

# **EXHIBIT 11**



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April 15, 2025

Concord Town Board and Town of Concord  
c/o Ted Mueller, Town Chairperson  
W2117 Northside Dr  
Watertown WI 53094

C.C: D. Thompson (Jefferson County Corp. Counsel),  
Clerk@concord.wi.gov

Re: Notice of Claim and Notice of Circumstances  
of Claim Pursuant to Wis. Stat. § 893.80

To Concord Town Board:

Please be advised that our firm represents Boat House of Concord Real Estate, LLC ("Boat House" or the "claimant"). **This is a Notice of Claim and Notice of Circumstances of Claim made pursuant to Wis. Stat. § 893.80 against the Concord Town Board (the "Town Board"). Boat House's claim is summarized below and fully explained in the enclosed document.**

**Date and Place Claim Arose.** March 10, 2025, at the Concord Town Board Meeting, which took place at W1095 Concord Center Drive, Sullivan, WI 53178.

**Summary of Circumstances of the Claim.** In 2021, Boat House sought to purchase a 7.4 acre portion of a 24-acre parcel of land adjacent to its boat storage business ("the Property") with an intention to expand its facility. In furtherance of the sale of the Property to Plaintiff, on November 18, 2021, the owners of the 24-acre parcel of land, Donald and Nancy Brunson, filed a petition in November 2021 asking the Jefferson County Board (the "County Board") to rezone the Property—that is, 7.4 acres of the 24-acre tax parcel no. 006-0716-1642-000—from an A-1 (Exclusive Agricultural) to A-2 (Agricultural and Rural Business) zoning classification (the "Rezone Petition").

On April 19, 2022, the County Board considered and voted to approve the Rezone Petition for the rezone of the Property from A-1 to A-2 and voted to adopt the rezoning ordinance (the "Ordinance"). Boat House's claim against the Town Board is related to the resolution the Town Board adopted on March 10, 2025 attempting to disapprove the Rezone Petition and "disallow" the Ordinance enacted by the County Board (the "March 10, 2025 Resolution").

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Specifically, Boat House asserts herein that the Town Board lacks authority to disapprove of the Rezone Petition and "disallow" the Ordinance adopted by the County Board at this stage in the proceedings. The Town Board missed its opportunity set forth in Wis. Stat. § 59.69(5)(e) to object to and disapprove of the County zoning amendment proposed by the Rezone Petition.

Further, contrary to the belief expressed by Sally J. Williams, a member of the Town Planning Committee, at the Town Board's meeting on March 10, 2025, the Wisconsin Court of Appeals did not void the Rezone Petition or vacate the Ordinance adopted by the County Board in its decision *Defend Town Plans, U.A. v. Jefferson County Board of Supervisors*, 2023AP1996 (October 17, 2024). While the Court of Appeals could have wholly affirmed the Circuit Court and vacated the Ordinance, it did not. Instead, the Court of Appeals affirmed the Circuit Court's decision "as modified" and required the Circuit Court to remand to the County Board solely for the County Board to make the findings required by Wis. Stat. § 91.48(1). Because the Court of Appeals did not vacate the Ordinance, but merely required the County Board to support its decision with the findings required by § 91.48(1), the Court of Appeals' decision did not restart the entire procedure for review of county zoning amendments set forth in Wis. Stat. § 59.69(5)(e). Accordingly, the Court of Appeals' decision does not save the Town Board from its failures to object to and disapprove of the County zoning amendment prompted by the Rezone Petition at the times set forth in Wis. Stat. § 59.69(5)(e).

**Address of Claimant.** Boat House's address is N7536 Sterlingworth Drive, Elkhorn, WI.

**Relief Sought.** Boat House demands that the Concord Town Board vacate its March 10, 2025 Resolution<sup>1</sup>, which purportedly disapproved the Rezone Petition and "disallowed" the Ordinance.

Boat House provides this Notice of Claim and Notice of Circumstances of Claim to the Town Board pursuant to Wis. Stat. § 893.80. Boat House reserves and does not intend to waive any of its rights, claims and remedies.

Yours very truly,

REINHART BOERNER VAN DEUREN s.c.

BY



Jessica Hutson Polakowski

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<sup>1</sup> That resolution to disapprove Petition R4379A-2022 to rezone 7.4 acres from A-1 to A-2 near W1380 County Road B in the Town of Concord, PIN 006-0716-1642-001 (previously a part of PIN 006-0716-1642-000).

TOWN OF CONCORD, WISCONSIN  
CONCORD TOWN BOARD

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**NOTICE OF CIRCUMSTANCES OF CLAIM AND NOTICE OF CLAIM  
PURSUANT TO WIS. STAT. § 893.80**

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TO: Concord Town Board and Town of Concord  
c/o Ted Mueller, Town Chairperson  
W2117 Northside Dr  
Watertown WI 53094

This is a Notice of Circumstances of Claim and Notice of Claim made pursuant to Wis. Stat. § 893.80 against the Concord Town Board (the "Town Board").

**CLAIMANT**

1. Claimant Boat House of Concord Real Estate, LLC ("Boat House") is a Wisconsin limited liability company with its principal place of business at N7536 Sterlingworth Drive Elkhorn, WI 53121.

**CIRCUMSTANCES OF CLAIM**

1. Boat House of Concord Real Estate, LLC is a recreational boat dealer.
2. Boat House owns an approximately 6 acre parcel of land in the Town of Concord, Wisconsin, known as Tax Key Number 006-0716-1641-003, which it uses as a boat storage facility (the "Boat House Parcel").
3. The Town is in Jefferson County, Wisconsin (the "County").
4. In November 2021, the Boat House Parcel was directly adjacent to a 24-acre parcel of land (tax parcel no. 006-0716-1642-000), which was owned by Donald and Nancy

Brunson (the “Brunson Parcel”). The Town has adopted the Jefferson County Zoning Code (the “Zoning Code”).

5. The Town has adopted the Jefferson County Zoning Code (the “Zoning Code”).

6. Under the Zoning Code, the Brunson Parcel was zoned A-1 Exclusive Agricultural.

7. In November 2021, Boat House sought to purchase a 7.4 acre portion of the Brunson Parcel (the “Property”), with an intention to expand its boat storage business.

8. In furtherance of the potential sale of the Property to Plaintiff, on November 18, 2021, Donald and Nancy Brunson filed a petition, identified as petition R4379A-2022, asking the Jefferson County Board (the “County Board”) to rezone the Property—that is, 7.4 acres of the 24-acre tax parcel no. 006-0716-1642-000—from an A-1 (Exclusive Agricultural) to A-2 (Agricultural and Rural Business) zoning classification (the “Rezone Petition”).

9. The County Board referred the Rezone Petition to the Town.

10. On December 22, 2021, the Town of Concord Plan Commission considered the Rezone Petition and voted to recommend denial of the the petition.

11. However, on January 10, 2022, the Town Board considered the Rezone Petition and voted 2-1 to approve the rezoning.

12. The Town Board then returned the Rezone Petition to Jefferson County for consideration.

13. At the County level, the Rezone Petition was first considered by the Jefferson County Planning & Zoning Committee (the “County Zoning Committee”), which is Jefferson County’s designated zoning agency.

14. The County Zoning Committee conducted a site inspection, held a public hearing (the “Public Hearing”) and held two decision meetings at which it discussed the Rezone Petition (collectively, the “First Decision Meeting” and the “Second Decision Meeting”).

15. On February 17, 2022, the County Zoning Committee held its Public Hearing on the Rezone Petition. A true and correct copy of the Notice of Public Hearing is attached to this Complaint as Exhibit 1.

16. Boat House’s representatives spoke in favor of the Rezone Petition and several town officials and residents spoke in opposition.

17. The Town did not exercise its right to disapprove of the County zoning amendment proposed by the Rezone Petition within 10 days after the Public Hearing pursuant to Wis. Stat. § 59.69(5)(e)3.

18. The Town did not exercise its right to file a 20-day extension of time for disapproving the zoning amendment proposed by the Rezone Petition pursuant to Wis. Stat. § 59.69(5)(e)3m.

19. On February 28, 2022, the County Zoning Committee held its First Decision Meeting on the Rezone Petition.

20. After much discussion, the County Zoning Committee ultimately voted to table its consideration of the Rezone Petition in order to allow time for issues raised by opponents to the Rezone Petition to be investigated.

21. On March 28, 2022, the County Zoning Committee reconvened to consider the Rezone Petition at its Second Decision Meeting and voted unanimously to recommend the approval of the Rezone Petition and adopt a zoning ordinance amendment that would rezone the Property to the A-2 Agricultural and Rural Business zoning district.

22. The County Zoning Committee's vote of approval was commemorated in a written decision, on a preprinted form document.

