting on August 7, 2018, and voted to forward to the County Board for approval.

WHEREAS, the above Executive Summary is incorporated into this resolution, and

WHEREAS, the Human Services Department had \$90,730 in the vehicle escrow trust account at the end of 2017, and

WHEREAS, the Human Services Department and the Jefferson

County Board of Supervisors approved the Human Services Department's carryover budget for fiscal year 2018, and

WHEREAS, the Human Services Department's carryover request included spending the vehicle escrow account, and

WHEREAS, the Human Services Department's carryover request did not include any capital expenditures, and

WHEREAS, the Human Service Department is requesting authorization to spend up to \$48,000 to purchase a wheelchair accessible van, and

WHEREAS, Finance Department staff have reviewed the Human Services Department budget and propose to amend the budget accordingly.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors does hereby approve the amendment of the 2018 Human Services Department program budget to spend up to \$48,000 to purchase a wheelchair accessible van.

Fiscal Note: Attached is the revised budget amendment request form. [The revised budget amendment request form is available at the County Clerk's office upon request or on the County's website at www.jeffersoncountywi.gov]. As a budget amendment, 20 out of 30 affirmative votes are required for passage.

Jones moved that Resolution No. 2018-35 be adopted. Seconded and carried: Ayes 28 (Jones, David, Tietz, Braughler, Herbst, Morris, Wineke, Rinard, Zastrow, Reese, Hartz, Morse, Lund, Nass, Payne, Kutz, White, Schroeder, Mode, Kannard, Jaeckel, Lindl, Foelker, Patrick, Nelan, Schultz, Roberts, Christensen), Noes 0, Absent 2 (Kelly, Poulson).

Jones introduced Resolution No. 2018-36.

Executive Summary

A claim has been made against Jefferson County for damages. The claim has been reviewed by the County's insurance carrier, Wisconsin Municipal Mutual Insurance Company (WMMIC), and was recommended for disallowance based on the finding that the County is not legally responsible for the alleged damages. This resolution formally denies said claim filed against Jefferson County and directs the Corporation Counsel to give the claimant notice of disallowance. The Finance Committee met on August 7, 2018, and recommended forwarding this resolution to the County Board to disallow the claim.

WHEREAS, the above Executive Summary is incorporated into this resolution, and

WHEREAS, the following claim was filed against Jefferson County as follows:

Claimant: Carl Braun

Date of Loss: 06/05/18

Claim Filed: 06/25/18

Description: Claimant alleges that the Highway Department caused damage to the air conditioner and radiator mounts on his 2006 Chevrolet Uplander due to the condition of the road next to his driveway located on Highway Y which was under construction on the alleged date of loss.

Alleged Damages: \$1,774.09

WHEREAS, the damage is alleged to be the result of negligence of Jefferson County, its agents, officials, officers or employees, and

WHEREAS, Jefferson County's insurance carrier, Wisconsin Municipal Mutual Insurance Company, recommends disallowance of the claim on the basis that the claimant has not met his burden of proof and the County is not legally responsible for the alleged damage.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby disallows said claim and directs the Corporation Counsel to give the claimant notice of disallowance.

Fiscal Note: Denial of this claim will have no fiscal impact. This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County's policy.

Jones moved that Resolution No. 2018-36 be adopted. Seconded and carried.

Jones introduced the following Proclamation:

WHEREAS, the State of Wisconsin recognizes children as its greatest resource, and

WHEREAS, children's well-being, economic security and success in life are enhanced by parents who provide financial and emotional support, and

WHEREAS, Wisconsin's Child Support Program ensures that parents take responsibility for the care and well-being of their children, supporting the involvement of parents in their children's lives and providing services to both custodial and noncustodial parents, and

WHEREAS, child support agencies in Wisconsin collected more than \$697 million in child support in 2017, and

WHEREAS, sustaining the Child Support Program is an effective investment in Wisconsin's future because the Child Support Program increases self-sufficiency, reduces child poverty and has a positive effect on children's well-being, and

WHEREAS, increased public awareness of the importance of providing children with the support they need and the services offered by the Child Support Program through its county and tribal-child support agencies benefits Wisconsin's children and families,

NOW, THEREFORE, the Jefferson County Board of Supervisors does hereby proclaim August as Child Support Awareness Month and commends this observance to all citizens.

