

**JUNE SESSION**

June 17, 2008

Chairman Greenheck called the meeting to order and welcomed the visitors and press. Roll call found all members present except Kirkpatrick, Seep and Wiedenfeld.

Supervisor Wyman gave the Invocation. County Clerk Vlasak led the Pledge of Allegiance.

County Clerk Vlasak read the agenda for the June session. Motion by Kinney, second by Pfeil that the agenda be approved. Motion carried.

Chairman Greenheck asked if any member desired 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 May session, the minutes were declared as approved.

Recipients of the Charles C. Brace Ag Scholarship and the Fred and Hazel Pauls Ag Scholarship were introduced to the Board. Lucas Unbehaun, son of David and Cathy Unbehaun, rural Richland Center, was selected to receive the Charles C. Brace Ag Scholarship in the amount of \$400. Lucas is a senior at Richland Center High School and is enrolled in the Dairy Herd Management Program at Southwest Technical College in Fennimore. Krystyna Kepler, daughter of Lonnie and Dana Kepler, rural Viola, was selected to receive the Fred and Hazel Pauls Ag Scholarship in the amount of \$600. Krystyna is a senior at Richland Center High School and plans on attending UW-Platteville for four years majoring in animal science with a minor in agricultural business and then transferring to the UW-Madison for veterinarian school.

Resolution No. 08-76 Of Condolence To The Family Of Peter Athanas was read by County Clerk Vlasak. Motion by Wyman, second by Cook that Resolution No. 08-76 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-76**

A Resolution Of Condolence To The Family Of Peter Athanas.

WHEREAS Peter Athanas, who served Richland County as a County Board Supervisor from 1961 to 1967, died on May 14, 2008, leaving surviving his widow, three sons and a daughter, and

WHEREAS the Richland County Board of Supervisors, which was not in session at the time of Peter Athanas's death, desires to express its sympathy to his surviving family.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that said Board of Supervisors does, as a body, hereby express its sincere sympathy regarding the death of Peter Athanas, to his widow and his surviving family, and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to send a copy of this Resolution to Peter Athanas's widow and his surviving family, as follows:

- to his widow: Arlene Athanas, 2205 W. Preston Drive, Richland Center, WI 53581
- to his son: David Athanas, 5654 Montadale St, Fitchburg, WI 53711
- to his son: Michael Athanas, 3409 S Bob O Link Lane, Appleton, WI 54915
- to his son: Thomas Athanas, 2733 Tower Road, McFarland, WI 53558
- to his daughter: Jan Broadbent: 18997 Sportsman Drive, Muscoda, WI 53573

RESOLUTION OFFERED BY THE RULES AND

RESOLUTIONS COMMITTEE

FOR AGAINST

Bette M. Cook	X
Carol R. Clausius	X
Warren C. Pfeil	X
Daniel J. Carroll	X
Lawrence Sowle	X

County Parks Commission Vice Chairman Lewis presented a plaque to Supervisor Clausius in appreciation for her seven years of service on the County Parks Commission. Supervisor Clausius' term on the Commission expires July 1, 2008.

Resolution No. 08-77 Noting With Appreciation The Retirement of Dean Deborah B. Cureton At The U.W.-Richland was read by County Clerk Vlasak. Motion by Kinney, second by Havlik that Resolution No. 08-77 be adopted. Dean Cureton addressed the Board. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-77**

A Resolution Noting With Appreciation The Retirement of Dean Deborah B. Cureton At The U.W.-Richland.

WHEREAS Ms. Deborah B. Cureton was hired as Dean at U.W.-Richland in June, 2001 and she has announced that she will be retiring in June, 2008, and

WHEREAS the Richland County Board of Supervisors wishes to express its gratitude and appreciation to Dean Cureton for her 7 years of dedicated service to the citizens of Richland County as Dean at U.W.-Richland.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that the County Board hereby expresses its sincere appreciation to Dean Deborah B. Cureton for her 7 years of dedicated service to the citizens of Richland County as Dean at U.-W.-Richland, and

BE IT FURTHER RESOLVED that the County Board hereby wishes Dean Cureton a long and happy retirement, and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to send a copy of this Resolution to Dean Cureton at 696 Cedar Street, Richland Center.

RESOLUTION OFFERED BY THE UW-RICHLAND COMMITTEE

FOR AGAINST

Gaylord L. Deets	X
Paul Kinney	X
Betty Havlik	X
Lawrence Sowle	X
Larry D. Wyman	X

Resolution No. 08-78 Relating To Approving Landowner Applications For Farmland Preservation Agreements Under The Farmland Preservation Tax Credit Act was read by County Clerk Vlasak. Motion by Lewis, second by Rasmussen that Resolution No. 08-78 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-78**

A Resolution Relating To Approving Landowner Applications For Farmland Preservation Agreements Under The Farmland Preservation Tax Credit Act.

WHEREAS the Farmland Preservation Tax Credit Act (Chapter 91, Wisconsin Statutes) requires the County Board to approve or reject appropriate applications for farmland preservation agreements within 120 days from the time such applications are received by the County Clerk, and

WHEREAS the County Board has delegated to the Land Conservation Committee the duty of reviewing each such application and making a recommendation to the County Board on each application, and

WHEREAS the Land Conservation Committee has reviewed and recommended for approval by the County Board the applications described below, which were received by the County Clerk less than 120 days ago, and the County Board has reviewed these applications in accordance with the standards set forth in sec. 91.13(4), Wisconsin Statutes.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Richland County Board of Supervisors that the following applications for farmland preservation agreements under the Farmland Preservation Tax Credit Act are hereby approved:

James and Mark Zierfus (Town of Richwood)  
30060 Acorn Lane  
Blue River, WI 53518

Larry and Julie Peterson (Town of Sylvan)  
17629 County Highway G  
Viola, WI 54664

Lena Rockweiler (Village of Cazenovia)  
230 Cazenovia Street  
Cazenovia, WI 53924, and

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

**RESOLUTION OFFERED BY THE LAND  
CONSERVATION COMMITTEE**

FOR AGAINST

Paul Kinney X  
James Lewis X  
Richard Rasmussen X

Resolution No. 08-79 Approving Releasing A Money Judgment Owned By The County was read by County Clerk Vlasak. Motion by Clausius, second by Wyman that Resolution No. 08-79 be adopted.

Corporation Counsel Southwick reviewed the original lawsuit. Roll call vote. AYES: Sowle, Kanable, Cook, Gust, Clary, Wyman, Lewis, Marshall, Rasmussen, Greenheck, Gorman, Deets, Carroll, Pfeil, Holets, Kinney, Havlik, Clausius. Ayes 18. Notes 0. Total 18. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-79**

A Resolution Approving Releasing A Money Judgment Owned By The County.