23. As a result of the County Zoning Committee's decision, a draft ordinance was prepared and provided to the County Board for consideration.

24. On April 19, 2022, the County Board considered and voted to approve the Rezone Petition for the rezone of the Property from A-1 to A-2 and voted to adopt the rezoning ordinance (the "Ordinance"). A true and correct copy of the County Board Meeting Minutes from April 19, 2022 is attached to this Complaint as Exhibit 2.

25. Upon information and belief, the County Clerk submitted a copy of the Ordinance within 7 days of its enactment to the Town Clerk, pursuant to Wis. Stat. § 59.69(5)(e)6.

26. At the Town Board's meeting on May 9, 2022, the Rezone Petition was on the agenda for reconsideration. However, no action was taken by the Town Board on the Rezone Petition. True and correct copies of the agenda for the May 9, 2022 Town Board Meeting and the Town Board Meeting Minutes for May 9, 2022 are attached to this Complaint as Exhibits 3.1 and 3.2.

27. On June 24, 2022, Plaintiff purchased the Property from Donald and Nancy Brunson. The Property was assigned Tax Key Number 006-0716-1642-0001.

28. On October 14, 2022, Defend Town Plans, U.A., and several individuals (collectively "Defend Town") filed a petition for a writ of certiorari in the Jefferson County Circuit Court (the "Circuit Court") seeking review of the County Board's adoption of the Ordinance.

29. Defend Town alleged that the County Board adopted the Ordinance without making findings that are required by Wis. Stat. § 91.48(1).

30. Defend Town further alleged that the Ordinance could not be reconciled with the comprehensive plans that had been adopted by the Town of Concord and Jefferson County, and it asked the Circuit Court to enter an order vacating the County Board's approval of the Ordinance.

31. The Circuit Court ordered briefing and held several hearings at which it elicited arguments from the parties. A significant focus of the arguments was on what the remedy should be if the court were to determine that the County Board was required to make findings under Wis. Stat. § 91.48(1) but failed to do so.

32. The County Board asked the Circuit Court to "remand[]" for any correction that the Court deems appropriate" rather than "reversing or undoing the zoning amendment."

33. Defend Town argued that a remand would be futile because, it argued, the County Board could not reasonably make the findings required by Wis. Stat. § 91.48(1) based on the alleged inconsistencies between the Ordinance and the comprehensive plans that had been adopted by the Town and County.

34. The Circuit Court determined that the rezoning ordinance must be "invalidat[ed]" and "vacat[ed]" because the County Board did not make findings that were required by Wis. Stat. § 91.48(1). However, the Circuit Court was "not prepared to say" that it would be "an impossibility" for the County Board to make the required findings because the court did not "have the sort of record" that would allow the court "to say that," and because "there is a considerable amount of deference that has to be left with the local governing body."

35. Following the hearing, the Circuit Court entered a judgment against the County Board that declared the Ordinance "null and void and/or vacated as appropriate."

36. The County Board appealed.

37. On October 17, 2024, the Court of Appeals issued its decision. A true and correct copy of the Court of Appeals' decision is attached to this Complaint as Exhibit 4.

38. Based on its certiorari review, the Court of Appeals concluded that the Ordinance was invalid because the County Board did not make the findings required by Wis. Stat. § 91.48(1). However, the Court of Appeals rejected Defend Town's argument that a remand would be futile. Rather, the Court of Appeals concluded that "because the County Board did not make any of the required findings, including that a rezoning would be consistent with Jefferson County's comprehensive plan, there is no determination for us to assess within the limited scope of certiorari review."

39. In so holding, the Court of Appeals noted its disagreement with Defend Town's argument that "any effort to rezone . . . would have to start with a new petition to rezone," because "the error that the County Board made in this case occurred after the rezoning petition was filed, and we have concluded that the rezoning ordinance was not validly enacted . . . Defend Town does not provide any basis for concluding that the rezoning petition was itself invalid or defective in some respect." (*See* Ex. 4, p. 27, fn. 14.)

40. The Court of Appeals affirmed the Circuit Court's decision as modified, and remanded for the Circuit Court to enter an order that remanded the matter to the County Board for additional proceedings consistent with the requirements of Wis. Stat. § 91.48(1).

41. On January 27, 2025, the County Zoning Committee considered the Rezone Petition pursuant to the Court's order and unanimously voted to recommend its approval, which the County Zoning Committee found met the standards for rezoning set forth in Jefferson County Zoning Code section 11.11(e) and section 91.48 of the Wisconsin Statutes. The County Zoning Committee considered the County zoning ordinance regulations and the County's

Comprehensive Plan and Farmland Preservation Plan guidelines. True and correct copies of the Staff Report & Decision of the Jefferson County Planning & Zoning Committee dated January 27, 2025 and the Jefferson County Zoning Committee Meeting Minutes from January 27, 2025 are attached to this Complaint as Exhibits 5 and 6.

42. On February 11, 2025, the County Board voted 20-7 to approve the Rezone Petition. The County Board “concur[red] with the analysis set forth in the . . . Staff Report & Decision of the Jefferson County Planning & Zoning Committee and adopt[ed] the findings set forth therein as the findings of the County Board.” A true and correct copy of the Agenda for the Jefferson County Board Meeting on February 11, 2025 is attached to this Complaint as Exhibit 7.

43. On March 10, 2025, the Town Board adopted a resolution attempting to disapprove the Rezone Petition and “disallow” the Ordinance enacted by the County Board (the “March 10, 2025 Resolution.”) A true and correct copy of the March 10, 2025 Resolution is attached to this Complaint as Exhibit 8.

44. During that meeting, Sally J. Williams, a member of the Town Planning Committee, repeatedly told the Town Board that the Rezone Petition “was voided by the court.”

**COUNT I**  
**The Court of Appeals Did Not Vacate the Ordinance**

45. Defend Towns challenged the Ordinance adopted by the County Board in the Jefferson County Circuit Court and Court of Appeals pursuant to Wis. Stat. § 59.694(10)(a).

46. Pursuant to Wis. Stat. § 59.694(10)(a), the court reviewing a decision filed by a person aggrieved of a decision of the board of a municipality “may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.”

47. The Circuit Court determined that the Ordinance must be “invalidat[ed] and “vacat[ed]” because the County Board did not make findings that were required by Wis. Stat. § 91.48(1).

48. The Circuit Court entered judgment against the County Board and declared the Ordinance “null and void and/or vacated as appropriate.”

49. The Court of Appeals affirmed the Circuit Court’s decision “as modified” and remanded to the Circuit Court for the Circuit Court to enter an order that remanded the matter to the County Board for additional proceedings consistent with the requirements of Wis. Stat. § 91.48(1).

50. The Court of Appeals did not wholly affirm the Circuit Court and vacate the Ordinance.

51. The Court of Appeals’ decision required remand to the County Board solely for the County Board to make the findings required by Wis. Stat. § 91.48(1).

52. The Court of Appeals’ decision did not restart the entire procedure for review of county zoning amendments set forth in Wis. Stat. § 59.69(5)(e).

## **COUNT II**

### **The Town Board Lacks Authority to “Disallow” the Ordinance at this Time**

53. Wis. Stat. § 59.69(5)(e) sets forth the statutorily prescribed procedure that towns must follow to review and disapprove of county zoning amendments.

54. Pursuant to Wis. Stat. § 59.69(5)(e)3. and § 59.69(5)(e)3m., towns may disapprove of a county zoning amendment within 10 days of the public hearing by the county zoning agency or file an extension lasting 20 days.

55. Wis. Stat. § 59.69(5)(e)3. provides: “[I]f a town affected by the proposed admendment disapproves of the proposed amendment, the town board of the town may file a

certified copy of the resolution adopted by the [town] board disapproving of the petition with the [county zoning] agency before, at, or within 10 days after the public hearing” by the county zoning agency on the petition for amendment of the county zoning ordinance.

56. Wis. Stat. § 59.69(5)(e)3m. provides: “A town may extend its time for disapproving any proposed amendment under subd. 3. by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the clerk of the county in which the town is located. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the clerk of the county in which the town is located.”

57. Pursuant to Wis. Stat. § 59.69(5)(e)4., if the county zoning committee recommends approval of the petition for amendment, it shall draft a proposed ordinance and submit it to the county board with recommendations.

58. The statutorily prescribed timeframe set forth in Wis. Stat. § 59.69(5)(e) for the Town Board to disapprove of the zoning amendment proposed by the Rezone Petition has passed.

59. The County Zoning Committee, the County’s designated zoning agency, held a Public Hearing on the Rezone Petition on February 17, 2022.

60. The Town did not disapprove of the proposed amendment within 10 days of the Public Hearing by the County Zoning Committee by filing a certified copy of a resolution disapproving of the Rezone Petition with the County Zoning Committee as prescribed by Wis. Stat. § 59.69(5)(e)3.