Jones moved that the Proclamation proclaiming August as Child Support Awareness Month in Jefferson County be adopted. Seconded and carried.

Tietz, Chair of the Parks Committee, introduced Resolution No. 2018-37.

Executive Summary

The Jefferson County Parks Department is constructing a recreation trail for hiking, biking and cross-country skiing on right-of-way owned by We Energies. The proposed trail is 10.96 miles

in length and is located between the City of Watertown, Wisconsin, and the City of Oconomowoc, Wisconsin. This off-road paved trail connection will be built on the former interurban rail line that connected the City of Watertown to the City of Oconomowoc. The interurban rail line is now a utility corridor owned by We Energies and American Transmission Company (ATC) operates the electric transmission facilities on the corridor. The City of Watertown and the City of Oconomowoc are the project boundaries. Purchasing a 3-span prefabricated steel truss bridge will allow trail users to cross the Rock River and connect segments one and two of the trail. The Parks Committee considered this resolution at its meeting on August 6, 2018, and recommends forwarding to the County Board to accept the bid of Kraemer North America, LLC to install a 3-span prefabricated steel truss bridge as the lowest responsible bidder in the amount of \$434,900.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the Parks Committee has expended significant time and effort towards establishing a multi-use trail from Watertown to Oconomowoc, and

WHEREAS, there is a crossing of the Rock River in the Town of Watertown, and

WHEREAS, the Jefferson County Board of Supervisors has previously approved the execution of a grant contract with the Wisconsin Department of Natural Resources for the construction and installation of a bridge across the Rock River, and

WHEREAS, the Parks Department has solicited written proposals for the installation of a 3-span prefabricated steel truss bridge, and

WHEREAS, the Parks Department has received two bids, one from Kraemer North America, LLC in the amount of \$434,900, one the other one from E80Plus LLC in the amount of \$478,418, and

WHEREAS, the Parks Department recommends hiring the low bidder Kraemer North America to install a 3-span prefabricated steel truss bridge,

NOW, THEREFORE, BE IT RESOLVED that Parks Director Joe Nehmer is authorized to enter into an agreement with Kraemer North America, LLC to install a 3-span prefabricated steel truss bridge as the lowest responsible bidder in the amount of \$434,900.

Fiscal Note: The total cost to install the bridge is \$434,900 funded mostly by grants and donations with \$37,500 from Jefferson County tax levy which has been budgeted for this purpose in the 2018 County Budget.

Tietz moved that Resolution No. 2018-37 be adopted. Seconded. Tietz moved to amend Resolution No. 2018-37 by revising the dollar amount of the Kraemer North America, LLC bid from \$434,900 to \$439,900. Also amended were the following paragraphs:

WHEREAS, the Parks Department has received two bids, one from Kraemer North America, LLC in the amount of ~~\$434,900~~ \$439,900, ~~one~~ and ~~the other~~ one from E80Plus LLC in the amount

of \$478,418, and

NOW, THEREFORE, BE IT RESOLVED that Parks Director Joe Nehmer is authorized to enter into an agreement with Kraemer North America, LLC to install a 3-span prefabricated steel truss bridge as the lowest responsible bidder in the amount of not to exceed ~~\$434,900~~ \$439,900.

Amendment was seconded and carried: Ayes 28 (Jones, David, Tietz, Braughler, Herbst, Morris, Wineke, Rinard, Zastrow, Reese, Hartz, Morse, Lund, Nass, Payne, Kutz, White, Schroeder, Mode, Kannard, Jaeckel, Lindl, Foelker, Patrick, Nelan, Schultz, Roberts, Christensen), Noes 0, Absent 2 (Kelly, Poulson).