WHEREAS, as a result of litigation brought by the County in 2001 relating to the clean-up of a junkyard on certain property, the County obtained a Judgment on November 19, 2004 against Frank M. and Betty Wastlick in the amount of \$2,921.68 and that Judgment constitutes a lien on certain real estate, and

WHEREAS Larry Wastlick is in the process of buying the real estate in question and cleaning up the remaining junk on the property and he proposed that, in exchange for his cleaning up the property and his paying \$2,921.68 to the County, that the County waive its right to collect the statutory interest on the Judgment at an interest rate of 12% per year which has accrued since November 19, 2004, and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for satisfying the Judgment set forth in paragraph 2 of the Judgment in Richland County Circuit Court case no. 01-CV-138 upon payment to the County by Larry Wastlick of \$2,921.68 and without the payment of the statutory interest otherwise due on that Judgment, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign a Partial Satisfaction of Judgment on behalf of the County in accordance with this Resolution, and

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

**RESOLUTION OFFERED BY THE FINANCE COMMITTEE**

FOR AGAINST

Fred Clary	X
Larry D. Wyman	X
Ann M. Greenheck	X
Gaylord L. Deets	X

Ordinance No. 08-15 Amendment # 265 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Michael and Amy Bernhagen Parcel In The Town Of Willow was presented to the Board. Motion by Marshall, second by Holets that Ordinance No. 08-15 be enacted. Zoning Administrator Harriet Pedley explained that Michael and Amy Bernhagen are requesting that 3.62 acres be rezoned. The parcel was created prior to the Land Division ordinance and did not get rezoned by the previous owner. The Board of Adjustment has granted a variance to the required parcel size of five acres. Roll call vote. AYES: Kanable, Cook, Gust, Clary, Wyman, Lewis, Marshall, Rasmussen, Greenheck, Gorman, Deets, Carroll, Pfeil, Holets, Kinney, Havlik, Clausius, Sowle. Ayes 18. Noes 0. Total 18. Motion carried and ordinance declared enacted.

**ORDINANCE NO. 08-15**

Amendment # 265 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Michael and Amy Bernhagen Parcel In The Town Of Willow.

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 Willow is hereby rezoned from the General Agricultural and Forestry District to the Agricultural and Residential District:

All that part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section 34, T11N, R2E, Township of Willow, County of Richland, Wisconsin bounded and described as follows:

Beginning at a point where the West line of the East Half of the East Half of the Southwest Quarter (E ½, E ½-SW ¼), Section Thirty-four (34), intersects with the centerline of Highway 154; then Easterly along said centerline 250 feet; then North 700 feet more or less to the North Line of the Southeast Quarter of the Southwest Quarter (SE ¼-SW ¼) of Section Thirty-four (34); thence Westerly along said North line to a point 49.50 feet East of the West line of the East Half of the East Half of said Southwest Quarter (E ½, E ½-SW ¼); thence South 38.2 rods; thence South 33 degrees 40 minutes West 61.05 feet to a point on the West line of the East Half of the East Half of said Southwest Quarter (E ½, E ½-SW ¼); then South along said West line to the point of beginning, the above parcel being entirely located within the Southeast Quarter of the Southwest Quarter (SE ¼-SW ¼), Section Thirty-four (34), Township Eleven (11) North, Range Two (2) East, Richland, County, Wisconsin.

EXCEPTING THEREFROM a parcel of land lying in the Southeast One-quarter of the Southwest One-quarter of Section 34, Township 11 North, Range 2 East, Town of Willow, Richland County Wisconsin, more particularly described as follows: Commencing at the Southwest corner of said Section 34; then N 90°00' 00" E, 1990.86 feet along the South line of said Southwest one-quarter; thence N 00°11' 58" W, 614.56 feet to the point of beginning; then N 00°11' 58" W, 42.15 feet; thence N 44°41' 00"E, 70.15 feet; thence S 00°11' 58" E, 32.61 feet; then S 39°40' 45" W, 77.20 feet to the point of beginning.

ALSO EXCEPTING THEREFROM those lands conveyed to the State of Wisconsin, Department of Transportation in an instrument dated August 12, 2001 and recorded September 4, 2001 at 9:45 a.m. in the office of the Richland County Register of Deeds in Volume 346 of Records, pages 564-565 as Document No. 245565.

BE IT FURTHER ORDAINED that this Ordinance shall be effective on June 17, 2008.

Dated: June 17, 2008  
 Passed: June 17, 2008  
 Published: June 26, 2008

ORDINANCE OFFERED BY THE ZONING  
 COMMITTEE

Ann M. Greenheck, Chairman  
 Richland County Board of Supervisors

Richard Rasmussen  
 Robert Holets  
 Carol R. Clausius  
 Marilyn Marshall

FOR AGAINST

X  
 X  
 X  
 X

ATTEST:  
 Victor V. Vlasak  
 Richland County Clerk

Ordinance No. 08-16 Amendment # 266 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Richard and Donna Messerschmidt Parcel In The Town Of Richland was presented to the Board. Motion by Marshall, second by Clausius that Ordinance No. 08-16 be enacted. Zoning Administrator Pedley explained that Richard and Donna Messerschmidt are requesting that two lots be rezoned. One lot is 2.011 acres and the second lot is 3.638 acres. Roll call vote. AYES: Cook, Gust, Clary, Wyman, Lewis, Marshall, Rasmussen, Greenheck, Gorman, Deets, Carroll, Pfeil, Holets, Kinney, Havlik, Clausius, Sowle, Kanable. Ayes 18. Noes 0. Total 18. Motion carried and ordinance declared enacted.

**ORDINANCE NO. 08-16**

Amendment # 266 To Richland County Comprehensive Zoning Ordinance No. 5 Relating To The Richard and Donna Messerschmidt Parcel In The Town Of Richland.

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 Richland is hereby rezoned from the General Agricultural and Forestry District to the Single Family Residential District (R-2):

All that part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 12, T. 10 N., R. 1 E., Township of Richland, County of Richland, Wisconsin bounded and described as follows:

Commencing at the East Quarter (E¼) Corner of said Section 12; Thence S 64°-12'-14" W, 2931.05 feet to the intersection of the centerlines of Misslich Drive and Richland County Trunk Highway "N", the Point of Beginning;

Thence N 79°-27'-26" W, 171.12 feet along the centerline of Richland County Trunk Highway "N" to the P.C. of a curve to the left; Thence 168.31 feet along said centerline and the arc of said curve, radius of 1453.67 feet, the center of which lies to the Southwest, chord bearing N 82°-46'-27" W, 168.21 feet to the P.T. of said curve; Thence N 86°-05'-28" W, 49.32 feet along said centerline to the P.C. of a curve to the left; Thence 220.17 feet along said centerline and the arc of said curve, radius of 3818.99 feet, the center of which lies to the South, chord bearing N 87°-44'-34" W, 220.14 feet to the P.T. of said curve; Thence N 89°-23'-40" W, 359.50 feet along said centerline; Thence leaving said centerline N 01°-01'-14" W, 295.27 feet; Thence N 88°-08'-15" E, 56.71 feet; Thence S 87°-57'-52" E, 542.19 feet; Thence S 86°-17'-55" E, 374.50 feet to a point on the centerline of Misslich Drive; Thence S 00°-56'-42" E, 218.54 feet along said centerline to the P.C. of a curve to the right; Thence 103.77 feet along said centerline and the arc of said curve, radius of 629.72 feet, the center of which lies to the Northwest, chord bearing S 03°-46'-33" W, 103.65 feet to the P.T. of said curve, the Point of Beginning;

BE IT FURTHER ORDAINED that this Ordinance shall be effective on June 17, 2008.