61. The Town did not file a 20-day extension of time for disapproving the proposed amendment by adopting a resolution providing for the extension and filing a certified copy with the clerk of the County as prescribed by Wis. Stat. § 59.69(5)(e)3m.

62. The County Zoning Committee voted unanimously in favor of the Rezone Petition and recommended the rezoning on March 28, 2022.

63. As a result of the County Zoning Committee's decision, a draft ordinance was prepared and provided to the County Board for consideration.

64. On April 19, 2022, the County Board considered and approved the Rezone Petition for the rezone of the Property from A-1 to A-2 and voted to adopt the rezoning Ordinance.

65. Upon information and belief, the County Clerk submitted a copy of the Ordinance within 7 days of its enactment to the Town Clerk, pursuant to Wis. Stat. § 59.69(5)(e)6.

66. The Town Board did not vote to disapprove the Ordinance within 40 days of the date the Ordinance was enacted on April 19, 2022 (*i.e.*, on or before May 29, 2022).

67. Accordingly, the Town Board missed its opportunity set forth in Wis. Stat. § 59.69(5)(e) to object to and disapprove of the County zoning amendment proposed by the Rezone Petition.

68. Despite the fact that the Town Board missed its opportunity to object to and disapprove of the County zoning amendment raised by the Rezone Petition, at a meeting on March 10, 2025, the Town Board adopted a resolution to disapprove the Rezone Petition and "disallow" the Ordinance enacted by the County Board.

69. There exists a real controversy between Plaintiff and the Town Board, whose interests are adverse, regarding whether the Town Board has authority to disallow the Ordinance at this stage of the proceedings.

70. There is a dispute ripe for adjudication regarding whether the Town Board has authority to disallow the Ordinance at this stage of the proceedings.

71. The rights of the parties can only be determined by a declaratory judgment.

72. Because the Town Board's purported "disallowance" of the Ordinance will affect Plaintiff's permitted use of the Property, Plaintiff seeks declaratory relief under Wis. Stat. § 806.04 and asks this Court to declare that: (1) the Town Board lacks authority to disallow the Ordinance at this stage of the proceedings and (2) the Town Board's March 10, 2025 Resolution is null and void.

WHEREFORE, Boat House demands that the Concord Town Board vacate its March 10, 2025 Resolution<sup>1</sup>, which purportedly disapproved the Rezone Petition and "disallowed" the Ordinance.

Dated this 15th day of April, 2025.

Reinhart Boerner Van Deuren s.c.  
1000 North Water Street, Suite 1700  
Milwaukee, WI 53202

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s/ Jessica Hutson Polakowski  
Jessica Hutson Polakowski  
WI State Bar ID No. 1061368  
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Attorney for Boat House  
Boat House of Concord Real Estate, LLC

<sup>1</sup> That resolution to disapprove Petition R4379A-2022 to rezone 7.4 acres from A-1 to A-2 near W1380 County Road B in the Town of Concord Pin 006-0716-1642-001 (previously 006-0716-1642-000).

## **Exhibit 1**

**NOTICE OF PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**  
*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker and Lloyd Zastrow*

**SUBJECT:** Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

**DATE:** Thursday, February 17, 2022

**TIME:** 7:00 p.m. (*Courthouse doors will open at 6:30*)

**PLACE:** Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI  
**OR Via Zoom Videoconference**

**PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY  
FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:**

You are invited to a Zoom meeting.  
When: Thursday, February 17, 22022, 07:00 PM Central Time (US and Canada)  
Meeting ID: 957 3344 0565  
Passcode: Zoning  
Register in advance for this meeting:  
<https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhlUnlKdkhtOXhoTmtNZz09>  
After registering, you will receive a confirmation email containing information about joining the meeting.

**1. Call to Order**

The meeting was called to order by Supervisor Jaeckel at 7pm.

**2. Roll Call**

All Committee members owere present at 7pm. Also in attendance were Brett Scherer and Sarah Elsner from the Zoning Department. Attending via Zoom was Walt Christensen, Rod Cooke, Chad Hilstad, Allan Kutz, and Robynn Selle.

**3. Certification of Compliance with Open Meetings Law**

Supervisor Poulson verified that the meeting was being held in compliance with Open Meetings Law.

**4. Approval of Agenda**

Motion by Supervisors Poulson/Foelker to approve the agenda as presented. Motion passed 5-0.

**5. Explanation of Public Hearing Process by Committee Chair**

Supervisor Jaeckel explained the process.

**6. Public Hearing**

Scherer read aloud the following:

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing on Thursday, February 17, 2022 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

**FROM A-T, AGRICULTURAL TRANSITION TO R-2, RESIDENTIAL**

**R4377A-22 – Andy Selle:** Create two new building sites of approximately 1-ac and a 0.9-ac from part of PIN 016-0513-2434-026 (8.711 ac) near **W7526 Koshkonong Mounds Rd**, Town of Koshkonong. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Robynn Selle (W7526 Koshkonong Mounds Rd, Fort Atkinson, WI) presented herself as the petitioner for this rezone.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS AND CONDITIONAL USE PERMITS**

**R4378A-22 & CU2107-22 – Christopher Leeman:** Create a 0.712-ac A-2 zone at **N3549 Schmidt Rd** with conditional use for storage of non-farm equipment. The site is part of PIN 010-0615-2113-000 (39.275 ac) in the Town of Hebron. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Christopher Leeman (N3559 Schmidt Rd, Jefferson, WI) presented himself as the petitioner for this rezone and conditional use. Leeman explained the request is for storage for trailers.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file. Scherer asked for the size and height of the structure. The proposed structure will be 42 ft x 72 ft and 17 ft tall to the peak. Scherer then asked if the proposed structure will be used for personal or business use. It will be used for a mix of personal and business for a trucking company. Scherer also asked if there will be any bathrooms or outdoor lighting for the structure. There will be no bathroom and there will be a dusk to dawn light on the front of the structure.

**TOWN:** In favor.

**R4379A-22 & CU2108-22 – Donald & Nancy Brunson:** Create a 7.4-ac A-2 zone near **W1432 County Rd B** with conditional use for boat storage. The site is part of PIN 006-0716-1642-000 (24 ac) in the Town of Concord. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Pete Gross (N5921 Jefferson Rd, Johnson Creek, WI) presented himself on behalf of the petitioners and owners for this rezone and conditional use.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:**

**REBUTTAL:**

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

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

**R4380A-22 – Donald & Nancy Brunson:** Create a 2-ac lot around the home and buildings at **W1432 County Rd B**, part of PIN 006-0716-1642-000 (24 ac) in the Town of Concord. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Pete Gross (N5921 Jefferson Rd, Johnson Creek, WI) presented himself on behalf of the petitioners and owners for this rezone and conditional use.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:**

**REBUTTAL:**

**QUESTIONS FROM COMMITTEE:**

**STAFF:** Given by Scherer and in the file. Scherer asked about the age of the home and the location of the septic. The house is 100 years old and the septic is located on the east side of the house.

**TOWN:** In favor.

**R4381A-22 – Gregory Alt:** Create a 5-ac lot around the home and buildings at **W2140 County Road B**, Town of Concord from part of PIN 006-0716-1811-000 (46.804 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Steven Alt (W2192 County Road B, Watertown, WI) presented himself as the petitioner for this rezone. The request is for a 5-acre farm consolidation around the buildings so he can purchase the remaining farmland to keep in the family.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** Steve Holverson (N6315 Peaceful Ln, Watertown, WI) spoke with concerns regarding racecars on the property and concerns about any future potential business operation proposals there.

**REBUTTAL:** Alt explained the racecars are a personal endeavor and they will try to be mindful of the noise.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file. Scherer also asked about the age of the house and where the septic is located. The house was built in 1972 and the septic is in the front of the house on the south side.

**TOWN:** In favor.

**R4382A-22 – TW & Ruth Schwalenberg:** Create a 2-ac building site from part of PIN 010-0615-3434-001 (35.716 ac) on **Kitzinger Ln** in the Town of Hebron. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Terry Schwalenberg (N2572 Kitzinger Ln, Fort Atkinson, WI) presented himself as the petitioner for this rezone. The request is to split 35 acres of land into 2 parcels in order to sell off the farmland with a building site in order for him and his wife to downsize.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL AND N, NATURAL RESOURCE**

**R4383A-22 & R4384A-22 – TW & Ruth Schwalenberg:** Create a 3.3-ac lot around the home at **N2572 Kitzinger Ln**, and a 2.4-ac Natural Resource zone adjacent in the Town of Hebron, part of PIN 010-0615-3434-001 (35.716 ac). This is in accordance with Sec. 11.04(f)8 and 11.04(f) 12 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Terry Schwalenberg (N2572 Kitzinger Ln, Fort Atkinson, WI) presented himself as the petitioner for this rezone. The request is to allow for a 5-acre piece that the existing house is on with a natural resource zone for the current owners to keep.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

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

**R4385A-22 – Brian & Jennifer Statz:** Create a 2-ac lot around the home and buildings at **W2948 Hagedorn Rd** from part of PIN 010-0615-2344-000 (16 ac) in the Town of Hebron. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Brian Statz (W3450 Markert Rd, Helenville, WI) presented himself as the petitioner for this rezone. Statz explained they are looking for a farm consolidation around the house.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** Supervisor Nass asked if the current house was a replacement for a previously built house. Statz confirmed that there was a house there previously.