Amended Resolution No. 2018-37 was adopted: Ayes 28 (Jones, David, Tietz, Braughler, Herbst, Morris, Wineke, Rinard, Zastrow, Reese, Hartz, Morse, Lund, Nass, Payne, Kutz, White, Schroeder, Mode, Kannard, Jaeckel, Lindl, Foelker, Patrick, Nelan, Schultz, Roberts, Christensen), Noes 0, Absent 2 (Kelly, Poulson).

Tietz introduced Resolution No. 2018-38.

Executive Summary

The Jefferson County Parks Department is constructing a recreation trail for hiking, biking and cross-country skiing on right-of-way owned by We Energies. The proposed trail is 10.96 miles in length and is located between the City of Watertown, Wisconsin, and the City of Oconomowoc, Wisconsin. This off-road paved trail connection will be built on the former interurban rail line that connected the City of Watertown to the City of Oconomowoc. The interurban rail line is now a utility corridor owned by We Energies and American Transmission Company (ATC) operates the electric transmission facilities on the corridor. The City of Watertown and the City of Oconomowoc are the project boundaries. Purchasing a 3-span prefabricated steel truss bridge will allow trail users to cross the Rock River and connect segments one and two of the trail. The Parks Committee considered this resolution at its meeting on August 6, 2018, and recommends forwarding to the County Board to accept the bid of Anderson Bridge as the lowest responsible bidder in the amount of \$174,300.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the Parks Committee has expended significant time and effort towards establishing a multi-use trail from Watertown to Oconomowoc, and

WHEREAS, there is a crossing of the Rock River in the Town of Watertown, and

WHEREAS, the Jefferson County Board of Supervisors has previously approved the execution of a grant contract with the Wisconsin Department of Natural Resources for the construction and installation of a bridge across the Rock River, and

WHEREAS, the Parks Department has solicited written proposals for the purchase of a 3-span prefabricated steel truss bridge, and

WHEREAS, the Parks Department has received four bids, one from Anderson Bridge in the amount of \$174,300, one from

Wheeler Lumber, LLC in the amount of \$175,500, one from Big-R-Bridge in the amount of \$207,969, and one from Contech Engineering Solutions in the amount of \$209,712, and

WHEREAS, the Parks Department recommends the purchase of a 3-span prefabricated steel truss bridge from bidder Anderson Bridge,

NOW, THEREFORE, BE IT RESOLVED that Parks Director Joe Nehmer is authorized to purchase a 3-span prefabricated steel truss bridge in the amount of \$174,300 from Anderson Bridge as the lowest responsible bidder.

Fiscal Note: The total cost to purchase the bridge is \$174,300 funded mostly by grants and donations with \$37,500 from Jefferson County tax levy which has been budgeted for this purpose in the 2018 County Budget.

Tietz moved that Resolution No. 2018-38 be adopted. Seconded and carried: Ayes 28 (Jones, David, Tietz, Braughler, Herbst, Morris, Wineke, Rinard, Zastrow, Reese, Hartz, Morse, Lund, Nass, Payne, Kutz, White, Schroeder, Mode, Kannard, Jaeckel, Lindl, Foelker, Patrick, Nelan, Schultz, Roberts, Christensen), Noes 0, Absent 2 (Kelly, Poulson).

Nass, Chair of the Planning & Zoning Committee, introduced 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 official zoning map of Jefferson County and text of the Jefferson County Zoning Ordinance, filed for public hearing held on July 19, 2018, 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 R4071A-18, R4072A-18, R4073A-18, R4074A-18, R4076A-18, R4077A-18, R4078A-18 and R4079T-18.

Dated this 30th day of July 2018. Donald Reese, Secretary.

The prior month's amendments R4061A-18, R4062A-18, R4063A-18, R4065A-18, R4066A-18, R4067A-18, R4068A-18 and R4070A-18 are effective upon passage by County Board, subject to Wis. Stats. 59.69(5).

