

**ADJOURNED APRIL SESSION**

May 20, 2014

Chairman Kirkpatrick called the meeting to order. Roll call found all members present.

Monsignor Roger Scheckel, Pastor of St. Mary's, Richland Center, gave the Invocation. County Clerk Vlasak led the Pledge of Allegiance.

County Clerk Vlasak read the agenda for the May session. Motion by Crofton, second by Clausius that the agenda be approved and that the Wednesday mail out rule be set aside so that action can be taken on the resolution which was not mailed out. Motion carried.

Chairman Kirkpatrick asked if any member desired that the minutes for the previous session be read or if any member desired to amend the minutes from the previous session. Hearing no motion to read or amend the minutes for the April session, the minutes were declared as approved.

Resolution No. 14-80 Dedicating May 18-24, 2014 As Emergency Medical Services Week In Richland County was read by County Clerk Vlasak. Motion by B. Marshall, Jr., second by Clary that Resolution No. 14-80 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 80**

A Resolution Dedicating May 18-24, 2014 As Emergency Medical Services Week In Richland County.

WHEREAS emergency medical services are a vital public service to the people and communities of Richland County, and

WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury, and

WHEREAS Richland County continually seeks to improve its emergency medical services and trauma care systems in order to assure all citizens the highest standards of emergency medical care, and

WHEREAS emergency care personnel, including skilled dispatchers, first responders, emergency medical technicians, paramedics, nurses and physicians, whether volunteers or paid personnel, engage in untold hours of specialized training and continuing education to enhance their lifesaving skills, and

WHEREAS members of emergency medical services teams provide lifesaving care to those in need 24 hours a day, 7 days a week, and

WHEREAS people in Richland County benefit daily from the knowledge and skills of these highly trained individuals and their unselfish dedication to the County's residents and visitors.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Supervisors that the week of May 18-24, 2014 is hereby declared to be Emergency Medical Services Week in Richland County in recognition of all those who provide emergency medical services, and the County Board commends this observance to all citizens.

**RESOLUTION OFFERED BY THE EMERGENCY  
MANAGEMENT COMMITTEE**

Fred Clary	X
Jeanetta Kirkpatrick	X
Buford E. Marshall, Jr.	X

Ordinance No. 14-7 Amendment # 373 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The David and Jill Coleman Parcel In The Town Of Buena Vista was presented to the Board. Motion by Lewis, second by Rasmussen that Ordinance No. 14-7 be enacted. Zoning Administrator Bindl explained the rezoning request. Motion carried and ordinance declared enacted.

**ORDINANCE NO. 14 - 7**

Amendment # 373 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The David and Jill Coleman Parcel In The Town Of Buena Vista.

The Richland County Board of Supervisors does hereby ordain as follows:

1. The County Board, having considered the following factors, hereby finds that the following rezoning is in the best interests of the citizens of Richland County:

- (a) Adequate public facilities to serve the development are present or will be provided.
- (b) Provision of these facilities will not be an unreasonable burden to local government.
- (c) The land to be rezoned is suitable for development and development will not cause unreasonable water or air pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- (d) Non-farm development will be directed to non-agricultural soils or less productive soils.
- (e) Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas.
- (f) Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels.
- (g) Non-farm residential development will be directed to existing platted subdivisions and sanitary districts.

2. Richland County Comprehensive Zoning Ordinance No. 5, which was adopted by the Richland County Board of Supervisors on May 20, 2003, as amended to date, is hereby further amended as follows:

That the official maps designating district boundaries, as adopted by Richland County Ordinance 1985 No. 1 (also known as Amendment No. 1 to the Richland County Comprehensive Zoning Ordinance No. 3), which was adopted on March 19, 1985, are hereby amended as follows:

That the following-described real estate in the Town of Buena Vista consisting of 26.02 acres is hereby rezoned from the General Agricultural and Forestry District to the Agricultural and Residential District:

The following-described real estate situated in Richland County, State of Wisconsin:

PART OF THE SOUTHWEST QUARTER OF THE FRACTIONAL NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWN 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE RICHLAND COUNTY CAST IRON MONUMENT AT THE WEST QUARTER CORNER OF SECTION 6, T9N, R2E, THENCE N00°00'49"E ON THE WEST LINE OF THE NORTHWEST QUARTER, 1130.19' TO A 3/4" DIAMETER REBAR; THENCE S76°43'08"E, 339.45' TO A 3/4" DIAMETER REBAR; THENCE N89°14'36"E, 294.82' TO A 3/4" DIAMETER REBAR; THENCE S29°39'37"E, 310.12' TO A 3/4" DIAMETER REBAR; THENCE S00°26'18"W, 193.66' TO A 3/4" DIAMETER REBAR; THENCE S01°19'38"W, 206.58' TO A 3/4" DIAMETER REBAR, THENCE S01°14'25"W, 372.59' TO A 3/4" DIAMETER REBAR; THENCE S02°53'45"W, 136.47' TO A 3/4" DIAMETER REBAR; THENCE S00°01'51"W, 69.81' TO A 3/4" DIAMETER REBAR; THENCE S01°26'29"W, 217.31' TO A 3/4" DIAMETER REBAR; THENCE S64°00'47"W, 178.92' TO A 3/4" DIAMETER REBAR; THENCE N47°34'05"W, 131.59' TO A 3/4" DIAMETER REBAR; THENCE N75°13'57"W, 87.34' TO A 3/4" DIAMETER REBAR; THENCE S89°36'20"W, 73.08' TO A 3/4" DIAMETER REBAR; THENCE S57°21'34"W, 104.24' TO A 3/4" DIAMETER REBAR; THENCE S52°46'42"W, 49.24' TO A 3/4" DIAMETER REBAR; THENCE S42°27'58"W, 100.99' TO A 3/4" DIAMETER REBAR AT THE NORTHWEST CORNER OF OUTLOT 1 OF CERTIFIED SURVEY MAP No. 755; THENCE N31°48'37"W, 275.95' TO A 1" DIAMETER IRON PIPE ON THE WEST LINE OF THE SOUTHWEST QUARTER, SAID POINT ALSO BEING THE NORTHWEST CORNER OF OUTLOT 1 OF CERTIFIED SURVEY MAP No. 734; THENCE N 00°44'28"E, 303.29' TO THE POINT OF BEGINNING.

3. Only one single-family residence shall be constructed on the above-described parcel.
4. The above-described parcel shall not be divided without the approval of the Richland County Zoning and Land Information Committee.
5. This Ordinance shall be effective on May 20, 2014.