Dated: June 17, 2008  
Passed: June 17, 2008  
Published: June 26, 2008

ORDINANCE OFFERED BY THE ZONING  
COMMITTEE

Ann M. Greenheck, Chairman  
Richland County Board of Supervisors

Richard Rasmussen  
Robert Holets  
Carol R. Clausius  
Marilyn Marshall

FOR AGAINST

X  
X  
X  
X

ATTEST:  
Victor V. Vlasak  
Richland County Clerk

Resolution No. 08-80 Awarding The Contract For The Wall Reinforcement Project At The Symons Natatorium To The Lowest Bidder was read by County Clerk Vlasak. Motion by Clausius, second by Cook that Resolution No. 08-80 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-80**

A Resolution Awarding The Contract For The Wall Reinforcement Project At The Symons Natatorium To The Lowest Bidder.

WHEREAS the Symons Natatorium Board has advertised for and received bids for the wall reinforcement project at the Natatorium and the Board has recommended that the lowest bid for this project be accepted and the construction contract be awarded to the lowest bidder, and

WHEREAS Funds for this project are already in the Symons Natatorium’s account in the 2008 County budget, and

WHEREAS the Finance 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 the bid of Midwest Builders of Fennimore in the amount of \$68,076.00 for construction of the wall reinforcement project at the Symons Natatorium is hereby accepted and the construction contract for this project is hereby awarded to that firm, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign on behalf of the County any documents 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 COUNTY BOARD  
SUPERVISOR MEMBERS OF SYMONS  
NATATORIUM BOARD

FOR AGAINST

Bette M. Cook	X
Carol R. Clausius	X
Fred Clary	X

Resolution No. 08-81 Approving Replacing The Tennis And Basketball Courts At The U.W.-Richland Campus And Awarding The Contract To The Lowest Bidder was read by County Clerk Vlasak. Motion by Deets, second by Havlik that Resolution No. 08-81 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-81**

A Resolution Approving Replacing The Tennis And Basketball Courts At The U.W.-Richland Campus And Awarding The Contract To The Lowest Bidder.

WHEREAS the U.W.-Richland Committee has advertised for and received bids for a construction project at the U.W.-Richland campus, consisting of replacing the tennis and basketball courts, and the Committee has recommended to the Finance Committee that the lowest bid for this project be accepted and the construction contract be awarded to the lowest bidder, and

WHEREAS this project is to be paid for from the Borrowed Money Fund and all payments from that Fund must be approved by the County Board, and

WHEREAS the Finance 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 the bid of Snapshots of Wisconsin of New Berlin, Wisconsin in the amount of \$160,260.40 for replacing the tennis and basketball courts at the U.W.-Richland campus is hereby accepted and the construction contract for this project is hereby awarded to that firm, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign on behalf of the County any documents necessary to carry out this Resolution, and

BE IT FURTHER RESOLVED that approval is hereby granted for paying for this project from the Borrowed Money Fund, and

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

RESOLUTION OFFERED BY THE FINANCE COMMITTEE

FOR AGAINST

Fred Clary	X
Larry D. Wyman	X
Ann M. Greenheck	X
Gaylord L. Deets	X

Resolution No. 08-82 Approving An Expenditure From The Borrowed Money Fund For The Sheriff's Department was read by County Clerk Vlasak. Motion by Wyman, second by Gorman that Resolution No. 08-82 be adopted. Law Enforcement Committee Chairman Wyman explained that the cost estimates to relocate the Sheriff's Administration to the VARC building exceeded the budgeted funds available. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-82**

A Resolution Approving An Expenditure From The Borrowed Money Fund For The Sheriff's Department.

WHEREAS the County hired Woodland Consultants, Inc. of Richland Center to do engineering work on the question of whether it would be feasible for the Sheriff's Department to utilize the County-owned VARC building in the City's Industrial Park, and

WHEREAS Woodland Consultants, Inc. has completed this work and has submitted an invoice which needs to be paid from the Borrowed Money Fund and all expenditures from that Fund must be approved by the County Board, and

WHEREAS the Finance 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 paying the invoice of Woodland Consultants, Inc. in the amount of \$5,057.00 for engineering work relative to whether the Sheriff's Department could utilize the County-owned VARC building in the City's Industrial Park, and

BE IT FURTHER RESOLVED that this invoice shall be paid from the Borrowed Money Fund and the

County Clerk is hereby directed to issue a County check in accordance with this Resolution, and

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

RESOLUTION OFFERED BY THE FINANCE COMMITTEE

FOR AGAINST

Fred Clary	X
Larry D. Wyman	X
Ann M. Greenheck	X
Gaylord L. Deets	X

Resolution No. 08-83 Amending The Rules Of The Board was read by County Clerk Vlasak. Motion by Kinney, second by Pfeil that Resolution No. 08-83 be adopted. Discussion took place opposing the proposed addition to the Rules of the Board regarding arrangements for a translator. Motion by Gust, second by Greenheck to amend the resolution by removing “Anyone who desires to address the Board in a language other than English shall arrange for a translator at no expense to the County”. Roll call vote. AYES: Gust, Clary, Wyman, Lewis, Marshall, Greenheck, Gorman, Deets, Pfeil, Holets, Kinney, Havlik, Clausius, Sowle, Kanable, Cook. NOES: Rasmussen, Carroll. Ayes 16. Noes 2. Total 18. Motion carried. Motion carried and resolution, as amended, declared adopted.

**RESOLUTION NO. 08-83 (Amended)**

A Resolution Amending The Rules Of The Board.

WHEREAS the County Board has adopted Rules of the Board for the purpose of setting forth the procedure according to which the County Board operates, and

WHEREAS it is necessary from time to time to amend the Rules the Board to meet the ever-changing needs of County government,

WHEREAS the Rules and Resolutions Committee has reviewed the Rules of the Board and is proposing several amendments to Rule 9 to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted to the following changes to Rule 9 of the Rules of the Board by deleting the following crossed-out words and adding the following underlined words, as follows:

Rule 9

When any member is about to speak in debate or lay any matter before the Board, he or she shall ~~rise, unless excused by the Chairman, and~~ respectfully address himself or herself to “Mr. or Madam Chairman,” and after being recognized by the chair, shall confine themselves to the question under debate, avoiding personalities, and

BE IT FURTHER RESOLVED that this Resolution shall be effective at the start of the July, 2008 County Board session.