Nass introduced Ordinance No. 2018-12.

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

WHEREAS, Petitions R4071A-18, R4072A-18, R4073A-18, R4074A-18, R4076A-18, R4077A-18 and R4078A-18 were referred to the Jefferson County Planning and Zoning Committee for public hearing on July 19, and

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

NOW, THEREFORE, BE IT ORDAINED that the Jefferson

County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

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

Create a 2-acre building site on County Road Q in the Town of Aztalan from part of PIN 002-0714-1711-000 (53.05 acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Approval is conditioned upon redesign showing either a 66-foot access strip to the north of the lot or moving the lot to the north property line and allowing for road access elsewhere on the property. It is also conditioned upon receipt of a suitable soil test, and approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. This utilizes the last available A-3 lot for the property, so it is further conditioned upon recording of an affidavit acknowledging that fact. R4071A-18 – Craig Frohmader/Robert & Marilyn Frohmader Trust property

Create a 3-acre lot around the farm buildings at N7253 Woody Lane, Town of Concord, from part of PIN 006-0716-0412-000 (46.94 acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Approval is conditioned upon receipt of a suitable soil test and approval and recording of a final certified survey map for the lot. R4072A-18 – David A Staude

Create a 5-acre farm consolidation lot with existing home and farm buildings at N5880 County Road D in the Town of Farmington, part of PIN 008-0715-2341-000 (40.161 acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. This action is conditioned upon approval and recording of a final certified survey map for the lot. R4073A-18 – Robert Fry

Create a 2.0565-acre lot around the home and buildings at N5060 Christberg Road, Town of Farmington, on PIN 008-0715-3141-000 (38.4 acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Approval is conditioned upon receipt and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4074A-18 – Jason & Jennifer Schroedl

Create a 3-acre lot with the home at W1811 & W1813 State Road 16 from part of PIN 012-0816-1744-000 (35 acres). The site is in the Town of Ixonia. This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon road access approval, receipt of suitable soil test, approval and recording of the final certified survey map. An easement shall be recorded for access to the road. R4076A-18 – Damrow Trust, c/o Donna Christian

Create a 3-acre farm consolidation lot around the home and buildings at N8741 Kelm Lane in the Town of Watertown from part of PIN 032-0814-1324-000 (26 acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. This action is conditioned upon road access approval and approval and recording of the final certified survey map, including

extraterritorial plat review if necessary. R4077A-18 – Anthony & Karen Schadt

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

Rezone part of PIN 018-0713-3622-000 (40 acres), and all of PINs 018-0713-3623-000 (40 acres) and 018-0713-3632-000 (53.128 acres) near Mud Lake Road in the Town of Lake Mills to create an approximate 110-acre Natural Resource zone. This is being done in accordance with Sec 11.04(f)12 of the Jefferson County Zoning Ordinance. Approval is conditioned upon receipt and recording of a final certified survey map for the lot and for recording of an access easement. R4078A-18 – Dan Zastrow

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

Nass moved for the adoption of Ordinance No. 2018-12 as printed. Seconded and carried.

Nass introduced Ordinance No. 2018-13.

Executive Summary

On November 27, 2017, Wisconsin Act 67 was enacted which made changes to Wisconsin State Law regarding conditional use permits, variances, substandard lots and non-conforming structures. The text amendments in this ordinance reflect the changes made in Act 67 and bring the Jefferson County Zoning Ordinance into compliance with State law. A public hearing was held on July 19, 2018, and the Planning & Zoning Committee met on July 30, 2018, and recommended forwarding this ordinance to the County Board for adoption.

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

Section 1. Section 11.02, DEFINITIONS, of the Jefferson County Zoning Ordinance is amended as follows:

Substantial Evidence: Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Variance: A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of the Ordinance for the district in which such building or structure or parcel is located, when the Board finds, after a public hearing that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety, or welfare. ~~A variance shall not permit a use which is not permitted in the district in which it is proposed.~~

Area Variance: A modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of

adjustment.