Dated: May 20, 2014  
 Passed: May 20, 2014  
 Published: June 5, 2014

ORDINANCE OFFERED BY THE ZONING AND  
 LAND INFORMATION COMMITTEE

	FOR	AGAINST
Jeanetta Kirkpatrick, Chairman Richland County Board of Supervisors	Virginia Wiedenfeld Gaylord L. Deets	X X
ATTEST: Victor V. Vlasak Richland County Clerk	Marilyn Marshall Richard Rasmussen Larry Sebranek Gary A. Peters James Lewis	X X X X X

Ordinance No. 14-8 Amendment # 374 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Robert, Kris, Steven and Ciji Weeden Parcel In The Town Of Marshall was presented to the Board. Motion by Wiedenfeld, second by Kinney that Ordinance No. 14-8 be enacted. Zoning Administrator Bindl explained the rezoning request. Motion carried and ordinance declared enacted.

**ORDINANCE NO. 14 - 8**

Amendment # 374 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Robert, Kris, Steven and Ciji Weeden Parcel In The Town Of Marshall.

The Richland County Board of Supervisors does hereby ordain as follows:

1. The County Board, having considered the following factors, hereby finds that the following rezoning is in the best interests of the citizens of Richland County:

- (a) Adequate public facilities to serve the development are present or will be provided.
- (b) Provision of these facilities will not be an unreasonable burden to local government.
- (c) The land to be rezoned is suitable for development and development will not cause unreasonable water or air pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- (d) Non-farm development will be directed to non-agricultural soils or less productive soils.
- (e) Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas.
- (f) Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels.
- (g) Non-farm residential development will be directed to existing platted subdivisions and sanitary districts.

2. Richland County Comprehensive Zoning Ordinance No. 5, which was adopted by the Richland County Board of Supervisors on May 20, 2003, as amended to date, is hereby further amended as follows:

That the official maps designating district boundaries, as adopted by Richland County Ordinance 1985 No. 1 (also known as Amendment No. 1 to the Richland County Comprehensive Zoning Ordinance No. 3), which was adopted on March 19, 1985, are hereby amended as follows:

That the following-described real estate in the Town of Marshall consisting of 5.11 acres is hereby rezoned from the General Agricultural and Forestry District to the Agricultural and Residential District:

The following-described real estate situated in Richland County, State of Wisconsin:

Located in part of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) and part of the Southeast Quarter (SE <sup>1</sup>/<sub>4</sub>) of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 20, Town Eleven (11) North, Range One (1) West, Town of Marshall, Richland County, Wisconsin. Described as follows:

Commencing at the Southwest Corner of Section 20; Thence N 89° 31' 48" E along the South line of the SW <sup>1</sup>/<sub>4</sub> of said Section 20 for a distance of 1724.27 feet; Thence N 00° 17' 01" E for a distance of 388.87 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Said point being the point of beginning. Thence S 88° 35' 29" W for a distance of 110.26 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 73° 29' 34" W for a distance of 104.57 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 76° 47' 27" W for a distance of 94.10 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 76° 50' 18" W for a distance of 58.02 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence N 84° 09' 08" W for a distance of 88.05 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 51° 14' 10" W for a distance of 27.89 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence N 73° 08' 47" W for a distance of 152.84 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 56° 57' 41" W for a distance of 97.13 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence N 00° 07' 40" E for a distance of 393.56 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 86° 40' 32" E for a distance of 254.17 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 83° 53' 44" E for a distance of 444.76 feet to a <sup>3</sup>/<sub>4</sub>" rebar; Thence S 00° 17' 01" W for a distance of 247.25 feet to a <sup>3</sup>/<sub>4</sub>" rebar and the point of beginning.

3. This Ordinance shall be effective on May 20, 2014.

Dated: May 20, 2014  
 Passed: May 20, 2014  
 Published: June 5, 2014

ORDINANCE OFFERED BY THE ZONING AND  
 LAND INFORMATION COMMITTEE

Jeanetta Kirkpatrick, Chairman  
 Richland County Board of Supervisors

Virginia Wiedenfeld  
 Richard Rasmussen  
 Gaylord L. Deets  
 Marilyn Marshall  
 Larry Sebranek  
 Gary A. Peters  
 James Lewis

FOR AGAINST

X  
 X  
 X  
 X  
 X  
 X  
 X

ATTEST:  
 Victor V. Vlasak  
 Richland County Clerk

Resolution No. 14-81 Relating To The County Obtaining A Tax Deed To Certain Tax Delinquent Real Estate In The City of Richland Center was read by County Clerk Vlasak. Motion by Crofton, second by Van Vliet that Resolution No. 14-81 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 81**

A Resolution Relating To The County Obtaining A Tax Deed To Certain Tax Delinquent Real Estate In The City of Richland Center.

WHEREAS the County is the owner and holder of tax certificates relating to certain tax-delinquent real estate in the City of Richland Center, and

WHEREAS the County is at this time authorized by the Wisconsin Statutes to take a tax deed to this tax delinquent real estate and to thereby become the owner of that real estate, subject to the statutory right of redemption of the former owner, and

WHEREAS the Property Committee has carefully considered this matter and is now recommending that the County Board authorize the taking of title by the County to this tax delinquent parcel of real estate.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for the County to execute and issue a tax deed in favor of Richland County to the following-described parcel of real estate in the City of Richland Center which is known as Tax Parcel #276-2114-2040 as to which the County owns and holds the following unredeemed tax certificates for the following tax years:

<u>Year of tax</u>	<u>Certificate No.</u>	<u>Amount of tax (w/o interest)</u>
2008	768	\$1,288.72
2009	743	\$1,339.56
2010	752	\$1,515.17
2011	718	\$1,727.11
2012	662	<u>\$1,063.50</u>
Total .....		\$6,934.06

The legal description relating to this parcel is as follows:

The following-described real estate situated in Richland County, State of Wisconsin:

Lot Four (4) of Block Two (2) of Assessor’s Plat of East Haseltine as recorded on August 6, 1980 at 9:20 a.m. in Volume 4 of Plats, on pages 56-58, in the Office of the Register of Deeds for Richland County, Wisconsin; all in the Northeast Quarter (NE1/4) of Section Twenty-one (21), Township Ten (10) North, Range One (1) East, Richland County, Wisconsin.