RESOLUTION OFFERED BY THE RULES AND

RESOLUTIONS COMMITTEE

FOR AGAINST

Daniel J. Carroll	X
Warren C. Pfeil	X
Carol R. Clausius	X
Lawrence Sowle	X
Bette M. Cook	X

Resolution No. 08-84 Making Several Amendments To The Committee Structure Resolution was read by County Clerk Vlasak. Motion by Sowle, second by Cook that Resolution No. 08-84 be adopted. The proposed resolution increased the size of the Emergency Management Committee from three to five members and made the County Board Vice Chairman an automatic member and made the County Board Chairman and Vice Chairman automatic members of the Finance and Personnel Committees. Several supervisors spoke in opposition to the proposed changes. Roll call vote. AYES: Clary, Lewis, Marshall, Deets, Sowle, Cook. NOES: Wyman, Rasmussen, Greenheck, Gorman, Carroll, Pfeil, Holets, Kinney, Havlik, Clausius, Kanable, Gust. Ayes 6. Noes 12. Total 18. Motion failed and resolution declared defeated.

Resolution No. 08-85 Creating A Long-Term Care District was presented to the Board. Motion by Pfeil, second by Holets that Resolution No. 08-85 be adopted. Health and Human Services Director Randy Jacquet answered questions. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-85**

A Resolution Creating A Long-Term Care District.

WHEREAS 2007 Wisconsin Act 20 (the biennial State budget) authorizes expansion of the long-term care program known as Family Care, and

WHEREAS Act 20 provides both funding authority for Family Care expansion and legal authority to create new public entities known as Long-Term Care Districts to provide the Family Care benefit through the operation of a Managed Care Organization (MCO), and

WHEREAS a Long-Term Care District is created by counties via resolution but operates independently of counties and therefore imposes no financial or legal liability upon the counties that form the District, and

WHEREAS the Southwest Wisconsin Care Management Coalition, which includes Crawford, Grant, Green, Iowa, Juneau, Lafayette, Richland, and Sauk counties, are in the process of submitting a response to the State's Request for Proposals for an MCO to provide the Family Care benefit in those counties, and

WHEREAS the Long-Term Care District service model retains public oversight of an MCO through the appointment of a governing board by the participating counties, and

WHEREAS Act 20 was signed into law on October 26, 2007, making the provisions related to Family Care effective the day following publication.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors, that this document is intended to serve as the enabling resolution required under Wisconsin Statutes, section 46.2895 (1) to form a Long-Term Care District, and

BE IT FURTHER RESOLVED that Richland County declares that a need exists for a Long-

Term Care District to provide long-term care services to older persons and adults with physical and developmental disabilities in this region through a Managed Care Organization (MCO). The formation of the Long-Term Care District and the Governing Board is contingent upon receiving written assurance from the State that the State will commit sufficient resources to adequately fund the operations of the Long-Term Care District MCO, and

BE IT FURTHER RESOLVED that the purpose of the Long-Term Care District is to operate an MCO under section 46.284 to provide the Family Care benefit, and

BE IT FURTHER RESOLVED that the Long-Term Care District Governing Board shall be comprised of 15 voting members, of which four members would represent the target populations served by the MCO; three members would serve as at-large representatives who are residents of one of the counties forming the Long-Term Care District with medical or business expertise helpful to the MCO; and one member would be appointed by each of the participating counties. The member representing Richland County shall be appointed consistent with County policy concerning appointments to committees. The initial consumer representatives shall be: Betty Broadbent, David Wyttenbach, Raymond Schmitz and Elizabeth Irwin and the initial at-large representatives shall be: Karen Thomas, Philomena Poole and Carla Cady.

The Long-Term Care District Governing Board shall have the ability to exercise the powers granted herein and by statute only upon the appointment of all members as provided herein.

The total number of Board members will be reduced by the number of counties that do not approve this resolution, and such counties may not appoint a representative to the Board or otherwise participate in the MCO's operations. Except for county-specific appointees, no proposed member may serve in a voting capacity until appointed by each participating county according to the county's appointment process and as otherwise directed under section 46.2895(3)(a), and

BE IT FURTHER RESOLVED that the members of the Long-Term Care District Board shall serve three-year terms. Of the members first appointed, three shall be appointed initially for one year; six shall be appointed initially for two years, and six shall be appointed initially for three years. The initial terms for each original member shall be outlined in the by-laws of the District and such initial terms shall be communicated to the participating counties, and

BE IT FURTHER RESOLVED that the Health and Human Services Department of Richland County is hereby authorized to enter into a contractual relationship with the MCO for the provision of services related to the MCO's operations consistent with the Governing Board's by-laws and the MCO's contract with the State, and

BE IT FURTHER RESOLVED that a copy of this Resolution will be sent to the Secretaries of State Departments of Administration, Health and Family Services and Revenue, as required under section 46.2895 (1) (a) 2, 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 HEALTH AND  
HUMAN SERVICES BOARD

FOR AGAINST

Paul Kinney

X

Betty Havlik	X
Robert Holets	X
Daniel J. Carroll	
Walter Gust	X

Resolution No. 08-86 Approving A Contract Between Richland County And The Southwest Family Care Alliance was read by County Clerk Vlasak. Motion by Wyman, second by Pfeil that Resolution No. 08-86 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-86**

A Resolution Approving A Contract Between Richland County And The Southwest Family Care Alliance.

WHEREAS the County Board has approved Richland County being part of an 8-county managed care organization which is created under recently-enacted State legislation authorizing regional long-term care districts, and

WHEREAS the 8-county long term care district of which Richland County will be a part is called the Southwest Family Care Alliance, which will, as of July 1, 2008, be a separate entity located in Richland County, and

WHEREAS it is necessary for the County to enter into a contract with the Alliance for a transition period of July 1, 2008 through December 31, 2008 whereby the Alliance will reimburse Richland County for leased employee, accounting, information technology, and 2008 audit and investments services, and

WHEREAS the Finance Committee has carefully reviewed and approved a proposed contract and is now presenting it to the County Board for its review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted to the contract which has been approved by the Finance Committee and the original of which has been filed with the County Clerk, according to which the Southwest Family Care Alliance will provide the care management organization functions currently being provided by Richland County Department of Health and Human Services, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign this contract 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 FINANCE COMMITTEE**

FOR AGAINST

Fred Clary	X
Larry D. Wyman	X
Ann M. Greenheck	X
Gaylord L. Deets	X

Resolution No. 08-87 Approving A Reorganization Of The Long Term Support Unit At The Department Of Health And Human Services was read by County Clerk Vlasak. Motion by Gorman, second by Clary that Resolution No. 08-87 be adopted. Discussion followed. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-87**

A Resolution Approving A Reorganization Of The Long Term Support Unit At The Department Of Health And Human Services.