Use Variance: An authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

Section 2. Section 11.05, CONDITIONAL USES, of the Jefferson County Zoning Ordinance is amended as follows:

11.05 CONDITIONAL USES

(a) Procedure.

1. Application and Hearing. Any conditional uses listed in this Ordinance shall be permitted only when authorized by the Planning and Zoning Committee. Application for a conditional use permit shall be made to the Zoning Administrator who shall refer it to the Committee. The Committee shall then schedule a public hearing on the application, publish a Class 2 Notice according to Chapter 985, Wisconsin Statutes, and notify by certified mail the clerks of any towns within 1000 feet of the proposed use and all persons listed in the Jefferson County Land Information Office as of the date of the petition as owning property within one-quarter mile of the exterior boundary of the parcel for which the conditional use is requested; at least ten (10) days prior to the hearing date.

2. Review ~~and Approval~~. The Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditional uses shall be reviewed to be consistent with the Agricultural Preservation and Land Use Plan. [Amended 2/8/00, Ord. No. 99-28]

3. Approval or Denial.

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions imposed by the County Planning and Zoning Committee, the County shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under 3.a. above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permits duration, transfer or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use permit are or shall be satisfied, both of which must be supported by substantial evidence.

c. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the County may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the Zoning Ordinance or by the Committee.

d. If a Conditional Use Permit application is denied, the applicant may appeal the decision to the circuit court under the procedures contained in s. 59.694(10).

43. The Committee shall request an opinion and recommendation from the Jefferson County Highway Commissioner

~~for Any proposed conditional use structure within five hundred (500) feet of an existing county or state highway center line or the existing or proposed rights of way of freeways, expressways, and within one-half (1/2) mile of their existing or a proposed interchange or turning lane rights of way shall be jurisdiction over the traffic way. at least The Committee shall request such and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action. If the Highway Commissioner does not provide an opinion and recommendation as requested, the Committee may approve or deny the conditional use based on the evidence available.~~

54. The Planning and Zoning Committee shall impose Econditions; such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screenings, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements. Additional conditions may be imposed, may be required by the Committee upon its finding that they are necessary to fulfill the purpose and intent of this Ordinance.

65. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading traffic, highway access, and performance standards, shall be required of all conditional uses.

76. Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered a violation of this Ordinance.

87. Revocation of Conditional Use Permits. Any conditional use permit granted by the Planning and Zoning Committee may be revoked if it is found that the conditional use is not being conducted in compliance with the plans and specifications submitted with the application and subsequently approved, or is being operated in violation of the conditions of the conditional use permit. [Ord. No. 2013-30, 03-11-2014]

a. Revocation Process. The Planning and Zoning Committee will hold a public hearing following procedures set forth in paragraph 1. of this section, after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit. [Ord. No. 2013-30, 03-11-2014]

~~b. The public hearing notice shall be sent out a minimum of ten (10) days prior to the public hearing and shall provide the date, time and location of the hearing. Notice shall also be provided to the Town Clerk and County Board Supervisor for the area, as well as all property owners within 500 feet for a residential type conditional use and 1/4 mile for a non-residential type. The notice shall include the reasons for the revocation. [Ord. No. 2013, 03-11-2014]~~

be. Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and shall attend the public hearing. [Ord. No. 2013-30, 03-11-2014]

cd. After public hearing, the Planning and Zoning Committee may revoke or modify the conditional use permit. [Ord. No. 2013-

30, 03-11-2014]

Section 3. Section 11.09, NONCONFORMING USES, STRUCTURES AND LOTS, of the Jefferson County Zoning Ordinance is amended as follows:

11.09 NONCONFORMING USES, STRUCTURES, AND LOTS

(a) Existing Nonconforming Uses. The lawful nonconforming uses of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued, some for specific periods of time, although the use does not conform with the provisions of this Ordinance; however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when authorized by state law or when required to do so by law or order so as to comply with the provisions of this Ordinance.

2. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the structural members of the existing structure with additions not exceeding fifty (50)%percent of existing foundation footprint whether vertical or horizontal, and the addition shall meet all setbacks; at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. Any alteration, structural member replacement or repair or addition to a structure with an existing nonconforming use shall also meet all the requirements of Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance #14 and Wisconsin State Statute Chapter 87.30. [Amended 11/13/84, Ord. No. 84-15; Ord. No. 2013-30, 03-11-2014]

3. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

4. One new structure may be constructed on the premises if all yard requirements of the district can be met. This structure cannot increase the gross cubage of the buildings by more than 40 percent.

5. Land area upon which use is located may be expanded not more than 30 percent of the square feet of land area existing on the adoption date of this subsection.

(b) Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. Replacement or reconstruction of a nonconforming structure or use shall meet Wisconsin Statutes Chapter 59.69(10m) which states, "Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not: 1. prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or 2. impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

Wis. Stats. s. 59.69(10m)(a)1. The nonconforming structure

was damaged or destroyed on or after March 2, 2006.

Wis. Stats. s. 59.69(10m)(a)2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

Wis. Stats. s. 59.69(10m)(b). An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.” This section does not apply to floodplain structures or uses. See Jefferson County Floodplain Ordinance #14 and Wisconsin Statutes Chapter 87.30 for applicable floodplain restrictions regarding damaged by flood. [Amended 4/16/85, Ord. No. 85-4; Ord. No. 2013-30, 03-11-2014]

A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner’s name and address; use of the structure, land or water; and assessed value at the time of its becoming a nonconforming use.

(c) Existing Nonconforming Structures. The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, ~~reconstructed~~, moved, or structurally altered in excess of fifty (50) percent of the structural members of the existing structure with additions not exceeding 50% of existing foundation footprint whether vertical or horizontal and the addition shall meet all setbacks or go no closer to any side, rear or road setback. For an existing nonconforming structure located within any road right-of-way or existing over a lot line, no additions or alteration of structural members, not including ordinary maintenance, shall be permitted. Any alteration, ~~structural member replacement or repair~~ or addition to any nonconforming structure shall also meet all the requirements of Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance #14 and Wisconsin State Statutes Chapter 87.30. The repair, maintenance, renovation, rebuilding or remodeling of a nonconforming structure or any part of a nonconforming structure is not prohibited and does not require a variance if done so in accordance with this section. [Amended 4/16/85, Ord. No. 85-4; Ord. No. 2013-30, 03-11-2014]

Note: For this section, a structural member includes the number of existing walls, foundation walls, floor and roof. Any alteration to a structural member qualifies for inclusion in the calculation of the 50% provisions. [R3706T-14 – Jefferson County; Ord. No. 2013-30, 03-11-2014]

(d) Changes and Substitutions. Once a nonconforming use or structure has been changed to conform to the requirements of the Zoning Ordinance, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Adjustment has granted a variance to permit the substitution of a more restrictive ~~nonconforming use~~ from or an existing nonconforming use, the

substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Adjustment.

(e) Substandard Lots. In any Residential, Waterfront or Community District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office, ~~before the effective date of amendment of this Ordinance. All current sections and subsequent amendments of this Ordinance, the Jefferson County Private Sewage System Ordinance and the Jefferson County Floodplain Ordinance shall apply. Such lot or parcel shall be in separate ownership from contiguous lands.~~ [Amended 2/8/00, Ord. No. 99-28]

In any zoning district, ~~if contiguous lands in the same zoning district and the substandard lot(s) are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of all current sections and subsequent amendments of this Ordinance, the Jefferson County Private Sewage System Ordinance and the Jefferson County Floodplain Ordinance. If, for a substandard parcel in any Residential, Waterfront or Community District, the substandard parcel does not abut other lands under the same ownership,~~ all of the district requirements shall be complied with insofar as practicable, but shall not be less than the following, and shall meet all requirements of the County's Private Sewage System Ordinance, Floodplain Ordinance and Section 11.10 Shoreland Provisions: [Amended 2/8/00, Ord. No. 99-28]

1. Lot Width - Minimum forty (40) feet (served by public sewer).

Minimum fifty (50) feet (served by private sewer).