Subject to the terms, conditions and provisions of Rental Unit Energy Efficiency Standards Stipulations which are recorded as Documents # 261086 and #277048, Richland County Register of Deeds.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

**RESOLUTION OFFERED BY THE PROPERTY,  
BUILDING AND GROUNDS COMMITTEE**

**FOR AGAINST**

Tom Crofton	X
Gaylord L. Deets	X
Carol Clausius	X
David J. Turk	X
Lewis G. Van Vliet	X

Resolution No. 14-82 Relating To The County Obtaining A Tax Deed To Certain Tax Delinquent Real Estate In The Town of Henrietta was read by County Clerk Vlasak. Motion by Van Vliet, second by Turk that Resolution No. 14-82 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 82**

A Resolution Relating To The County Obtaining A Tax Deed To Certain Tax Delinquent Real Estate In The Town of Henrietta.

WHEREAS the County is the owner and holder of tax certificates relating to certain tax-delinquent real estate in the Town of Henrietta, and

WHEREAS the County is at this time authorized by the Wisconsin Statutes to take a tax deed to this tax delinquent real estate and to thereby become the owner of that real estate, subject to the statutory right of redemption of the former owner, and

WHEREAS the Property Committee has carefully considered this matter and is now recommending that the County Board authorize the taking of title by the County to this tax delinquent parcel of real estate.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for the County to execute and issue a tax deed in favor of Richland County to the following-described parcels of real estate in the Town of Henrietta which are known as Tax Parcel #014-3440-0560 and Tax Parcel #014-3440-0570 as to which the County owns and holds the following unredeemed tax certificates for the following tax years:

<u>Year of tax</u>	<u>Certificate No.</u>	<u>Amount of tax (w/o interest)</u>
2009	288	\$20.07
2010	309	\$17.83
2011	285	\$715.14
2012	239	\$17.69
Total .....		\$770.73

<u>Year of tax</u>	<u>Certificate No.</u>	<u>Amount of tax (w/o interest)</u>
2010	310	\$1,265.32
2011	286	\$533.01
2012	240	\$1,261.27
Total .....		\$3,059.60

The legal description relating to this parcel is as follows:

The following-described real estate situated in Richland County, State of Wisconsin:

Lots Seven (7), Eight (8), Nine (9) and Ten (10), in Block Five (5), Village of Hub City as laid out and platted June 26<sup>th</sup>, 1884, by T.G. Mandt Manufacturing Company on the Southeast Quarter (SE1/4) of Section Thirty-four (34), Township Twelve (12) North, Range One (1) East, Richland County, Wisconsin.

ALSO:

Lot Six (6), in Block Five (5), Village of Hub City as laid out and platted June 26<sup>th</sup> 1884, by T.G. Mandt Manufacturing Company on the Southeast Quarter (SE1/4) of Section Thirty-four (34), Township Twelve (12) North, Range One (1) East, Richland County, Wisconsin.

Subject to an easement to Richland Cooperative Electric Association recorded as Document #87180, Richland County Register of Deeds;

Subject to a sanitary sewer easement granted to Hub Rock Sanitary District #1 and recorded as Document # 227651, Richland County Register of Deeds.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

RESOLUTION OFFERED BY THE PROPERTY,  
BUILDING AND GROUNDS COMMITTEE

FOR AGAINST

Tom Crofton	X
David J. Turk	X

Gaylord L. Deets	X
Carol R. Clausius	X
Lewis G. Van Vliet	X

Resolution No. 14-83 A Second Resolution Relating To An Archaeological Site At Pier Park In The Town Of Rockbridge was read by County Clerk Vlasak. Motion by Bellman, second by Seep that Resolution No. 14-83 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 13 - 83**

A Second Resolution Relating To An Archaeological Site At Pier Park In The Town Of Rockbridge.

WHEREAS at its April 16, 2013 session, the County Board adopted Resolution #13-62 relating to an archaeological site at Pier Park in the Town of Rockbridge, and

WHEREAS the County Parks Commission is recommending that it be authorized to apply to the Director of the State Historical Society for a Wisconsin Public Lands Permit, which should result in a cost of less than \$5,000, as opposed to a private permit which would cost approximately \$20,000 and which would require soliciting bids from private archaeologists to do the curation and storage of the artifacts, and

WHEREAS the County Parks Commission has carefully considered this matter and is now presenting this Resolution to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for the County Parks Commission to apply for a Wisconsin Public Lands Permit from the Director of the State Historical Society, in accordance with Wisconsin Statutes, section 44.47 (4)(a), for the curation and storage of the archaeological items found to date and which may be found in the future at Pier Park, and

BE IT FURTHER RESOLVED that, assuming such a permit is granted by the Director of the State Historical Society, the field archaeology at Pier Park will be supervised by Professor George Christianson of the UW-Baraboo, who is a licensed archaeologist, with the assistance of U.W.-Baraboo students and the terms of a Wisconsin Public Lands Permit will require that the archaeological items, including accompanying research notes, will be curated and stored at either U.W.-La Crosse or U.W.-Madison, although it is possible that some of the artifacts may be returned to Richland County for display, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

**RESOLUTION OFFERED BY THE COUNTY BOARD  
SUPERVISOR MEMBERS OF THE COUNTY PARKS  
COMMISSION**

FOR AGAINST

Robert L. Bellman	X
Gary A. Peters	X
Donald Seep	X



Resolution No. 14-84 Approving An Amended Job Description For A Position At The Department Of Health And Human Services was read by County Clerk Vlasak. Motion by Crofton, second by Kinney that Resolution No. 14-84 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 84**

A Resolution Approving An Amended Job Description For A Position At The Department Of Health And Human Services.

WHEREAS it is necessary from time to time for the County Board to amend job descriptions for County positions so that the description accurately reflects the actual requirements of the job, and

WHEREAS an amended job description has been proposed for the position of Children’s Services Unit Case Manager at the Department of Health and Human Services, and

WHEREAS the Finance and Personnel Committee has carefully considered this matter and is now presenting this Resolution to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for the amended job description for the Children’s Services Unit Case Manager position in the Department of Health and Human Services which was approved by the Finance and Personnel Committee on May 6, 2014 and of which the original is on file in the County Clerk’s office, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

**RESOLUTION OFFERED BY THE FINANCE AND PERSONNEL COMMITTEE**

FOR AGAINST

Jeanetta Kirkpatrick	X
Fred Clary	X
Robert L. Bellman	X
Tom Crofton	X
Gaylord L. Deets	X
Larry Sebranek	X
Lewis G. Van Vliet	X

Resolution No. 14-85 Approving A Building Repair Project On The Gymnasium At The U.W.-Richland Campus was read by County Clerk Vlasak. Motion by Clausius, second by Turk that Resolution No. 14-85 be adopted. Motion by Turk, second by Brewer to amend the resolution to state that approval is granted for the project consisting of replacing the ceiling tiles in the “hallway of the South and North lobbies of the” gymnasium. Motion carried on the amendment. Motion carried on the resolution, as amended.