WHEREAS it is necessary, from time to time, to change the job structure at the Department of Health and Human Services in order to meet the ever-changing needs of that Department, and

WHEREAS it is now necessary to make certain changes in the job structure of the Long Term Support Unit at the Department in order to reflect the transfer of the Department's care management organization functions to the new 8-county Southwest Family Care Alliance, and

WHEREAS the 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 the following organizational changes to the Long Term Support Unit at the Department of Health and Human Services are hereby approved:

1. The Long Term Support Supervisor position is eliminated.
2. Ms. Lois Martin, who is currently the Long Term Support Supervisor (Registered Nurse), a position which is at Grade 27 in the County's Job Classification and Salary Plan (probationary rate: \$25.06 per hour; after-probationary rate: \$26.32 per hour) is appointed Long Term Support Manager, a position which is at Grade 30 in the County's Job Classification and Salary Plan (probationary rate: \$29.04 per hour; after-probationary rate: \$30.49 per hour)
3. The new job descriptions for the Long Term Support Manager and the Long Term Support Supervisor which are attached to the original of this Resolution are approved, and

BE IT FURTHER RESOLVED that, in accordance with section (c) of Rule 23 of the Rules of the Board, an emergency exists such that section (a) of Rule 23, which requires that any Resolution which results in an increase in compensation to any full-time County employee shall only be considered by the County Board at its August or September sessions, is hereby suspended, and

BE IT FURTHER RESOLVED that this Resolution shall be effective on July 1, 2008.

**RESOLUTION OFFERED BY THE PERSONNEL COMMITTEE**

FOR AGAINST

Ann M. Greenheck	X
Fred Clary	X
Betty Havlik	X
Tom Gorman	X

Resolution No. 08-88 Amending The Committee Structure Resolution By Adding The Long Term Care District Governing Board was read by County Clerk Vlasak. Motion by Cook, second by Gust that Resolution No. 08-88 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-88**

A Resolution Amending The Committee Structure Resolution By Adding The Long Term Care District Governing Board.

WHEREAS the County Board has adopted a Committee Structure Resolution for the purpose of setting forth the membership and duties of each board or committee on which a County Board Supervisor is to serve, and

WHEREAS it is necessary from time to time to amend the Committee Structure Resolution to meet the ever-changing needs of County government,

WHEREAS the Rules and Resolutions Committee has reviewed the Committee Structure Resolution and is now presenting the following proposed amendment to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that the Committee Structure Resolution is hereby amended by adding the following after the material under the heading LONG TERM CARE ADVISORY COUNCIL:

**LONG TERM CARE DISTRICT GOVERNING BOARD**

- A. One County Supervisor member.
- B. Represent Richland County on the Long Term Care District Governing Board, which governs the 8-county long term care district which provides care maintenance organization functions to the citizens of the 8-county members of the long term care district.
- C. Richland County could possibly appoint more Members of the Long Term Care District Governing Board in that four members of that Board must represent target populations served by the care management organization and three members are to serve as at-large representatives who are residents of one of the counties forming the long term care district with medical or business expertise helpful to the care management organization, and

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

**RESOLUTION OFFERED BY THE RULES AND RESOLUTIONS COMMITTEE**

**FOR AGAINST**

Carol R. Clausius	X
Daniel J. Carroll	X
Warren C. Pfeil	X
Lawrence Sowle	X
Bette M. Cook	X

Motion by Cook, second by Kinney to appoint Jeanetta Kirkpatrick as the County Board Supervisor member of the Long Term Care District Governing Board. Motion carried.

Resolution No. 08-89 Approving The Payment Of The Invoice Of Appraiser Dan Ericksen From The Borrowed Money Fund was read by County Clerk Vlasak. Motion by Wyman, second by Gorman that Resolution No. 08-89 be adopted. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-89**

A Resolution Approving The Payment Of The Invoice Of Appraiser Dan Ericksen From The Borrowed Money Fund.

WHEREAS the Finance Committee is in the process of carrying out the County Board’s directive to acquire the Arnie’s Shoe Store parcel for expansion of the Community Services Building parking lot, and

WHEREAS it was necessary, as part of the statutory title acquisition procedure, for the County to hire a real estate appraiser to do a study to determine the likely cost to the owner of acquiring a comparable replacement business property and that study was done by Appraiser Dan Ericksen for a fee of \$500.00, and

WHEREAS the Finance Committee is now presenting this Resolution to the County Board recommending that the County Board approve paying Mr. Ericksen’s invoice from the Borrowed Money Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for paying the \$500.00 invoice for Appraiser Dan Ericksen, trading as Appraisal Center, to do a study to determine the likely cost of the Arnie’s Shoe Repair business acquiring a comparable replacement business property and this invoice is to be paid from the Borrowed Money Fund, and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to issue a County check in accordance with this Resolution, and

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

RESOLUTION OFFERED BY THE FINANCE COMMITTEE

FOR AGAINST

Fred Clary	X
Larry D. Wyman	X
Ann M. Greenheck	X
Gaylord L. Deets	

Resolution No. 08-90 Relating To Applying For And Accepting A Grant And Awarding A Contract On Behalf Of The Land Records Committee was read by County Clerk Vlasak. Motion by Pfeil, second by Kinney that Resolution No. 08-90 be adopted. County Conservationist Cathy Cooper answered questions. Motion carried and resolution declared adopted.

**RESOLUTION NO. 08-90**

A Resolution Relating To Applying For And Accepting A Grant And Awarding A Contract On Behalf Of The Land Records Committee.

WHEREAS the Land Records Committee needs permission to apply to the Wisconsin Department of Administration which administers the Wisconsin Land Information Grant Program for Richland County's annual grant for 2008 and the Committee also seeks approval of its entering into a contract, and

WHEREAS both of these proposed actions by the Committee require County Board approval and the Committee 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 Land Records Committee to apply for and accept a grant for 2008 of \$12,343.00 from the Wisconsin Department of Administration which administers the Wisconsin Land Information Grant Program, and

BE IT FURTHER RESOLVED that approval is hereby granted for the Land Records Committee to enter into a contract on behalf of the County with MSA Professional Services whereby MSA will manage the Committee's database directly on the Internet, which will allow the offices using land records to use the Global Information Service (GIS) to manage and display farm plans and it will also allow an electronic tie-in to data on section corners, and, separately, convert an application to manage septic, zoning and address permit applications and

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to sign on behalf of the County any documents necessary to carry out this Resolution and approval is further granted for the grant funds to be spent in accordance with the grant, and

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

RESOLUTION OFFERED BY THE LAND RECORDS COMMITTEE

FOR AGAINST

Gaylord L. Deets	X
Paul Kinney	X
James Lewis	X
Richard Rasmussen	X
Warren C. Pfeil	X

Motion by Pfeil, second by Kinney to bring Ordinance No. 08-14 off the table and onto the floor for discussion. Motion carried. Motion by Wyman, second by Sowle to substitute the substitute amendment presented to the Board for the Ordinance that was tabled at the May 20, 2008 session. County Conservationist Cathy Cooper reviewed the changes. Discussion followed. Roll call vote. AYES: Wyman, Lewis, Marshall, Rasmussen, Greenheck, Gorman, Deets, Carroll, Pfeil, Holets, Kinney, Havlik, Clausius, Sowle, Kanable, Cook, Gust, Clary. Ayes 18. Noes 0. Total 18. Motion carried and the substitute amendment to Ordinance No. 08-14 was declared adopted.