**STAFF:** Given by Scherer and in the file. Scherer asked about the age of the home and location of the septic. Statz stated that the current house was built 25 years ago, but later clarified that the current home was a replacement of a previous home that was built over 100 years ago. Statz also confirmed that the septic is located in front of the house.

**TOWN:** In favor.

**R4386A-22 – Brian & Jennifer Statz:** Create two lots, one of 2 ac and one of 1.5 ac near **W2948 Hagedorn Rd** from part of PIN 010-0615-2344-000 (16 ac) in the Town of Hebron. This is in accordance with Sec. 11.04(f) of the Jefferson County Zoning Ordinance.

**PETITIONER:** Brian Statz (W3450 Markert Rd, Helenville, WI) presented himself as the petitioner for this rezone.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file. Scherer asked for confirmation of the existing shed that is located on the property because the shed does not meet setback requirements for the proposed new lot. Statz stated that the current shed will be removed.

**TOWN:** In favor.

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

**R4387A-22 – Brian & Jennifer Statz:** Create a 4.1-ac N zone from part of PINs 010-0615-2341-000 (22 ac) and 010-0615-2344-000 (16 ac) on Hagedorn Rd in the Town of Hebron. This is in accordance with Sec. 11.04(f)12 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Brian Statz (W3450 Markert Rd, Helenville, WI) presented himself as the petitioner for this rezone. The request is to create a natural resource zone in order to add it to one of the proposed new A-3 lots.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file. Scherer also noted that the proposed lot could be sold separately if approved because it meets the requirements for frontage and access from a public road.

**TOWN:** In favor.

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

**R4388A-22 - Kutz Dairy LLC:** Create a 1.3-ac lot around the home at N3965 County Rd Y from PIN 014-0615-1823-000 (26.162 ac) in the Town of Jefferson. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Allan Kutz (N3684 Will Rd, Jefferson, WI) presented himself as the petitioner for this rezone.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

**R4389A-22 – Michael & Mary Steptoe:** Create a 2.45-ac building site near N3775 County Rd Y from part of PIN 014-0615-1843-004 (6.05 ac) in the Town of Jefferson. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Michael Steptoe (N3775 County Road Y, Jefferson, WI) presented himself as the petitioner for this rezone. Steptoe is requesting the rezone for a buildable site for his daughter and her husband.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file. Scherer also asked for clarification on the acreage being requested. Steptoe explained that was done by the surveyor to keep the property lines of the proposed lot square with the existing lot.

**TOWN:** In favor.

**R4390A-22 – Tim & Amy Dettmann:** Create a 3-acre lot around the home & buildings at **W5588 Albers Ln** in the Town of Milford from part of PIN 020-0714-1123-000 (20 ac) and 020-0714-1124-000 (38.38 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Tim Dettmann (W5331 Vesper Ln, Johnson Creek, WI) presented himself as the petitioner for this rezone. The request is to separate the house and buildings to sell to another party. The house is at least 100 years old and the septic is located on the west side of the house.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

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#### CONDITIONAL USE PERMIT APPLICATIONS

**CU2109-22 – Rod & Theresa Cooke:** Conditional use for an extensive on-site storage structure totaling 1,680 square feet in size at **W7288 County Rd V** in the Town of Aztalan. The site is on PIN 002-0714-0732-001 (1.201 ac) in a Residential R-2 zone. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Rod Cooke (W7288 County Road V, Lake Mills, WI) presented himself as the petitioner for this conditional use. The request is for a structure to house his personal tools and toys.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Scherer and in the file.

**TOWN:** In favor.

**CU2110-22 – Meliza & Ryan Ritacca:** Conditional use for a kennel to allow doggie daycare, boarding and breeding for up to 32 dogs at **N5617 County Rd A** on PIN 018-0713-2243-000 (40 ac) and 018-0713-2244-002 (10 ac). This is in the Town of Lake Mills in an A-1 Exclusive Agricultural zone. It is in accordance with Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Meliza Ritacca (N5617 County Road A, Lake Mills, WI) presented herself as the petitioner for this conditional use. The request is to operate a doggie daycare, boarding and breeding facility for up to 32 dogs.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** Michael Hellekson (N5604 County Road A, Lake Mills, WI) spoke in opposition to the petition with concerns regarding noise.

**REBUTTAL:** Ritacca said that dogs would be given bark collars to wear to control the noise.

**QUESTIONS FROM COMMITTEE:** Supervisor Foelker asked about waste disposal. Ritacca explained that waste will be double bagged and placed into the garbage toter, which can hold up to 95 gallons or 200 pounds. If necessary, a 2-yd dumpster could be placed on the property for the waste disposal.

**STAFF:** Given by Scherer and in the file. Scherer also asked about the breed of the dogs and the proposed hours of operation of the business. The dogs being bred will be German Short-Haired Pointers and they will all be AKC registered. The hours of operation will be 6a-8a for check in and 4p-6p for check out.

**TOWN:** In favor.

*General comments, not specific to any of the above petitions, were provided by Chad Hilstad during the meeting. It was explained that a faculty member from the Planning and Zoning Department would reach out to Hilstad regarding his concerns during regular business hours.*

## 7. Adjourn

Supervisor Poulson moved to adjourn at 8:13 p.m. and was seconded by Supervisor Foelker. Motion passed 5-0 on a voice vote.

**Minutes prepared by:** Sarah Elsner  
Zoning/On-Site Waste Management Technician  
Jefferson County Planning and Zoning Department

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

*Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.*

A digital recording of the meeting will be available in the Zoning Department upon request.

*Additional information on Zoning can be found at [www.jeffersoncountywv.gov](http://www.jeffersoncountywv.gov)*

## **Exhibit 2**

**JEFFERSON COUNTY BOARD MINUTES  
TUESDAY, April 19, 2022, 4:00 P.M.**

County Clerk Audrey McGraw called the meeting to order.

Administration of Oath of Office by Honorable Robert F. Dehring Jr.

McGraw called the roll, all members being present in person.

Supervisors Herbst and Lund were absent. Lund having given prior notification was excused.

District 1.. Richard C. Jones	District 2 . Cassie B. Richardson
District 3..... Robert Preuss	District 4 ..... Tim P. Mielke
District 5 James B. Braughler	District 6 ..... Dan Herbst
District 7. Dwayne C. Morris	District 8 .... Michael Wineke
District 9..... Bruce Degner	District 10 ..... Mark Groose
District 11..... Jeff Johns	District 12 ..... Jeff Smith
District 13..... Anita Martin	District 14 ..... Kirk Lund
District 15.... Steven J. Nass	District 16 . Meg Turville-Heitz
District 17..... Russell Kutz	District 18 ... Brandon White
District 19..... Dave Drayna	District 20 .. Curtis Backlund
District 21. John C. Kannard	District 22 .... Blane Poulson
District 23... George Jaeckel	District 24 ..... Roger Lindl
District 25. Matthew Foelker	District 26 ....Joan Fitzgerald
District 27..... Joan Callan	District 28 ..... Anthony Gulig
District 29.. Mary K. Roberts	District 30 Walt Christensen

Corporation Counsel J Blair Ward led the Pledge of Allegiance. A moment of silence was observed.

New members of the County Board of Supervisors: Cassie B. Richardson, District 2; Robert Preuss, District 3; Tim P. Mielke, District 4; Bruce Degner, District 9; Mark Groose, District 10; Meg Turville-Heitz, District 16; Joan Callan, District 27; and Anthony Gulig, District 28 introduced themselves.

Wehmeier certified compliance with the Open Meetings Law.

Approval of the Agenda. Christensen moved to bring Planning and Zoning Report and Ordinance, #20a and b, to right after Public Comment and to otherwise continue as drafted. Seconded by Poulson and passed.

**Adoption of Rules of Order.**

**Wehmeier introduced Ordinance No. 2022-01.**

Repeal Board of Supervisors Rules of Order 2020-2022 and recreate Board of Supervisors Rules of Order 2022-2024.