**RESOLUTION NO. 14 – 85 (Amended)**

A Resolution Approving A Building Repair Project On The Gymnasium At The U.W.-Richland Campus.

WHEREAS the ceiling tiles in the gymnasium at the U.W.-Richland campus need to be replaced and the U.W.-Richland Committee has advertised for bids for this project and the Committee proposes to award the contract for this project to the low bidder, Hall Ceilings of Steuben, Wisconsin, whose bid was in the amount of \$7,687.00, and

WHEREAS Rule 18 of the Rules of the Board requires County Board approval for any project in which the estimated cost of which will exceed \$5,000, and

WHEREAS funds for this project are already in the outlay account of the U.W.-Richland Committee in the 2014 County budget.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for undertaking a public improvement project consisting of replacing the ceiling tiles in the hallway of the South and North lobbies of the gymnasium on the U.W.-Richland campus, and

BE IT FURTHER RESOLVED that the contract for this project is hereby awarded to the lowest bidder, Hall Ceilings of Steuben, Wisconsin, in the amount of \$7,687.00 and the County Clerk is hereby authorized to sign on behalf of the County such documents as may be necessary to carry out this Resolution, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

RESOLUTION OFFERED BY THE UW-RICHLAND COMMITTEE

FOR AGAINST

Robert L. Bellman	X
David J. Turk	X
Marty Brewer	X
Carol R. Clausius	X
Lewis G. Van Vliet	X

Resolution No. 14-86 Approving Hiring A Construction Manager For The Proposed New Nursing Home And Community-Based Residential Facility Buildings At The Pine Valley Healthcare & Rehabilitation Center Campus was read by County Clerk Vlasak. Motion by Crofton, second by Wiedenfeld that Resolution No. 14-86 be adopted. Daniel Davis, Senior Vice President at CG Schmidt, Inc. explained the services that will be provided and the process that will be followed to develop a guaranteed price for the construction project. Discussion followed. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 86**

A Resolution Approving Hiring A Construction Manager For The Proposed New Nursing Home And Community-Based Residential Facility Buildings At The Pine Valley Healthcare & Rehabilitation Center Campus.

WHEREAS it has been proposed that the County engage the services of a construction manager to oversee both the financial and the building construction aspects of the new nursing home facility and community-based residential facility buildings which have been proposed to be constructed on the Pine Valley Healthcare & Rehabilitation Center campus, and

WHEREAS the Temporary Study Committee created for this project has interviewed companies to perform this service and the Board of Trustees is recommending that CG Schmidt, Inc. of Milwaukee, be hired as the construction manager for this project and that the County enter into a contract with this company, and

WHEREAS Rule 18 of the Rules of the Board requires County Board approval for any contract involving the expenditure of \$5,000 or more.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for hiring CG Schmidt, Inc. of Milwaukee to be the construction manager for the new nursing home facility and community-based residential facility buildings which have been proposed to be built on the Pine Valley Healthcare & Rehabilitation Center campus, and

BE IT FURTHER RESOLVED that the fee proposed by CG Schmidt, Inc. to be construction manager for this project includes an overhead and profit fee of 1.65% of the cost of the project plus other fees and expenses, including costs for CG Schmidt's employees at hourly rates until January 1, 2015 at between \$85 and \$115 per hour and reimbursement of listed expenses, and

BE IT FURTHER RESOLVED that authority is hereby delegated to the Board of Trustees of Pine Valley Healthcare & Rehabilitation Center to approve a written contract with CG Schmidt, Inc. in accordance with this Resolution, with Corporation Counsel Ben Southwick to review such proposed contract, and the County Clerk is hereby authorized to sign on behalf of the County such contract as has been approved by the Board of Trustees, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

RESOLUTION OFFERED BY THE COUNTY BOARD  
SUPERVISOR MEMBERS OF THE PINE VALLEY  
HEALTHCARE AND REHABILITATION CENTER  
BOARD OF TRUSTEES

FOR AGAINST

Virginia Wiedenfeld	X
Fred Clary	X
Jeanetta Kirkpatrick	X

Resolution No. 14-87 Approving Hiring An Architectural Firm For The Proposed New Nursing Home And Community-Based Residential Facility Buildings At The Pine Valley Healthcare & Rehabilitation Center Campus was read by County Clerk Vlasak. Motion by Seep, second by Crofton that Resolution No. 14-87 be adopted. Kathleen Cianci, Pine Valley Healthcare Administrator, explained that an analysis is being conducted of operating costs of the proposed facility and the level of funds that will be needed to cover the annual bond payments. Discussion followed. Motion carried and resolution declared adopted.

**RESOLUTION NO. 14 - 87**

A Resolution Approving Hiring An Architectural Firm For The Proposed New Nursing Home And Community-Based Residential Facility Buildings At The Pine Valley Healthcare & Rehabilitation Center Campus.

WHEREAS it has been proposed that the County engage the services of an architectural firm to provide complete planning, architectural, interiors and engineering services for the new nursing home facility and community-based residential facility buildings which have been proposed to be constructed on the Pine Valley Healthcare & Rehabilitation Center campus, and

WHEREAS the Temporary Study Committee created for this project has interviewed companies to perform these services and the Board of Trustees is recommending that the Madison firm of Eppstein Uhen Architects be hired to provide these services for this project and that the County enter into a contract with that firm, and

WHEREAS Rule 18 of the Rules of the Board requires County Board approval for any contract involving the expenditure of \$5,000 or more.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for hiring Eppstein Uhen Architects of Madison to provide complete planning, architectural, interiors and engineering services in accordance with the firm’s December 3, 2013 proposal for the new nursing home facility and community-based residential facility buildings which have been proposed to be built on the Pine Valley Healthcare & Rehabilitation Center campus, and

BE IT FURTHER RESOLVED that many of the professional services to be provided by Eppstein Uhen Architects will in fact be provided by subcontractors, and

BE IT FURTHER RESOLVED that approval is hereby granted for paying the firm’s interim expenses, as set forth in the firm’s May 1, 2014 letter of agreement, until the firm presents a formal contract to the County and that contract has been properly reviewed and approved by the County Board, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign the firm’s proposed letter of agreement dated May 1, 2014 on behalf of the County, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

RESOLUTION OFFERED BY THE COUNTY BOARD  
SUPERVISOR MEMBERS OF THE PINE VALLEY  
HEALTHCARE AND REHABILITATION CENTER  
BOARD OF TRUSTEES

FOR AGAINST

Virginia Wiedenfeld	X
Fred Clary	X
Jeanetta Kirkpatrick	X

Ordinance No. 14-9 Amending Richland County Zoning Ordinance No. 5 was presented to the Board. Motion by Rasmussen, second by Sebranek that Ordinance No. 14-9 be enacted. Zoning Administrator Bindl provided a review of the process followed in the development of the ordinance. Ann O’Leary and Diane Loomis addressed the Board expressing concern about issues surrounding frac sand mining. Corporation Counsel Southwick explained that a county ban on mining would ruin the value of the property and would be considered a ‘taking’ which would result in the government having to pay compensation to the land owner. Discussion followed. Steve Kohlstedt, a member of the Frac Sand Mining Advisory Committee, explained that

the Advisory Committee came up with a frame work and guidelines for the proposed ordinance. Motion carried and ordinance declared enacted.