Lot Area - Minimum five thousand (5,000) square feet (served by public sewer).

Minimum ten thousand (10,000) square feet (served by private sewer).

2. Yard Setbackss

Street: Minimum twenty-five (25) feet from lot line; the second street yard on corner lots shall be not less than ten (10) feet from the lot line.

Rear: Minimum fifteen (15) feet from lot line.

Side: Minimum five (5) feet from lot line.

Shore: Minimum seventy-five (75) feet.

Accessory Structures: A minimum yard for detached accessory structures is three (3) feet if located in rear yard area of principal structure.

~~**(f) Continuance of Use.** [8/14/79, Resolution No. 85] Lawful nonconforming structures existing at the time of the adoption or amendment of this Ordinance may continue to operate at the level of operation on the effective date of passage, subject to the following:~~

~~a. The building housing the nonconforming use may be expanded 30 percent of the gross cubage in the building, excluding attic space. This expansion is permitted only once, but such ex-~~

pansion may take place by a series of expansions. Before permit for expansion is issued, the owner must provide a signed, dated copy of the plat plan of land ownership and plan of existing building use showing interior arrangement as it existed before expansion is made.

One new structure may be constructed on the premise if all yard requirements of the district are met. This structure cannot increase the gross cubage of the buildings by more than 40 percent.

b. Land area upon which use is located may be expanded not more than 30 percent of the square feet of land area existing on the adoption date of this subsection.

(fg) Non-farm residences within the A-1 District. Residences within the A-1 district legally constructed before January 15, 1975, but not defined as a farm residence under Section 11.02, may continue as prior nonconforming uses, and shall not be subject to any standard or limitation under Section 11.09, except for the following:

1. If such a nonconforming use is discontinued, vacated, or otherwise terminated for a period of twelve (12) months, any future use of the structure shall conform to the provisions of this Ordinance.

2. Where such a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, or is dismantled for the purpose for the purpose of reconstruction, it may be restored or replaced, as long as the replacement residence is placed within 100 feet of the residence built before January 15, 1975 and in compliance with all other county ordinances and state laws. [c. 3/13/12, Ord. 2011-28]

Section 4. Section 11.11(d), (e) and (f), ADMINISTRATION AND ENFORCEMENT, of the Jefferson County Zoning Ordinance are amended as follows:

11.11

(d) Board of Adjustment.

1. Appointment and Term: The Board shall consist of three members and two alternate members who shall be appointed for staggered three-year terms, commencing on July 1, by the County Administrator Chair of the County Board. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the County and outside incorporated cities and villages and no two members shall reside in the same town.

2. Operating Rules.

a. The Board shall choose its own chair, vice chair and secretary.

b. The Board shall meet at the call of the chair or at such other times as the board may determine.

c. The Board shall comply with all requirements of the Wisconsin Open Meetings Law in the conduct of the business before it. The nature of the Board's proceedings is quasi-judicial. The Board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with. To the extent

practicable, Roberts Rules of Order and the Jefferson County Board of Supervisors Rules of Order shall be followed.

d. The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

e. The Board shall conduct a public hearing on all appeals and variance matters before it and shall cause a class 2 notice under Chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to parties in interest. Any party may appear in person or by attorney at such hearing. The chair may administer oaths to parties testifying and may compel attendance of witnesses.