**Braughler moved to repeal and recreate Ordinance No. 2022-01, the Board of Supervisors Rules of Order 2022-2024. Seconded by Morris and passed as amended below.**

**Jones moved to Amend the 2022-2024 County Board**

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**Rules as follows:****Section 3.05 STANDING COMMITTEES.**

**2. a) BROADBAND WORKING GROUP** – Five to Seven members appointed by the County Board Chair, consisting of at least one member from the Finance Committee, one member from the Jefferson County Economic Development Consortium, one member from the Planning and Zoning Committee, one member from the Executive Committee, and one member of the public. Any additional members shall be County Board Supervisors selected by the County Board Chair. The Broadband selected by the County Board Chair. The Broadband Working group will be responsible for policy oversight of the expansion and improvement of Broad Band within Jefferson County. Members will be paid a per diem and mileage for meeting attendance in accordance with County Policy. The Working Group will dissolve at the end of the 2022-2024 County Board term.

**Seconded by Backlund and passed.**

**Jones moved to Amend the 2022-2024 County Board Rules as follows:**

**Section 3.05 STANDING COMMITTEES.**

**2. e) FINANCE COMMITTEE** - Five members appointed by the County Board Chair consisting of County Board Supervisors. This Committee shall receive the proposed County budget from the County Administrator and shall conduct hearings necessary in the review of the proposed budget. The Committee shall make necessary permitted transfers as authorized by the provisions of s. 65.90(5)(b), Wis. Stats. The Committee shall propose utilization of contingency budget and necessary budget transfers and amendments requiring County Board action. [Am. 03/14/06, Ord. 2005-48d; Am. 05/11/04, Ord. 2004-04; 03/09/10, Ord. 2009-24; Ord. No. 2014- 11, 07/08/2014; Ord. No. 2018-01, 04/17/2018] The Committee shall recommend to the Board the auditors to be employed, and shall report to the Board the results of such audits. The Finance Committee shall meet each month to audit and approve for payment proper vouchers, expenditures and claims against the County. [Ord. No. 2018-01, 04/17/2018] The Committee shall review insurance to be carried and also the insurance carrier to which such insurance shall be awarded. The Committee shall be authorized to renew insurance contracts without bidding same, when it finds renewal is in the best interest of Jefferson County, select investment advisors/brokers, select vendors for professional services related to financial matters if required by the Jefferson County Purchasing Policy and select P-Card vendors. [Ord. No. 2018-01, 04/17/2018] The Committee shall have the authority to resolve claims against the County in amounts over \$25,000 up to the County's self-insured retention (SIR) amount after consulting with the County's insurance carrier, the County Administrator and Corporation Counsel. [Cr.

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04/16/02, Ord. 2002-04; Ord. No. 2018-01, 04/17/2018] The Committee shall supervise the collection of delinquent taxes and is authorized to sell foreclosed properties in accordance with Resolution No. 2002-16. [Am. 08/13/02, Ord. 2002-16; 03/14/06, Ord. 2005-48d, effective 04/18/06; 03/13/12, Ord. 2011-24] The Committee, on a case-by-case basis, shall recommend to the Board of Supervisors the allocation of the proceeds from the sale of county-owned farmland to possibly increase the acreage of farmland permanently protected from development, and to leverage state and federal funds for the acquisition of conservation easements to protect farmland (Resolution No. 2008-15). [Ord. 2016-01, 04/19/2016] Unless otherwise provided by statute or ordinance, the Finance Committee shall oversee the sale of county-owned land in addition to land obtained through tax foreclosure and shall present contracts for sale of such land to the Board for approval. [Ord. No. 2007-39, 03/11/2008; Ord. No. 2018-01, 04/17/2018] The Committee provides policy oversight of the County Treasurer, Finance Department and Child Support Office in handling policy matters related to those offices and shall present matters to the County Board on behalf of said offices whenever necessary. [am. 3/13/12, Ord. 2011-24; Ord. 2016-01, 04/19/2016, Ord. No. 2018-01, 04/17/2018] [Ord. No. 2002-05, 04/15/2002; Ord. No. 2002-16, 08/13/2002; Ord. No. 2004-04, 05/11/2004; Ord. No. 2005-48d, 03/14/2006; Ord. No. 2009-24, 03/09/2010; Ord. No. 2011-24, 03/13/2012; Ord. No. 2014-11, 07/08/2014; Ord. No. 2016-01, 04/19/2016]

**Seconded by Jaeckel and passed.**

**Christensen moved to Amend the 2022-2024 County Board Rules as follows:**

**3.06 BOARDS, COMMISSIONS, COMMITTEES AND OTHER BODIES.**

1. The following Boards, Commissions, Committees and Other Bodies created by the County or to which the County has a right to appoint representatives, shall be elected or appointed in the manner provided by law, ordinance or rule. The Chair or either Vice Chair may attend the meetings of Boards, Commissions, Committees and Other Bodies, but are not to be considered ex-officio members and may not serve to establish a quorum or vote. Members of Boards, Commissions, Committees or other bodies where only one County Board member or other appointed member is serving as a representative of Jefferson County shall, in March of each year, submit to the County Clerk a report to include the number of meetings attended and a brief discussion of the major work of the body. The report shall be distributed to the County Board as a Communication at the April County Board meeting. [Am. 03/14/06, Ord. 2005-49a; Ord. No. 2018-01, 04/17/2018]

**Seconded by Nass and passed.**

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**Jones moved to Amend the 2022-2024 County Board Rules as follows:**

**3.02 ORGANIZATION.**

6. The County Board Chair is authorized and directed to attend meetings and conferences on matters directly related to County government. The County Board Chair may designate member(s) of the County Board to attend such meetings and conferences, either in place of the Chair or along with the Chair. The County Board Chair, the Vice Chairs and such other Board members as may be designated by the Chair, shall be entitled to meeting fees or per diem and mileage for attending such meetings and conferences, all subject to the regular rules of the County Board pertaining to meeting fees, per diems, mileage and expenses. The County Board Chair shall be entitled to a meeting fee for meeting with the County Administrator. Board members attending meetings and conferences in addition to regularly scheduled meetings, including educational meetings and events, shall notify the County Administrator not less than 72 hours in advance of said meeting or conference in order to permit the County Administrator to give any necessary Open Meeting notices as may be required. No per diems, meeting fees or expenses shall be paid to Board members attending meetings and conferences in addition to regularly scheduled meetings, including educational meetings and events, who have not been authorized to attend by the County Board Chair. Utilization of remote attendance at all County meetings to facilitate the transaction of County business is permitted by County Board Supervisors when serving as a member of the Jefferson County Board of Supervisors or as an appointed member of a Board, Commission, Committee, or other body on behalf of Jefferson County. County Board Supervisors shall have the same rights and privileges when appearing by remote attendance as they would have when appearing in person. The official meeting shall be noticed as taking place at a physical location on the meeting agenda. If appearing remotely, it is the responsibility of the member to maintain audio and video connectivity with the official meeting site. If connectivity is lost, but the physical location of the meeting maintains a quorum, the meeting may continue in the discretion of the chair. If connectivity is lost and there is a quorum of members appearing remotely, the meeting shall be adjourned until connectivity is reestablished with the official meeting location or rescheduled to another date and time in accordance with the Wisconsin Open Meetings Law. As a courtesy, committee members planning to attend remotely should provide 24 hours' notice in advance of a scheduled meeting to the County Clerk. Members attending remotely must be able to be heard, and when video is available to the member attending remotely, seen by Committee members and public who are present at the physical location of the

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meeting. Loss of connectivity will result in the member being considered absent from that portion of the meeting after connectivity is lost. If the meeting is convened in closed session, any member attending remotely shall inform the board or committee chair as appropriate, that no other person is present with them and to the best of their knowledge no other person can view or hear any portion of the closed session meeting unless such person is allowed to attend closed session meetings by the County Board rules or expressly authorized to attend the closed session meeting by the committee. [am. 03/09/10, Ord. 2009-24; Ord. No. 2014-06, 05/13/2014; Ord. No. 2018-01, 04/17/2018]

**Seconded by Johns and passed.**

**Appointment of ballot clerks by County Clerk McGraw.**

The Board proceeded to the election of the County Board Chair and Vice Chairs. County Clerk McGraw read Section 3.02(1) of the County Board Rules regarding electing a Chair, Vice Chair and a Second Vice Chair. McGraw appointed the following ballot clerks: Marc DeVries, Benjamin Wehmeier, Amy Listle, Deb Schroedl, and Matt Zangl.

**Election of County Board Chair.**

Election of County Board Chair. Nominations were made by written, secret ballot for County Board Chair. Nominated were Jones, Braughler, and Nass. Jones declined the nomination. McGraw called on Chair nominees to give a brief statement up to three minutes in length. The first-round nominees for Chair were tallied, and Nass was elected as Chair.