**ORDINANCE NO. 14 - 9**

An Ordinance Amending Richland County Zoning Ordinance No. 5.

The Richland County Board of Supervisors does hereby ordain as follows:

Richland County Zoning Ordinance No. 5, as amended to date, is hereby amended as follows:

1. SECTION II: ZONING MAP AND DISTRICT BOUNDARIES:

The following crossed-out words are repealed and the underlined words are adopted:

C. GENERAL AGRICULTURAL AND FORESTRY DISTRICT (A-F)

f. ~~Quarrying and Non-metallic mining~~ operations: Construction Aggregate, subject to provisions of Section III.

D. AGRICULTURAL AND RESIDENTIAL DISTRICT (A-R)

j. ~~Non-metallic mining operations: including the removal of rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby these materials are substantially removed from the site,~~ Construction Aggregate, subject to Section III herein.

G. GENERAL COMMERCIAL DISTRICT (C)

t. ~~Quarrying and mining~~ Non Metallic mining operations: Construction Aggregate, Industrial Sand or both, subject to the provisions of Section III.

H. INDUSTRIAL DISTRICT (I)

f. Non Metallic mining operations: Construction Aggregate, Industrial Sand or both, subject to the provisions of Section III.

I. SCENIC RESOURCE DISTRICT (SR)

1. Permitted Uses:

a. Any use permitted in the underlying districts, except for the following:

(3). Non-Metallic Mining/Quarrying, removal or storage of any surface or Sub-surface minerals or materials.

AMENDING SECTION III OF THE ORDINANCE ENTITLED: REGULATION OF SPECIAL USES

1. Section C is repealed.

2. (AC) Nonmetallic mining.

The following apply to applications for Industrial Sand and Construction Aggregate Conditional Use Permits:

In considering applications for Industrial Sand and Construction Aggregate Conditional Use Permits, the County shall specifically analyze non-metallic mineral mining proposals in light of the County's interest in

providing for the wise use of the natural resources of the county, aesthetic implications of the siting of such a mine at a given location and the impacts of such a mining operation on the general health, safety and welfare of the public. Each application shall be judged on its own merits. Subject only to the standards set forth in this section and in the zoning ordinance as a whole, it is impossible to prescribe the criteria upon which such a permit may be granted in each and every case.

**a. Application** The committee shall determine if the nonmetallic mining site is in the public interest after consideration of the following:

1. The nonmetallic mining site complies with all provisions of this chapter, Richland Co. Non-Metallic Mining Reclamation Ordinance, and Wis. Admin. Code ch. NR 135.
2. The establishment, maintenance, or operation of the conditional use permit shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.
3. That the establishment, maintenance, or operation of the conditional use permit will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.
4. That adequate utilities, access roads, drainage, traffic plans, and other site improvements are or will be provided.
5. That the nonmetallic mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.
6. That the noise, vibration, and dust levels be within the standards as established by this ordinance.
7. That an undeveloped buffer zone adjacent to extraction operations, commencing not less than 500 feet from a property line for industrial sand and 50 feet for construction aggregate, or up to 600 feet from an established residential building, 100 feet of the right-of-way of any railroad intersection, street road or highway, or such other distance as the Richland County Zoning and Land Information Committee finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.
8. That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
9. **Storm water** runoff leaving the site will be controlled to limit sediment delivery to surface waters. Appropriate storm water discharge or construction site erosion permits must be obtained.
10. **Ground Water** Nonmetallic mining operations and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR 140. Non-metallic mining operations must at all times remain at least (10) feet above the water table level, unless an alternative level proposed by the applicant and established by water table elevation monitoring is approved by the County. The County may require monitoring wells to establish the groundwater level prior to the commencement of non-metallic mining operations on a site. (See Ground Water Monitoring Section) In addition the applicant must demonstrate that

the operation does not pose a legitimate risk as determined by the County to water table level or groundwater quality of the area.

11. Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.

12. Hours of operation for non-metallic mining shall be limited based upon the defined activities of Extraction and Processing.

**a. Extraction.** Extraction shall be allowed Monday through Friday between 6:00 a.m. and 7:00 p.m. during Daylight Savings time and between 6:00 a.m. and 6:00 p.m. during Standard Time. Extraction shall be allowed Saturday between 7:00 a.m. and 3:00 p.m. No Extraction shall be allowed on Sundays or Holidays, as defined in this ordinance.

**b. Processing.** Processing may be allowed Monday through Friday between 6:00 a.m. and 8:00 p.m. during Daylight Savings time and between 6:00 a.m. and 6:00 p.m. during Standard Time. Processing shall be allowed Saturday between 7:00 a.m. and 3:00 p.m. No Processing shall be allowed between Saturday at 3:00 p.m. and Monday at 6:00 a.m. for industrial sand. Processing may be allowed between Monday at 6:00 a.m. through Saturday at 3:00 p.m. for construction aggregate. No Processing shall be allowed on Holidays, as defined in this ordinance.

**c. Emergency Extraction.** If a construction aggregate operator conducts nonmetallic mining extraction outside of the stated hours of operation due to an emergency and at the request of the Governor of the State of Wisconsin, Sheriff of Richland County, Emergency Management Director of Richland County, Zoning Administrator of Richland County, Highway Commissioner for Richland County, or any Chairperson of a Town in Richland County on behalf of their respective Town, then such operator shall give notice to the Zoning Administrator within 48 hours of the emergency Extraction. If the Zoning Administrator is unable to verify the emergency requiring the Extraction outside of the stated hours of operation, the operator shall be deemed to have violated the conditional use permit. If after a second occurrence when the Zoning Administrator is unable to verify the emergency, then the conditional use permit may be revoked by the Zoning Administrator.

13. Notification must be provided to the Zoning Administrator and adjacent neighbors at least 24 hours prior to any blasting.