1) Due notice to parties in interest shall mean that the Zoning Administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located outside cities and villages and adjacent to the parcel involved in the application, to the clerk of the town where the property is located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board's decision. [11/1/09, Ord. 2009-19]

2) Failure to mail notices to all joint owners of a property shall not constitute noncompliance with these requirements so long as at least one joint owner was mailed a notice.

f. All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board; provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.

g. If, following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision,

it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of so doing.

h. The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal or variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

i. All decisions by the Board shall be made in accord with the standards of the ordinance. The Board shall decide all matters before it within a reasonable time.

j. The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County Zoning Office and shall be a public record. Written minutes of the Board shall constitute the official record of Board proceedings. Public hearings shall be tape recorded and the records shall be maintained for no less than ninety days. The appellant or applicant may request the services of a reporter and shall pay the costs of such services.

k. The Board may adopt procedural rules not in conflict with this ordinance or state law.

**(e) Powers of the Zoning Board of Adjustment:
Administrative Appeals.**

1. Appealable matters.

a. Decisions by the Zoning Administrator which consist of interpretations of the terms of Jefferson County zoning ordinances and which are made in the course of determining whether a permit or approval will be issued by said Administrator or otherwise in the course of administering and enforcing this Ordinance are appealable to the Board of Adjustment as administrative appeals.

b. Decisions by the Planning and Zoning Committee which consist of interpretations of the terms of the Jefferson County land use ordinances and which are made in the course of determining whether a permit or approval will be issued by said committee are appealable to the Board of Adjustment as administrative appeals.

2. Procedures for Initiating an Administrative Appeal.

a. Eligible appellants: Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the County government unless otherwise provided by law.

b. Time for appeals: An appeal shall be commenced ~~from the granting of a conditional use permit or issuance of a zoning permit by an aggrieved party~~ within 30 days of the date of publication of such decision being appealed pursuant to Sec. 11.15, or if no publication is required. ~~-An appeal from the denial of a permit or~~

~~other decision or interpretation shall be commenced within 30 days after the making of the decision, interpretation, or permit denial being appealed.~~

c. Initiating an appeal: An appeal shall be commenced by filing with the office of the Zoning Administrator a notice of appeal specifying the decision being appealed and the grounds for the requested relief and payment of the fee specified by Section 11.13. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Planning and Zoning Committee and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

d. Stays: An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other ordinance enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

e. Decisions by the Board of Adjustment: Following a public hearing and other investigation, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the Ordinance and evidence as to legislative intent.

(f) Powers of the Zoning Board of Adjustment: Variances.

1. Nature of Variances: Variances are waivers in the terms of the zoning ordinances. In a variance case, the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the use or development for which approval is sought. ~~Two avenues of relief can be pursued in such a case. In that case, an applicant may seek a variance which will be granted only in unique circumstances. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Area Variances and use variances are an available form of relief if the standards in section 3. below are met, only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, building height, etc.) block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinances, a variance is the appropriate means of granting the relief. The variance procedure allows the impact of general rules to be varied in response to unusual local circumstances without involving the County Board in amendment~~

procedures for such localized situation.

2. Applications for Variances: Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in Section 11.13. A completed application shall be submitted including, but not limited to, an application, plot plan, narrative of the request, fee and Town recommendation if the Town provides a recommendation after notification of the variance application. The Administrator shall transmit the application to the Board.

3. Board of Adjustment Review and Decision: Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:

a. ~~No variance may be granted which would have the effect of allowing in any district a use not permitted in that district.~~

ab. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules.

bc. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated.

cd. A variance may be granted when a variance from the terms of this ordinance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

de. A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

4. Conditions: Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with the standards of this ordinance.

5. A variance granted under this section runs with the land.

Nass moved for the adoption of Ordinance No. 2018-13.
Seconded and carried.

Wehmeier introduced the following appointment:

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 respectfully request the County Board's confirmation of the following appointment: Maria Dabel to the Board of Health to fill an unexpired term ending May 11, 2021.

Braughler moved to confirm the above appointment. Seconded and carried.

Public Comment (General). None.

Supplemental information presented at the August 13, 2018, Jefferson County Board meeting will be available at the County Clerk's office upon request or on the County's website at www.jeffersoncountywi.gov.

There being no further business, Jaeckel moved that the Board adjourn. Seconded and carried at 8:17 p.m.