**Chair Nass presides over the rest of the meeting.**

Nominations were made by written, secret ballot for First Vice Chair. Nominated were Jones, Poulson, Braughler, Wineke, and Christensen. Jones, Poulson, and Christensen declined the nomination. The Chair called on First Vice Chair nominees to give a brief statement up to three minutes in length. The ballot for First Vice Chair were tallied, and Wineke was elected First Vice Chair.

Nominations were made by written, secret ballot for Second Vice Chair. Nominated were Jones, Poulson, Braughler, Jaeckel, Smith, and Christensen. Jones, Jaeckel, and Smith declined the nomination. The Chair called on Second Vice Chair nominees to give a brief statement up to three minutes in length. The first-round nominees moving on to the second round were Poulson and Christensen. The second-round ballot for Second Vice Chair were tallied, and Poulson was elected as Second Vice Chair.

**Committee Elections:**

No Elections.

**Communications:**

**County Clerk McGraw presented the following**

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**communications:**

1. Treasurer's Monthly Report.
2. Notice of Public Hearing from the Jefferson County Planning and Zoning Committee for a hearing to be held on April 21, 2022, at 7:00 p.m.
3. Recognition of Sheriff's Proclamation proclaiming the week of April 10 through April 16, 2022, as National Public Safety Telecommunicators Week.

**Public Comment:**

11 Members of the public spoke on the Zoning Ordinance Amendment for the Brunson property.

**Jaeckel, Planning and Zoning Committee Chair, introduced the following report:**

REPORT TO THE HONORABLE MEMBERS OF THE JEFFERSON COUNTY BOARD OF SUPERVISORS by the Jefferson County Planning and Zoning Committee recommending approval of petitions to amend the official zoning map of Jefferson County.

**Jaeckel, Highway Committee Chair, introduced Ordinance No. 2022-02.**

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

WHEREAS Petition R4379A-22 was referred to the Jefferson County Planning and Zoning Committee for public hearing on February 17, 2022 and Petitions R4391A-22, R4392A-22, R4393A-22, R4394A-22, R4395A-22, R4396A-22 and R4397A-22 were referred for public hearing on March 17, 2022, and

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

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows

**Jaeckel moved for the adoption of Ordinance No. 2021-02. Seconded by Christensen.**

**Jaeckel moved to divide the Question to allow for separate consideration of the Petition to rezone, FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS**

Create a 7.4-ac A-2 zone near **W1432 County Rd B** on PIN 006-0716-1642-000 (24 ac), Town of Concord. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon road access approval, receipt of a suitable soil test if bathrooms are proposed, and upon approval and recording of a final certified survey map for the lot. R4379A-22 – Donald & Nancy Brunson. **Seconded by Poulson and passed. Question divided.**

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**Vote on remaining Petitions**, excluding the Brunson Property Petition for W1432 County Rd B on PIN 006-0716-1642-000, **passed**.

Kannard abstained from voting due to potential conflict of interest.

**Martin moved to postpone action on the Brunson Property Petition to May 10, 2022 County Board Meeting. Seconded by Johns and failed to pass. Ayes 10** (Richardson, Degner, Goose, Johns, Smith, Martin, Turville-Heitz, Callan, Gulig, Christensen), Noes 18 (Jones, Preuss, Braughler, Morris, Wineke, Nass, Kutz, White, Drayna, Backlund, Kannard, Poulson, Jaeckel, Lindl, Foelker, Fitzgerald, Roberts, Mielke), Abstain 0, Absent 2 (Lund, Herbst).

**Poulson moved to close debate (move the previous question). Seconded by Jaeckel and passed. Ayes 21** (Jones, Richardson, Preuss, Mielke, Braughler, Morris, Wineke, Degner, Goose, Johns, Turville-Heitz, Kutz, Drayna, Backlund, Poulson, Jaeckel, Lindl, Foelker, Fitzgerald, Callan, Roberts), Noes 6 (Smith, Martin, Nass, White, Gulig, Christensen), Abstain 1 (Kannard), Absent 2 (Lund, Herbst). Kannard abstained from voting due to potential conflict of interest.

**Vote on Petition to Rezone W1432 County Rd B, PIN 006-0716-1642-000, Brunson Property. passed.**

Kannard abstained from voting due to potential conflict of interest.

**Backlund, Buildings and Grounds Committee Vice Chair, introduced Resolution No. 2022-09. Awarding Bids for 2022 Capital Project - South Campus Improvements (Phase 2), Fair Park Improvements and Courthouse Judicial Entrance**

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to enter into contracts with Maas Brothers Construction to hold contracts for General Construction –\$596,900, and construction management – \$260,344 - \$857,244, Heating, Ventilation, and Air Conditioning (HVAC) – Zien Mechanical - \$566,611, Electrical – Ready Electric - \$449,545, and Plumbing – North American Mechanical - \$168,000.

*Fiscal Note: Total project costs for the proposed resolution are as follows:*

<b>Description</b>	<b>Base Bid</b>	<b>Contractor</b>
BP #01 – General Construction	\$ 596,900.00	Maas Bros. Construction
BP #02 – HVAC	\$ 566,611.00	Zien
BP #03 – Electrical	\$ 449,545.00	Ready Electric
BP #04 – Plumbing	\$ 168,000.00	North American Mechanical

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Removal & Salvage of High-Density Storage Detention Door	\$	22,075.00
Material Purchase		
General Conditions	\$	43,718.00
Supervision-PM & Full-Time Superintendent	\$	79,000.00
CM Fee (6.00%)	\$	115,550.94
Construction Manager Bond	\$	16,331.20

**Total Construction****Contract \$2,041,399.94**

**Backlund moved for the adoption of Resolution No. 2022-09. Seconded by Lindl and passed.** Ayes 28 (Jones, Richardson, Preuss, Mielke, Braughler, Morris, Wineke, Degner, Groose, Johns, Smith, Martin, Nass, Turville-Heitz, Kutz, White, Drayna, Backlund, Kannard, Poulson, Jaeckel, Lindl, Foelker, Fitzgerald, Callan, Gulig, Roberts, Christensen), Noes 0, Abstain 0, Absent 2 (Herbst, Lund).

**Backlund, Buildings and Grounds Committee Vice Chair, introduced Resolution No. 2022-10. Awarding Contract to Stanley Security for Jail Security System Upgrades and Additions**

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to enter into contracts with Stanley Security for \$172,410 and is authorized a contingency budget of \$30,305.

*Fiscal Note: This project is budgeted for in account number 11201.594822 and funded by budget carryover, which was approved by the County Board of Supervisors on March 8, 2022, in the amount of \$202,715. No budget adjustment is necessary.*

**Backlund moved for the adoption of Resolution No. 2022-10. Seconded by Morris and passed.**

**Jones, Finance Committee Chair, introduced Resolution No. 2022-11.**

**Requesting the State of Wisconsin to Revise the Current Real Estate Transfer Fee Revenue Sharing Formula.**

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors in session this 19th day of April, 2022 that the State of Wisconsin is hereby requested to revise the real estate transfer fee share formula to again allow Wisconsin Counties to retain 50% of all real estate transfer fees collected, with 50% to be remitted to the State.

BE IT FURTHER RESOLVED, that a copy of this resolution is sent to Governor Tony Evers, all members of the State Legislature representing Jefferson County, the Wisconsin Counties Association and all other Wisconsin Counties.

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*Fiscal Note: This resolution has no fiscal impact at this time.*  
**Jones moved for the adoption of Resolution No. 2022-11. Seconded by Christensen and passed.**

**Poulson out at 5:50 p.m.**

**Braugler, Human Resources Committee Chair, introduced Resolution No. 2022-12. Creating a full-time Community Health Worker position at the Health Department**

NOW, THEREFORE, BE IT RESOLVED that the position of one full-time Community Health Worker is hereby created and the 2022 County Budget setting forth positions at the Health Department be and is hereby amended to fund one full-time Community Health Worker position at the Health Department to become effective upon passage of this resolution.

*Fiscal Note: The Community Health Worker position costs a total of \$47,722 for salary and fringe benefits for the remainder of 2022 and is fully funded through the Drug-Free Communities (DFC) Support Program Grant. The former Public Health Nurse position will currently remain unfilled, therefore no new tax-levy is required for this position. This is a budget amendment. County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).*

**Braugler moved for the adoption of Resolution No. 2022-12. Seconded by Jaeckel and passed. Ayes 27 (Jones, Richardson, Preuss, Mielke, Braugler, Morris, Wineke, Degner, Groose, Johns, Smith, Martin, Nass, Turville-Heitz, Kutz, White, Drayna, Backlund, Kannard, Jaeckel, Lindl, Foelker, Fitzgerald, Callan, Gulig, Roberts, Christensen), Noes 0, Abstain 0, Absent 3 (Herbst, Lund, Poulson).**

**Morris introduced Proclamation 2022-01, Proclaiming May 18, 2022, as Jefferson County Peace Officer's Memorial Day in Jefferson County.**

**Morris moved for the adoption of the Proclamation 2022-01, Seconded by Gulig and passed.**

**Appointments by County Administrator:**

**Wehmeier, County Administrator, introduced the following appointments:**

By virtue of the authority vested in me under Section 59.18(2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment:

Barb Elwood-Goetsch, Ixonia, WI, to the Oconomowoc Library Board for a 3-year term ending April 15, 2025.