14. Active/disturbed acres should at a maximum be 40 acres. Once more than 40 acres is active/disturbed, reclamation will be required to keep it at 40 acres or less.

#### 15. Operational Plan

- a. Dates of the planned commencement and cessation of the operation
- b. Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations
- c. Estimated volume of material to be extracted over the life of the mine and for the next calendar year (or if the mine site is solely a drying, processing, trans load or transfer facility, the amount of product that will pass through the site over the life of the site)

and for the next calendar year)

- d. Location of road access points; the proposed location within the site of all buildings, and other structures, equipment, stockpiles, storage and parking areas
- e. Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site
- f. A water budget including an estimate of the amount of daily water use, water sources and methods for disposing of water including methods used for infiltration and control of run-off
- g. A listing of any hazardous materials, including fuel supplies that will be stored on-site and a description of measures to be used for securing and storing these materials
- h. A listing of all chemicals and approximate quantities used in the manufacturing or processing operations or in controlling dust. Note: If the Operator desires to change or add chemicals, the County must be notified three days in advance of any such change or addition
- i. Operator shall also provide information establishing baseline conditions at the site before mining operations commence, including the groundwater elevation across the site, groundwater quality at the site for lead, arsenic and any other toxic metal that may be reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made, and the base flow of surface water within 3 ½ miles of the site.

**16. Vegetative Screening.** The County upon its review of the conditional use permit application shall require screening from adjacent public highways and adjacent non-compatible land uses. Existing vegetation shall be taken into consideration provided it is of sufficient height and density. An earth bank, berm, or vegetative screen of 50 feet along the bordering property lines and public roadways shall be constructed and maintained to screen the mining operation from view.

**17. Fencing Standards.** The nonmetallic mining site shall be enclosed by at least a 4 strand barbed wire fence, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a nonmetallic mining site. Fencing and signs shall be installed prior to commencement of operations.

**18. Traffic Standards.** The Operator shall obtain a current bus schedule from all school districts, which operate regular bus runs on any roads used by the trucks. The operator shall ensure that trucks from the mining site shall not interfere with the safety of children being taken or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is highest.

**19. Air Quality and Dust Control** -The industrial sand operator shall utilize all relevant dust control measures specified in WIs. Admin. Code NR 415.075. Operator must meet the air quality standard of 3 micrograms per cubic meter or respirable crystalline silica (as established by the California OEHHA) at the boundary of the mine. Operator must meet the EPA particle size standards PM 10 and PM2.5 at the boundary of the mine site. At Operator's expense, site



must have a minimum of four (4) automatic and continuous monitors installed and properly functioning; strategically located on the borders of the mine site with monthly readings from the monitors collected by an independent service. The County may require air quality and dust control measures for construction aggregate.

20. **Light Pollution** -The Operator shall limit night lighting on site to that which is minimally necessary for security and whenever possible, shall be shielded from illuminating off-site areas. Every effort consistent with legal requirements for aerial safety shall be made to minimize illumination of the night sky.

## 21. **Groundwater Monitoring**

a. The industrial sand operator shall install a groundwater monitoring well network for the purpose of establishing the actual groundwater elevation at the mine site and for monitoring changes to the groundwater elevation over time. The network shall consist of a minimum of four (4) monitoring wells. The network shall be designed to triangulate the elevation of the water table surface and to establish the direction of groundwater flow at the site. The monitoring well network design shall be designed by a Professional Hydrologist or Professional Engineer and reviewed and approved by the County Conservationist in advance of well installation. Using the information gathered in the monitoring well network the operator shall prepare a site-specific groundwater elevation map. The elevations of the water table surface in each of the wells shall be recorded monthly the first year of operations and quarterly thereafter for the life of the mine and be included as part of the Annual Reclamation Report and Activities Plan. The County may require a groundwater network for construction aggregate mining.

b. The operator shall provide a copy of any application and permit for a high capacity well subject to state permit requirements. The application and permit shall be provided to the County Conservationist within 30 days of permit issuance. Production wells installed at the mine site shall be constructed to limit the potential for groundwater movement between aquifers and to limit impacts on surface waters near the mine. Wells shall be cased from the surface through the lowest extent **to be determined**. The operator shall keep records of pumping rates and volumes for all high capacity wells at the mine site on a monthly basis following procedures established in NR 820.13. The operator shall provide a copy of those records to the County Conservationist as part of the Annual Reclamation Report and Activities Plan.

c. The operator shall prepare a Water Conservation Plan to limit consumptive use of groundwater. The plan shall include a water budget for the operation that shows the typical annual volume of gains and losses to mining operations and reclamation activities. The plan shall also describe the processes and best management practices used in a mine operation to reduce the consumptive use of groundwater at the mine site.

d. In the event that offsite monitoring shows that mining or reclamation activities at this site have caused a lowering of the water table that results in adverse effects on surface waters or significant reduction in the quantity of groundwater reasonably available for future users of groundwater, the operator will mitigate these effects by revising the Water Conservation Plan to limit the pumping frequency, rate or volume of groundwater or to implement water conservation practices to restore groundwater elevations. Any changes to the Water Conservation Plan are subject to review and approval by the County Conservationist.

e. In the event that offsite monitoring shows that mining or reclamation activities at this site have caused groundwater quality standards of Wisconsin Administrative Code NR140 to be exceeded at a point of standards application the operator will seek to mitigate these effects by altering site operations.

## **22. Settling Ponds**

a. Settling ponds and associated earthen conveyances shall be lined to limit the infiltration and leaching of chemical constituents that may be used in mining processes. Liners shall be designed by a Professional Engineer and constructed under their supervision to meet standards and specifications of Wisconsin Administrative Code NR.213.

b. Circumstances where flocculants, dispersants, or other chemicals are used in the mining or reclamation process the operator shall select products that limit the potential for groundwater pollution, as may be identified on recognized product lists available from Wisconsin DNR, EPA or other agencies. The type, volume and frequency of flocculent, dispersants, or other chemicals used shall be provided as part of the Annual Reclamation Report and Activities Plan.

c. The operator will test the sediment accumulated in the mine site settling ponds for concentrations of residual materials associated with the type of chemicals used. Testing will be performed annually or at any time when there are changes to the type of chemicals used. These test results will be included as part of the Annual Reclamation Report & Activities Plan.

d. The operator shall apply appropriate best management practices when removing and managing liquids, sediment, and liner material from the settling ponds. In selecting the best management practices, the operator shall consider the results of material testing and material characterization.

e. In circumstances where the settling pond will be abandoned in-place, the operator shall apply an earthen cap. The cap shall be designed to reduce the potential for long-term leaching of any deleterious materials into the groundwater.