**SUBSTITUTE AMENDMENT TO ORDINANCE NO. 08-14**

An Ordinance Establishing Construction Standards for Animal Waste Storage Facilities.

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

## Section 1: INTRODUCTION

### 1.01 Repeal

Ordinance #99-8 is repealed.

### 1.02 Authority

This Ordinance is adopted under the authority granted by section 59.02 and 92.16, Wisconsin Statutes.

### 1.03 Title

This Ordinance shall be known as the Richland County Manure Storage Facilities Ordinance.

### 1.04 Findings and declaration of policy

The Richland County Board of Supervisors finds that the storage of manure in storage facilities not meeting technical design and construction standards is a threat to cause pollution of the surface and ground waters of Richland County and may result in harm to the health of County residents and transients, to livestock, aquatic life and other animals and plants; and to the property tax base of Richland County. The Board also realizes that a properly constructed and maintained manure storage system minimizes the risk of pollution to surface and ground water.

### 1.05 Purpose

The purpose of the Ordinance is to regulate the location, design, construction, installation, alteration, closure and application of waste from all storage facilities covered by this Ordinance, in order to prevent water pollution and thereby protect the health of Richland County residents; and promote the prosperity and general welfare of the citizens of Richland County. This Ordinance is adopted to help realize the value that manure adds to the soils of Richland County. Maintaining positive economic impact in itself is a natural resource for the County.

### 1.06 Applicability

This Ordinance applies to the unincorporated areas of Richland County. Existing structures will come under the regulation if they are substantially altered beyond their original design and construction.

### 1.07 Interpretation

In their interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements and shall be liberally construed in the favor of Richland County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

### 1.08 Severability clause

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

Section 2: DEFINITIONS

- (1) “Animal waste” also referred to as “Manure” means livestock excreta and other materials such as bedding, rain or other water, soil, hair, and other debris normally included in animal waste handling operations.
- (2) “Animal waste storage facility” or “Manure storage facility” means a concrete, steel, or otherwise fabricated structure, or an excavated or earthen impoundment used for storage of animal or other organic waste excluding domestic waste (i.e. human household waste), industrial wastewater generated offsite, or sludge. Falling under this Ordinance are facilities that store manure greater than thirty (30) consecutive days or a volume of 3500 cubic feet of manure, whichever is smaller. An animal manure stacking area for the purpose of this Ordinance is not considered an animal manure storage facility.
- (3) “Agricultural Engineering Practitioner” means an individual who meets the qualifications described in s. ATCP 50.46, Wis. Admin. Code.
- (4) “Applicant” means any person who applies for a permit under this ordinance.
- (5) “DATCP” means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (6) “DNR” means the Wisconsin Department of Natural Resources.
- (7) “Earthen animal water storage facility” means a facility constructed of earth dike, ponds, and pits used for storage of manure.
- (8) “Farmer” means a person who cultivates, operates, or manages a farm for profit, either as an owner or tenant. A farm includes stock, dairy, poultry, fish, fruit, and truck farms. It also includes plantations, ranches, ranges, and orchards.
- (9) “Idle storage facility” means a manure storage facility where the operations cease or manure has not been added or removed for 24 months. (See NR151.05 (b) for exceptions.)
- (10) “Land Conservation Committee”, referred to as the “LCC”, means the committee of the Richland County Board assigned the responsibility of supervising the functions and activities of the Richland County Land Conservation Department.
- (11) “Land Conservation Department”, referred to as the “LCD”, means the county staff assigned the responsibility of enforcing and providing technical assistance for this Ordinance.
- (12) “Manure storage stack” means deposit of manure that is not contained. The manure is stacked in an area for less than 90 days and the soil surface has not been disturbed prior to the stacking operation.
- (13) “NRCS” means the United States Department of Agriculture- Natural Resources Conservation Service.
- (14) “Permit” means the signed, written statement issued by the Richland County Land Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct,

enlarge, substantially alter an existing animal waste storage facility, or close a manure storage facility and to use or dispose of waste from the facility.

- (15) “Permittee” means any person to whom a permit is issued to under this ordinance.
- (16) “Person” means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, state agency within Wisconsin, or federal government, or any combination thereof.
- (17) “Qualified Nutrient Management Planner” means an individual with qualifications described in s. ATCP 50.04 (3) and 50.48, Wis. Admin. Code.
- (18) “Substantially altered” means a change initiated by an owner or operator that results in a relocation of a facility or significant changes to the size, depth or configurations of a facility including:
  - (a) Replacement of a manure storage facility liner.
  - (b) Removal, relocation and replacement of the nature and size of the retaining walls of the manure storage facility.
  - (c) An increase in the volumetric capacity or areas of a structure.
  - (d) A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
- (19) “Technical Guide” means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide (FOTG) as adapted by the Richland County Land Conservation Committee. The said guide can be seen at the Richland County Land Conservation Department and is also available on-line at [www.wi.nrcs.usda.gov](http://www.wi.nrcs.usda.gov) .
  - (a) Standard “313 – Waste Storage Facility” means a structure for temporary storage of animal waste or other organic agricultural waste. It does apply to waste storage ponds. Storage tanks are used for liquid and slurry wastes and may be opened or covered, within or outside an enclosed housing or beneath slotted floors.
  - (b) Standard “590 – Nutrient Management” means managing the amount, form, placement and timing of applications of plant nutrients. This standard establishes the minimum acceptable requirements for the application of plant nutrients associated with organic wastes (manure and organic byproducts), commercial fertilizer, legume crops and crop residue. This plan shall be done by a qualified nutrient management planner to meet the 590 requirements.
  - (c) Standard “634 – Manure Transfer” means a manure conveyance system using structures, conduits or equipment.
  - (d) Standard “360 – Closure of Waste Impoundments” means closing of manure storage facilities that are no longer used for their intended purpose, in an environmentally safe manner.

- (20) “Water pollution” means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial and/or recreational use, or detrimental to fish, bird, animal or plant life.
- (21) “Water Quality Management Area” means any of the following:
- (a) The area within 1,000 feet of the ordinary high water mark of a navigable lake, pond, or flowage other than a glacial pothole lake.
  - (b) The area within 1,000 feet of the high water mark of a glacial pothole lake.
  - (c) The area within 300 feet of the ordinary high water mark of a navigable river or stream.
  - (d) An area that is susceptible to groundwater contamination or that has the potential to be direct conduit for contamination to reach groundwater.
- (22) “Work day” means Monday through Friday except County holidays.