**Jaeckel moved to confirm the above appointment. Seconded by Morris and passed.**

**Public Comment: (General) None**

**Announcements:**

Nass temporarily appointed the 4 prior members of the Planning and Zoning Committee to continue and Wineke

Monday, April 19, 2022

as the 5<sup>th</sup> member of that committee. Nass also temporarily appoints Kannard and Kutz to the Home Consortium Board. County Board of Supervisors Orientation Meeting was held April 12, 2022.

Supplemental information presented at the April 19, 2022, Jefferson County Board meeting will be available at the County Clerk's office upon request during regular Courthouse hours or on the County's website at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov).

**There being no further business, Jaeckel moved that the Board adjourn. Seconded by Backlund and passed at 6:07 p.m.**

Monday, April 19, 2022

## **Exhibit 3.1**

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Sun, 05/08/2022 - 3:10pm by brian

The regular monthly meeting of the Concord Town Board will be held on Monday, May 9, 2022 at 7:00 p.m. at the Concord Community Center.

The agenda is as follows:

1. Roll Call
2. Certification of compliance with the Open Meeting Law
3. Approval of the agenda
4. Minutes of the February meeting
5. Zoning
  1. David Beres to rezone an existing 3.58-acre lot at W158 Concord Center Dr. (pin # 006-0716-1344-002) from A-3 to A-2. Request for a Conditional Use permit for the same property to allow for storage of contractor's equipment and materials for a landscaping business.
  2. Reconsideration of the Town Board approval for the Donald and Nancy Brunson request to create a 7.4-acre A-2 zone from a 24-acre A-1 zone at W1432 County Road B. parcel # 006-0716-1642-000.

6. Treasurer Report

8. Payment of bills
9. Highway Foreman Report
10. Correspondence
11. Old Business
12. New Business
  1. Contract for fuel with FS
  2. Parking on Concord Center Drive by the Concord Inn
13. Adjournment
  1. Monthly Board Meeting - June 13th - 7 PM

**Pick content type:**

Agenda

**publish:**

Sunday, May 8, 2022 - 3pm

## **Exhibit 3.2**

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Thu, 07/07/2022 - 10:05am by brian

The regular monthly meeting of the Town of Concord was called to order by Dale Konle, Chairman, with Bill Ingersoll, Jim Zastrow and Brian Neumann present. Dale led the assembly in the Pledge of Allegiance.

Brian Neumann certified that the meeting had been properly posted. There was a motion by Dale Konle and seconded by Bill Ingersoll to accept the agenda as presented. *Affirmative: DK, BI*  
*Opposed: None      Motion Carried*

Brian Neumann read the minutes from the April board meeting. There was a motion by Dale Konle and seconded by Bill Ingersoll to accept the minutes as read. *Affirmative: DK, BI      Opposed: None      Motion Carried*

Chief Flood from the Sullivan Fire Department gave a verbal report. Highlights from the reporting include a new fire engine by the end of the summer, brush truck grant award received and working with the Jefferson County one a multi-million radio upgrade.

There was a motion by Dale Konle and seconded by Bill Ingersoll to approve the David Beres request to rezone an existing 2.17-acre lot at W158 Concord Center Dr. (pin # 006-0716-1344-002) from A-3 to A-2. Request for a Conditional Use permit for the same property to allow for storage of contractor's equipment and materials for a

onsite. *Affirmative: DK, BI*      *Opposed: None*      *Motion Carried*

Jim Zastrow stated from his written report that there is a balance of \$1,315.91 in the General Fund, \$177,807.12 in the Money Market Account, \$16,473.40 in the Equipment Fund, and \$15,814.94 in the Highway Reserve. There was a motion by Bill Ingersoll and seconded by Dale Konle to accept the Treasurer's Report as read. *Affirmative: DK, BI*      *Opposed: None*      *Motion Carried*

There was a motion by Dale Konle and seconded by Bill Ingersoll to pay the bills as presented. *Affirmative: DK, BI*      *Opposed: None*      *Motion Carried*

DuWayne Hunt, highway foreman, presented the board his verbal report. Highlights were hot patch is done, moving to brushing. Poured pad to house new fuel tank at shop donated by the snowmobile association in conjunction with the park gazebo sidewalk installation.

Jefferson County Sheriffs deputy Leonard addressed the audience for any concerns.

There was a motion to made by Dale Konle and seconded by Bill Ingersoll to approve the Insight FS fuel contract. *Affirmative: DK, BI*      *Opposed: None*      *Motion Carried*

With no further business, a motion to adjourn was made by Dale Konle and seconded by Bill Ingersoll. *Affirmative: DK, BI*      *Opposed: None*      *Motion Carried*

**Pick content type:**

Minutes

**publish:**

Thursday, July 7, 2022 - 10am

## **Exhibit 4**

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**October 17, 2024**

Samuel A. Christensen  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2023AP1996**

**Cir. Ct. No. 2022CV334**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**DEFEND TOWN PLANS, U.A., DALE KONLE,  
KIM VERHEIN HERRO, KIMBERLY A. MILLER,  
ROBERT GARTZKE, KAREN GARTZKE, AND  
SALLY J. WILLIAMS,**

**PETITIONERS-RESPONDENTS,**

**v.**

**JEFFERSON COUNTY BOARD OF SUPERVISORS,**

**RESPONDENT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Jefferson County:  
WILLIAM V. GRUBER, Judge. *Affirmed as modified and remanded.*

Before Kloppenburg, P.J., Graham, and Taylor, JJ.

¶1 GRAHAM, J. This appeal arises from a certiorari petition that was filed by Defend Town Plans, U.A., and several individuals (collectively “Defend

Town”), which challenged a rezoning ordinance adopted by the Jefferson County Board of Supervisors (the “County Board”). The rezoning ordinance changed the zoning classification of 7.4 acres of land in a 24-acre parcel from “exclusively agricultural” (A-1) to “agricultural and rural business” (A-2). Defend Town argues that the rezoning ordinance was not validly adopted because the County Board did not make the findings required by WIS. STAT. § 91.48(1) (2021-22) before voting to rezone the land out of a farmland preservation zoning district.<sup>1</sup> Defend Town further argues that it would be futile to give the County Board an opportunity to make those findings on remand because the County Board could not do so as a matter of law. Specifically, Defend Town contends that the County Board could not reasonably find that the rezoning ordinance is consistent with Jefferson County’s comprehensive plan, as required by § 91.48(1)(b).

¶2 Based on our certiorari review, we conclude that the rezoning ordinance is invalid because the County Board did not make the findings required by WIS. STAT. § 91.48(1). However, we reject Defend Town’s argument that a remand would be futile. Rather, because the County Board did not make any of the required findings, including that a rezoning would be consistent with Jefferson County’s comprehensive plan, there is no determination for us to assess within the

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<sup>1</sup> Defend Town also argues that the County Board failed to make the findings required by JEFFERSON COUNTY ORD No. 11.11(e)6. (last updated March 12, 2024). We do not separately address this argument because our determination that the County Board failed to make the findings required by WIS. STAT. § 91.48(1) is dispositive. See *Barrows v. American Family Ins. Co.*, 2014 WI App 11, ¶9, 352 Wis. 2d 436, 842 N.W.2d 508 (2013) (An appellate court need not address every issue raised by the parties when one issue is dispositive.).

All references to the Jefferson County Ordinances are to the online register last updated on March 12, 2024, which are available at <https://cms4files.revize.com/jeffersoncountynew/County%20Board/Ordinances/Zoning%20Ordinance.pdf>. All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

limited scope of certiorari review. Accordingly, we affirm the circuit court's decision as modified, and we remand for the court to enter an order that remands the matter to the County Board for additional proceedings that are consistent with the requirements of § 91.48(1).

### BACKGROUND

¶3 The issues in this case relate to local land use planning and zoning, and the legal framework that governs such planning and zoning decisions. Before turning to the rezoning petition at issue here, it is useful to provide some basic background on the statutes governing comprehensive plans, farmland preservation plans, and farmland preservation zoning ordinances, which are the three types of land-use planning documents that are implicated in this appeal.