## **23. Solid Waste & Spills**

a. The import, storage or disposal of any solid waste, recyclable materials or nonmetallic mine refuse generated outside the mine site is subject to the registration provisions of the Richland County Nonmetallic Mining Reclamation Ordinance.

b. In the event of fuel spills or other hazardous waste spills the operator shall immediately contact the County Conservationist.

c. The operator shall not dispose of waste materials containing any hazardous chemicals in toxic amounts or residuals declared to be hazardous by a government agency in toxic amounts onsite or in Richland County, except in accordance with applicable state and federal law and with prior approval of the County.

Fueling inside of the mine shall be discouraged and limited to vehicles such as tracked equipment that cannot readily access an off-site fueling station. Fueling of highly mobile equipment such as rubber-tired loaders, scrapers and trucks shall occur in areas that pose a reduced risk of groundwater pollution. In all cases, spill containment practices; such as drip

pans, absorbent pads or other recognized practices; shall be used to contain drips and spills during fueling.

24. Water from site washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from DNR.

25. **Noise Pollution** - Any noise shall be kept below 45 dB for Industrial Sand and 70 for Construction Aggregate as measured at the nonmetallic mining site's property line during operational hours. Back up alarms on vehicles that are required by OSHA shall be exempt from this requirement. Verification of this requirement shall be provided to the zoning administrator upon written request. The operator shall control off-site noise levels to the maximum extent practicable to include "jake braking".

26. **Blasting Safety** - Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line.

27. Verification that the applicant has requested that a Cultural Resource Site Review and Natural Heritage Inventory be performed by the Department of Natural Resources and that the site review has been completed. A copy of the site review reports must be provided to the County prior to the issuance of a Conditional Use Permit.

28. Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the conditional use permit.

29. The County may request the applicant to submit additional information if the County determines that the application is incomplete. The County may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the County whether additional information is required for review of the application and to determine whether the application meets the standards of this Ordinance. If the County determines that additional expertise is required, the County shall authorize retaining the services of an engineering firm, attorney or other qualified person with appropriate expertise to advise the County and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert. The additional fee shall be paid before the additional review is undertaken. Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the County on whether the application meets the requirement of this Ordinance. The county may also require the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the nonmetallic mining operation throughout the life of the mine site and shall be paid for by the operator.

30. Navigable streams- no industrial sand mining is allowed within half (1/2) mile of a navigable stream.

31. No person may cause, allow or permit any materials to be handled, transported or stored without taking precautions to prevent particulate matter from becoming airborne. Precautions shall include, but not be limited to: covering, treatment or securing of materials likely to become airborne from haul trucks during transport, prior to any transportation off site from the quarry or mine.

32. Application of asphalt, water, suitable chemicals or plastic covering on dirt roads, material stockpiles and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor or water pollution problem

33. Factors to be considered for Adopting Conditions.

1. When considering an application for a non-metallic mineral mine permit, the County shall consider, among other factors, the following: the effect or impact of the proposed operation upon;

- a. public infrastructure, including but not limited to streets and highways, schools and other public facilities;
- b. present and proposed uses of land in the vicinity of the proposed operation;
- c. surface water drainage, water quality and supply;
- d. soil erosion;
- e. aesthetics, including but not limited to scenic beauty and the conservation of natural resources of outstanding quality or uniqueness;
- f. the market value of lands in the vicinity of the proposed operation;
- g. the physical practicality of reclamation of the site after the operation has been concluded;
- h. the public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment; and
- i. Approved documentation from the Highway department and any towns if a road agreement is needed and has been approved.

2. In order to grant a conditional use permit for non-metallic mineral mining, the County shall find that the proposed operation is an appropriate land use at the site in question, based upon consideration of such factors as: existence of non-metallic mineral deposits; proximity of site to transportation facilities and to markets; and the ability of the operator to avoid harm to the public health, safety and welfare and to the legitimate interests of properties in the vicinity of the proposed operation.

34. RECLAMATION ASSURANCE. The Richland County Zoning and Land Information Committee shall require reasonable assurance that the conditions it may impose will be satisfied. The amount of financial assurance shall equal as closely as possible the cost to Richland County of hiring a contractor to complete reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by the Zoning Department to assure it equals the current estimated reclamation cost.

Such assurance shall be achieved through a combination of the following prior to commencement of operation activities:

1. Performance bonds or substitute guarantees in the form of pledged collateral.
2. Clear identification of the relationships between landowners, lessees, licensees, and

operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

3. If there is any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same shall be submitted to arbitration in accordance with Wis. Stat. Ch. 788, if the claimant so requests.

35. OTHER ASSURANCE. Financial assurance shall be provided to the County as a condition of license approval in the amount necessary for the following:

1. Road repair. An amount necessary for the repair and maintenance of county and zoned \ town roads used for truck traffic transporting materials to or from the site. Upon the agreement of the County, the financial assurance may be in the form of a Road Use Agreement Escrow Account.
2. Water Supply – an amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within 3 ½ miles of the site or such other area shown to be impacted by the Operator’s operations.

36. TIME OF OPERATION. Unless otherwise specified in this ordinance, the permit shall be in effect for not more than 3 years for industrial sand or 5 years for construction aggregate, and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new ownerships or managements.

37. TERMINATION OF NONMETALLIC MINING ACTIVITIES. If nonmetallic mining activities terminate for a period of 2 years or more on a site which is the subject of an approved conditional use permit, the land use permit holder is not entitled to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

1. The discontinuance was specified as part of the original operations plan.
2. The operator has Richland County Zoning and Land Information Committee approval of an amendment to the original permit placing the operation on inactive status with conditions as to interim or partial reclamation.
3. Within 2 years of the cessation of the operation all equipment, stockpiles, rubble heaps, other debris and temporary structures, except fences, shall be removed or backfilled into the excavation, leaving the premises in a neat and orderly condition.
4. As a condition of approval, the operator shall accept responsibility for remediation, or the permit may be revoked.

After a conditional use permit has been issued and if no activity has taken place at an Industrial Sand mining site, or rail load out facility under the permit whatsoever or, alternatively, where activity was originally commenced but then has been terminated and such condition of non-activity, exclusive of required, ongoing reclamation under such a permit, has continued for a period of twelve (12) months in succession, the permit shall lapse as a matter of law and no further or other activities in operating the site other than reclamation will be allowed.

38. STOCKPILING. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay, and topsoil shall not be permitted beyond final reclamation.