### Section 3: ACTIVITIES SUBJECT TO REGULATION

#### 3.01 General Permit Requirements

Any person who locates, installs, moves, reconstructs, extends, enlarges, converts, substantially alters or changes the use of an animal waste storage facility or parts thereof, closes an idle storage facility or possesses an idle storage facility, or who employs another to do the same on land subject to this Ordinance shall be subject to the provisions of this Ordinance. The requirements of this Ordinance shall be in addition to any other ordinance or administrative rule regulating animal waste storage or applicable technical standards. In case of conflict, the most stringent provisions shall apply. Existing structures will come under the regulation of the Ordinance if they are altered beyond their original design and construction.

The permittee should check with the County Zoning Department to see if a building permit is required. The permittee also needs to inquire if the proposed storage site is in the floodplain or is covered by the Shoreland Ordinance.

#### 3.02 Compliance with Permit Requirements

A person is in compliance with this Ordinance if he or she follows the procedures of this Ordinance, receives a permit from the Richland County LCD before beginning activities subject to regulation under this Ordinance, and complies with the requirements of this permit.

#### 3.03 Manure Management Prohibitions

All livestock operations constructing or altering an animal waste storage facility shall comply with the following:

1. A livestock facility shall have no overflow of manure storage facilities.
2. A livestock operation shall have no unconfined manure piles in a water quality management area.

3. A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
4. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

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

#### Section 4: STANDARDS

##### 4.01 Standards for manure storage facilities

The standards for the design and construction of animal waste storage facilities are those in standards and specifications number 313 of the Technical Guide.

##### 4.02 Standards for manure management and utilization

The standards for management of animal waste facilities and utilization of animal waste are those in standard 590 of the Technical Guide.

##### 4.03 Standards for manure transfer

The standards for conveyance of manure to and from a manure storage facility are those in standard 634 of the Technical Guide.

##### 4.04 Standards for closing an idle manure storage facility

The standards for closure of waste impoundments are those in standard 360 of the Technical Guide.

##### 4.05 Human household waste

Human household wastewater shall not be discharged into manure storage facilities unless provided for through other permitting process outside of this Ordinance.

##### 4.06 Subsequent modification of standards

If approved by the DATCP or DNR, future amendments to Standards 313, 590, 634 and 360 or the current standards for waste management systems, waste storage facilities, nutrient management, waste transfer systems and closure of waste impoundments of Technical Guide are incorporated by reference in this Ordinance and made part of this Ordinance, unless otherwise acted upon by the Richland County Board of Supervisors.

#### Section 5: APPLICATION FOR AND ISSUANCE OF PERMITS

##### 5.01 Permit required

The Richland County LCD shall review all permit applications. Construction of any facility or activity covered by this Ordinance shall not start until a permit has been obtained.

5.02 Exemption to Permit Requirements

Emergency repairs such as repairing broken pipe or equipment, leaking dikes, the removal of stoppages, or ordinary and required maintenance, may be performed without a permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the Richland County LCD within one (1) work day of the emergency for a determination by the Richland County LCD on whether a permit will be required for any additional alteration or repair of the facility.

5.03 Fee

A non-refundable fee based on size of the operation is required for new, expanded or substantially altered facilities.

<301 animal units	\$150.00
301-700 animal units	\$300.00
701-1000 animal units	\$400.00
>1000 animal units	\$500.00

A non-refundable fee of \$50.00 for closure of an idle storage facility is required.

Activities authorized by this permit must be completed within one (1) year from the date of issuance after which such permit will be void. However, a one (1) year extension may be granted by the LCD. After this, one must reapply for another permit.

5.04 Manure storage facility and nutrient management plan required

Each application for a permit under this Ordinance shall include a manure waste storage facility plan. Technical assistance for plan development shall be made available to applicants upon request through the LCD in cooperation with the Natural Resources Conservation Service, or the services of a qualified, licensed engineering consultant may be employed at the applicant’s expense. Plans developed by a qualified, licensed, engineering consultant must bear the consultant’s seal and be accompanied by verification that the plan is in accordance with applicable standards. The plan should specify:

- (a) The number and kinds of animals for which storage is provided and the duration for which storage is provided.
- (b) A plan view of the facility and its location in relation to buildings within 250 feet and homes within 500 feet of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than 1” equals 20 feet. The plan view shall set forth the scale to which it is drawn and shall include a North arrow.
- (c) The structural details, including dimensions, cross sections, concrete thickness and reinforcement.

- (d) The location of any wells within 300 feet of the proposed facility.
- (e) The soil test pit locations and soil descriptions to a depth of at least five (5) feet below the planned bottom of the proposed facility.
- (f) The elevation of seasonally high groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
- (g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. Location of any springs, streams, or lakes within 500 feet of proposed facility.
- (h) A time schedule for construction of the facility.
- (i) A description of the method in transferring animal waste into and from the facility.
- (j) Certification by a registered Professional Engineer (PE) or an Agricultural Engineering Practitioner, as defined in Section 2, that the plans meet the requirements of this Ordinance.

#### 5.05 Nutrient management plan required

As part of the application for a permit to construct a new manure storage facility, to substantially alter an existing manure storage facility or to close an idle storage facility, a permittee must develop or have another party develop a nutrient management plan that complies with Technical Guide Standard 590. The nutrient management plan, along with the completed nutrient management check list, must be submitted to the Land Conservation Department with the manure storage facility plan.

The nutrient management plan shall include the following:

1. Identification of every field where nutrients, including manure, will be mechanically applied.
2. Be prepared by a nutrient management planner qualified under s. ATCP 50.48, Wis. Admin. Code.
3. Be based on field soil samples taken in accordance with Technical Guide Standard 590 and with soil nutrient tests conducted at a laboratory certified under s. ATCP 50.50, Wis. Admin. Code.
4. Comply with NRCS Technical Guide Standard 590.
5. Follow recommendations for nutrient applications found in the University of Wisconsin Extension Soil Test Recommendation for Field, Vegetable, and Fruit Crops, UWEX publication A-2809 (1998), unless the nutrient management planner can show that circumstances justify more than the recommended application.

The permittee shall certify by May 1st every year that they are following a nutrient management plan.

5.06 Animal waste storage facility closure requirement

Each application for a closure permit under this Ordinance shall include a closure plan prepared in accordance with Technical Standard 360. The plan shall specify:

- (a) A sketch of the facility and its location to buildings within 250 feet. The sketch shall be drawn to scale, with a scale no smaller than 1 inch equals 20 feet. Include a north arrow.
- (b) The amount and type of waste (if any).
- (c) The type of facility and construction materials, i.e. concrete, earthen, synthetic liner.
- (d) The type of transfer system present and how it will be removed or permanently plugged.
- (e) A plan for the application of manure that is present in the facility (if any) and the soil saturated with manure that complies with Standard 590-nutrient management.
- (f) A plan view showing the final grade, the area to be reseeded, and how runoff will be diverted away from the site.
- (g) Certification by a registered Professional Engineer (PE) or an Agricultural Engineering Practitioner, as defined in Section 2, that the plans meet the requirements of this Ordinance.