AMENDMENTS TO SECTION IV OF THE ORDINANCE ENTITLED: ADMINISTRATION:

2. The following language is added to Section C 4 entitled “Basis of Approval” immediately after that heading:

“4. Basis of Approval

The Zoning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the Zoning Committee also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

3. The following language is added after Section C 4 i:

“j. To aid in the review of the proposed project under the above criteria, the Zoning Committee may take into consideration such of the following factors or additional factors as are deemed by it to be relevant to its decision making process with respect to the project in question.

1. Whether the proposed project will adversely affect property in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with adopted Richland County plans or any officially adopted town plan.
4. Provision of an approved sanitary waste disposal system.
5. Provision for a portable water supply.
6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether the proposed project would adversely affect the natural beauty of the area.
16. Whether the proposed project would adversely affect any historic or archeological sites.

The applicant’s failure to satisfy the criteria listed in par. (j) or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

AMENDING SECTION IX OF THE ORDINANCE ENTITLED: DEFINITIONS:

The following definitions are added and the following paragraphs are renumbered:

1. 5. Blasting: The act of using a set charge of dynamite or other explosive at one firing to free up, loosen, or dislodge a desired product at the permitted mine site.

2. Paragraphs 5-10 are renumbered as 6-11.
3. Camper is renumbered 12.
4. Paragraph 11 is renumbered 13.
5. 14. Construction Aggregate is either sand and gravel or crushed stone (stone crushed from bedrock) that is predominately produced and used for local construction purposes (i.e., asphalt or concrete roads, concrete, asphalt, building or dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, roofing granules, and other similar uses) or used for agricultural uses such as ag lime and bedding sand for livestock operations. Small amounts of sand and gravel or crushed stone may be produced and used for other purposes such as salt and sand for icy roads, water filtration systems in septic systems, landfills, mortar sand, and sand for sand blasting.
6. Paragraph 13 is renumbered as 15.
7. 16. Crushing: The act of breaking down, squeezing, pressing and pounding an object or material so that the action destroys or deforms the object into a usable or desired form.
8. 17. Drying: The action to remove moisture from the intended marketable material.
9. Paragraphs 14-16 are renumbered 18-20.
10. 21. Extraction: Obtaining the raw material from the permitted site following the permitted conditions. This also includes the acts of “Blasting”, “Stripping”, “Hauling”, and “Mine Construction”.
11. Paragraphs 17-25 are renumbered 22-30.
12. 31. Hauling: The action of carting or transporting of any material on public roadways, either raw or processed, from the original location of the raw or processed material to another location not on the permitted grounds.
13. Paragraph 26 is renumbered as 32.
14. 37. Holiday: Legal holidays recognized by the State of Wisconsin on which no work is performed by employees of the State. These shall include; New Years Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year’s Eve Day.
15. Paragraph 27 is renumbered as 34.
16. 35. Industrial Sand is a high purity silica sand product sold for any of the following uses: glassmaking, metal casting, metal production, chemical production, paint and coatings, ceramics and refractories, and oil and gas recovery (i.e. “frac sand”). This sand is classified as 212322 Industrial Sand Mining according to the NAICS (North American Industry Classification System) Standard Industrial Classification (SIC) System.
17. Paragraphs 28 – 36 are renumbered 36-44.

18. 45. Mine Construction: The process involved in preparing a site for nonmetallic mineral extraction activities, including but not limited to the stripping of topsoil and overburden, the destruction of tree cover and other vegetation, the building of access roads and the construction of accessory structures and buildings to be used in the course of mining activities.
19. Paragraphs 37-39 are renumbered 46-48.
20. 49. Non-Metallic Mineral-Mining or Non Metallic Mining: All or any part of the process involved in the mining of non-metallic minerals including but not limited to the commercial extraction, agglomeration, beneficiation, removal of overburden and the production of refuse. It does not mean exploration, or prospecting, or mining of non-metallic minerals for a property-owner's sole use on the property-owner's property.
21. Paragraph 40 is repealed.
22. Paragraph 41 is renumbered as 50.
23. 51. Processing: To convert raw material into a marketable form, on site, by a special process that includes the actions of "crushing", "washing", "screening", "drying" and "rail-load out". Processing shall also include moving material by way of conveyor system or other forms of transportation, but shall not include moving material on public roadways.
24. Paragraphs 42-45 are renumbered 52-55.
25. 56. Screening: Sorting or sizing of material into a marketable product size.
26. Paragraphs 46-50 are renumbered 57-61.
27. 62. Stripping: To take away or remove soil, rock, or other overburden materials from Nonmetallic minerals and use that material in the reclamation process, where applicable.
28. Paragraphs 51-62 are renumbered 63-74.
29. 75. Washing: The action that involves water or some other liquid for the purpose of cleansing by removing impurities or undesirables from the intended product.
30. Paragraph 63 is renumbered as 76.

This Ordinance shall be effective immediately upon its passage and publication.

Dated: May 20, 2014  
 Passed: May 20, 2014  
 Published: June 5, 2014

ORDINANCE OFFERED BY THE ZONING AND  
 LAND INFORMATION COMMITTEE

FOR AGAINST

Jeanetta Kirkpatrick, Chairman  
 Richland County Board of Supervisors

ATTEST:  
 Victor V. Vlasak  
 Richland County Clerk

Virginia Wiedenfeld	X
Gaylord L. Deets	X
Marilyn Marshall	X
Richard Rasmussen	X
Larry Sebranek	X



Gary A. Peters X  
James Lewis X

Chairman Kirkpatrick noted that copies of the following reports were distributed to Board members: Pine Valley Healthcare and Rehabilitation Center Audit for the Year ended December 31, 2013; Financial Report of Highway operations for the period January 1, 2013 to December 31, 2013; and the Land Conservation Department Annual Report for 2013.

Zoning Administrator Bindl reported the receipt of a petition from Elaine Stafford to rezone three acres from Agricultural/Forestry to Residential-2 in the Town of Forest and a petition from Elaine Ewers to rezone five acres from Agricultural/Forestry to Agricultural Residential in the Town of Marshall. Chairman Kirkpatrick referred the petitions to the Zoning and Land Information Committee for action.

Zoning Administrator Bindl reported that there were no rezoning petitions being recommended for denial by the Zoning and Land Information Committee.

Motion by Peters, second by Williams to adjourn to Tuesday, June 17, 2014, at 7:00 p.m. Motion carried.

STATE OF WISCONSIN )  
                                          )SS  
COUNTY OF RICHLAND)

I, Victor V. Vlasak, County Clerk in and for the County of Richland, do hereby certify that the foregoing is a true copy of the proceedings of the County Board of Supervisors of Richland County for the May session held on May 20, 2014.

Victor V. Vlasak  
Richland County Clerk