5.07 Review of application

The LCD shall determine if the proposed facility meets the requirements of the standards set forth in Section 4 of the Ordinance. Within thirty (30) work days after receiving the completed application and permit fee, the LCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LCD shall so notify the permit applicant. The LCD has fifteen (15) work days from the receipt of the additional information in which to approve or disapprove the application. If, in addition to the applicant's information, the LCD requires comments or review from an outside agency, the LCD has fifteen (15) work days from receipt of the comments or review from the referral agency to approve or disapprove the application. If the LCD fails to approve or disapprove the permit application in writing within fifteen (15) work days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit has been issued.

5.08 Permit conditions

All permits issued under this Ordinance shall be issued subject to the following conditions and requirements.

- (a) Animal waste storage facilities – design, construction, management, and utilization activities as required under terms of this Ordinance.
- (b) The permittee shall give at least two (2) work days notice to the LCD before starting any construction activities authorized by this permit.
- (c) Approval in writing must be obtained from the LCD prior to any modifications to the approved animal waste storage facility plan.
- (d) The professional engineer or agricultural engineering practitioner shall certify in writing that the facility was installed as planned.
- (e) Activities authorized by this permit must be completed within one (1) year from the date of issuance after which such permit will be void. However, a one (1) year extension may be granted by the LCD. After this, one must reapply for another permit.
- (f) The LCD staff may conduct on site inspections during and after construction.
- (g) Prior to use, the facility must be certified as meeting standards. The construction certification form must be signed by a registered professional engineer (PE) or an agricultural engineering practitioner, as defined in Section 2. This certification must include as-built plans and changes or modifications. This form must also be signed by the permittee and the LCD before the facility is used.

5.09 Permit Revocation

The Richland County LCD may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, animal waste facility plan or nutrient management plan or if the holder of the permit violates any of the conditions of the permit. The County will comply with Chapter 68, Wisconsin Statutes in taking any action under this section.

Section 6: ADMINISTRATION

6.01 Delegation of Authority

Richland County hereby designates the Richland County LCD to administer and enforce this Ordinance in consultation with the Land Conservation Committee. The County Conservationist is hereby designated to sign the permit and any stop work orders required.

The Corporation Counsel shall prosecute violations of this Ordinance at the direction of the Richland County Land Conservation Committee.

6.02 Administrative Duties

In the administration and enforcement of this Ordinance, the Richland County LCD will:

- (a) Keep an accurate record of all permit applications, manure storage facility plans, nutrient management plans, permits issued, inspections made and other official action.

- (b) Review permit applications and issue permits in accordance with Section 5 of this Ordinance.
- (c) Monitor permitted activities for compliance with this Ordinance. *Note: If the manure storage facility is designed by a registered Professional Engineer or an Agriculture Engineering Practitioner, that individual or engineering firm is responsible for the inspections.*
- (d) Investigate complaints relating to compliance with the Ordinance. All complaints must be in writing, signed and kept on file.
- (e) Provide technical services to the extent resources are available.
- (f) Perform other duties as specified in this Ordinance.

6.03 Inspection Authority

The Richland County LCD is authorized to enter upon any lands affected by this Ordinance to inspect the land prior to or after issuance to determine compliance with this Ordinance. If permission cannot be received from the applicant or permittee, entry by the Richland County LCD shall be according to Sections 66.0119 and 92.07 (14), Wisconsin Statutes. Refusal to grant inspection may be grounds for denial of the permit.

6.04 Enforcement authority

The Richland County LCD is authorized to post a stop work order upon the manure storage facility which has had a permit revoked or a manure storage facility where construction is taking place in violation of this Ordinance. Notice is given by posting upon the manure storage facility where the violation occurs one or more copies of a poster stating the violation, by mailing a copy of the order by certified mail to the person whose activity is in violation of this Ordinance, or by personally serving said person. The order shall specify that the activity must cease or be brought into compliance.

Any permit revocation or stop work order shall remain in effect unless retracted by the Richland County LCC or LCD or by a court of general jurisdiction. The Richland County LCC or LCD is authorized to refer any violation of the Ordinance or of a stop work order issued pursuant to this Ordinance to the Corporation Counsel for commencement of further legal proceedings.

Section 7: VIOLATIONS

7.01 Penalties

Any person convicted of violating this Ordinance shall pay a forfeiture of \$25.00 plus Court costs for each violation. Each day that a violation continues shall be a separate offense.

7.02 Enforcement of Injunction

As a substitution for or in addition to forfeiture actions, Richland County may seek enforcement of any part of this Ordinance by the Circuit Court of Richland County seeking an injunction or restraining order.

Section 8: APPEALS

8.01 Authority

Under the authority of Chapter 68, Wisconsin State Statutes, the Richland County Board of Adjustments created under Section 59.694 Wisconsin Statutes and under Richland County Zoning Ordinance #5 in Section VI, is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination by the Richland County LCD or LCC in administering this Ordinance.

8.02 Procedure

The rules, procedures, duties and powers of the Board of Adjustment and Chapter 68, Wisconsin Statutes shall apply to this Ordinance.

8.03 Who may appeal

For the purposes of this section, "Person" shall be defined in accord with Section 68.06, Wisconsin Statutes, and only those who qualify under Section 68.01, Wisconsin Statutes, may seek review of a determination. Appeals may be taken by any "Person" adversely affected by the order, requirement, decision or determination made by the Richland County Land Conservation Department.

Section 9: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and publication.

Dated: June 17, 2008  
Passed: June 17, 2008  
Published: June 26, 2008

ORDINANCE OFFERED BY THE LAND  
CONSERVATION COMMITTEE

FOR AGAINST

Ann M. Greenheck, Chairman  
Richland County Board of Supervisors

Paul Kinney  
James Lewis  
Richard Rasmussen

X  
X  
X

ATTEST:  
Victor V. Vlasak  
Richland County Clerk

Motion by Clary, second by Wyman that the County Clerk's Annual Report for the period January 1, 2007 thru December 31, 2007 on the Financial Condition of Richland County be approved. Motion carried.

Chairman Greenheck noted that copies of the following annual reports for 2007 were distributed to Board members: Richland County Fair, Richland County Health And Human Services, Financial Report Of Highway Operations and Pine Valley Healthcare And Rehabilitation Center Financial Statements.

Health and Human Services Director Randy Jacquet reviewed the measures that were taken in 2007 to address the budget shortfall for that year and keep the department within the budget for 2008. Half of the 2007



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 June session held on June 17, 2008.

Victor V. Vlasak  
Richland County Clerk