¶4 Wisconsin statutes encourage all local governments, including towns and counties, to engage in comprehensive planning. *See* WIS. STAT. § 66.1001. Generally speaking, a comprehensive plan is an advisory “guide to the physical, social, and economic development” of a community, § 66.1001(1)(a), and it includes “[a] compilation of objectives, policies, goals, maps[,] and programs to guide [such] development,” § 66.1001(2)(b). *See Step Now Citizens Grp. v. Town of Utica Planning & Zoning Comm.*, 2003 WI App 109, ¶45, 264 Wis. 2d 662, 663 N.W.2d 833 (characterizing comprehensive plans as “merely advisory” guides). As relevant here, the Town of Concord and Jefferson County have both developed comprehensive plans to guide development in their respective jurisdictions.

¶5 Wisconsin statutes also encourage local governments to plan for the preservation of farmland as part of their comprehensive plans. *See generally* WIS. STAT. ch. 91; WIS. ADMIN CODE ch. ATPC 49; *see also* WIS. STAT.

§ 66.1001(2)(e). To that end, WIS. STAT. § 91.10(1) requires each county to develop a farmland preservation plan that, among other things, identifies “areas that the county plans to preserve for agricultural use and agriculture-related uses.” See § 91.10(1)(d). Here, Jefferson County developed a farmland preservation plan that is incorporated into its comprehensive plan. See § 91.10(2).

¶6 Finally, and most directly pertinent to our resolution of this appeal, Wisconsin statutes also incentivize local governments to adopt farmland preservation zoning ordinances. WIS. STAT. § 91.30. If a county passes a farmland preservation ordinance and obtains certification from the department of trade, agriculture, and consumer protection (“DATCP”), qualified landowners in the county will be eligible for tax incentives. See WIS. STAT. §§ 91.36, 71.613(2). To receive DATCP certification, a county’s farmland preservation zoning ordinance must, among other things, create farmland preservation zoning districts that restrict “conditional” and “permitted” land uses. WIS. STAT. § 91.42.<sup>2</sup> Importantly here, once land is included in a farmland preservation zoning district, it can be rezoned through the process set forth in WIS. STAT. § 91.48. Jefferson

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<sup>2</sup> More specifically, WIS. STAT. § 91.42 provides that land uses in farmland preservation zoning districts are restricted to “[u]ses identified as permitted uses in [WIS. STAT. §] 91.44”; “[u]ses identified as conditional uses in [WIS. STAT. §] 91.46”; “[p]rior nonconforming uses, subject to [various statutes that are inapplicable here]”; and “[o]ther uses allowed by the department by rule.”

In *Town of Rhine v. Bizzell*, 2008 WI 76, ¶¶20-21, 311 Wis. 2d 1, 751 N.W.2d 780, our supreme court explained the difference between conditional and permitted uses as follows. Conditional uses are “those particular uses that a community recognizes as desirable or necessary,” “but which the community will sanction only in a controlled manner” through conditional use permits. *Id.* A conditional use permit allows a property owner to put the property “to a use which the [zoning] ordinance expressly permits when certain conditions or standards have been met.” *Id.*, ¶21. By contrast, permitted uses are “as of right,” and are authorized by the applicable zoning ordinance itself, without the need to satisfy additional conditions or standards needed to obtain a conditional use permit. See *id.*, ¶¶20-24.

County adopted a farmland preservation zoning ordinance, and its ordinance was certified by DATCP.

### **The Brunson Parcel**

¶7 As mentioned, Defend Town's certiorari petition challenges the County Board's decision to rezone 7.4 acres of a larger parcel. The larger parcel in question, which we refer to as the "Brunson parcel," is in the Town of Concord, which is in Jefferson County. It is undisputed that, prior to the rezoning decision that is challenged in this appeal, the Brunson parcel was zoned for "exclusive agricultural" use (as designated by an A-1 zoning classification). The Brunson parcel was identified in Jefferson County's farmland preservation plan as part of an area that the county intended to preserve for agricultural and agricultural-related use, and it was also included in the county's certified farmland preservation zoning ordinance as part of a farmland preservation zoning district.

¶8 The Brunson parcel was directly adjacent to a parcel owned by a recreational boat dealer named Boat House of Lake Country ("Boat House"). As we understand it, the Boat House parcel was located in or near the only "rural hamlet" in the Town of Concord.<sup>3</sup> Boat House used its parcel as a boat storage facility, and it sought to purchase 7.4 acres of the Brunson parcel on which it intended to expand that facility. The portion of the Brunson parcel on which Boat House sought to expand was adjacent to Boat House's existing facility, outside the rural hamlet's boundary. It is undisputed that these acres could not be used for a

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<sup>3</sup> Jefferson County's farmland preservation plan defines a "rural hamlet" as a "collection of small-scale, usually older buildings in a town, often located at or near the crossroads of two rural highways, and typically including some mix of residential and non-residential uses."

boat storage facility unless, among other things, their zoning classification was changed from exclusively agricultural (A-1) to agricultural and rural business (A-2).<sup>4</sup> It is also undisputed that, if the acres were rezoned to A-2, they would have to be rezoned out of the farmland preservation zoning district.

### **Boat House's Rezoning Petition**

¶9 We now turn to the process that Jefferson County and the Town of Concord undertook to rezone the portion of the Brunson parcel that Boat House intended to purchase, which is pertinent to whether the rezoning ordinance was validly adopted. As mentioned, the primary issue on appeal is whether the County Board complied with WIS. STAT. § 91.48 during the course of this process. We nevertheless summarize the rezoning process in its entirety, as it provides the background necessary to understand the parties' arguments.

¶10 Jefferson County is responsible for administering zoning in the Town of Concord, but neither the county nor the town have unilateral authority. See *Quinn v. Town of Dodgeville*, 122 Wis. 2d 570, 579-80, 364 N.W.2d 149 (1985). Instead, the parties agree that Jefferson County and the Town of Concord both play a role when considering whether a rezoning ordinance should be adopted.<sup>5</sup> When the county receives a petition to rezone property, it first refers the

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<sup>4</sup> As we understand it, Boat House would also have to obtain a conditional use permit because the County's zoning ordinances do not allow boat storage facilities in A-2 property as a permitted use, but the ordinances may allow such facilities as a conditional use. The record here reflects that, at the time Boat House submitted its rezoning petition, it also applied for a conditional use permit that would allow it to construct ten boat storage barns on the rezoned parcel. Boat House's petition for a conditional use permit is not at issue in this certiorari appeal, and we discuss it no further.

<sup>5</sup> At times, the parties use the term "map amendment" to refer to a rezoning ordinance.

petition to zoning authorities in the town for a recommendation. *See* WIS. STAT. §§ 60.62(4)(a) (town plan commission), 60.20 (town board). If the town board recommends that the rezoning petition be approved, the petition will be considered by the county's designated zoning agency and then ultimately by the County Board. WIS. STAT. § 59.69(2)(a), (5). Upon receipt of a rezoning petition that has been recommended for approval by the town board, the county zoning agency holds a public hearing, § 59.69(5)(e)3., after which it votes on whether to recommend that the petition be approved, modified and approved, or disapproved, § 59.69(5)(e)4. If the zoning committee recommends approval of the petition, it drafts a proposed ordinance and submits it to the County Board with recommendations. *See* § 59.69(5)(e)4.; *see also* JEFFERSON COUNTY ORD. § 11.11(c)3. If the County Board votes to adopt the proposed ordinance, the town board has 40 days to veto the County Board's decision. *See* § 59.69(5)(e)6.

¶11 As pertinent here, Boat House filed a petition in November 2021 asking the County Board to rezone the 7.4 acres of the Brunson parcel to A-2.<sup>6</sup> The County Board first referred the petition to the town board. Although the town plan commission, the town chairperson, and others opposed the petition, the town board voted in favor of recommending the rezoning. The petition was then returned to Jefferson County for consideration.

¶12 At the county level, the petition was first considered by the Jefferson County Planning & Zoning Committee (the "county zoning committee"), which is Jefferson County's designated zoning agency. The county zoning committee

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<sup>6</sup> The petition also sought to create an A-3 ("agricultural / rural residential") zone around the residence on the Brunson parcel. The County Board's decision to rezone that portion of the parcel was not challenged in Defend Town's certiorari petition, and we discuss it no further.

conducted a site inspection; it held a public hearing; and it held two decision meetings at which it discussed the petition. A significant focus of conversation at the public hearing and the decision meetings was one of the topics addressed in WIS. STAT. § 91.48(1)—whether the petition was consistent with the Town of Concord’s comprehensive plan, and more specifically the portion of that plan that would confine all businesses to the town’s rural hamlet. As mentioned, the portion of the Brunson parcel on which Boat House sought to expand was outside the rural hamlet’s boundary.

¶13 During the public hearing, Boat House representatives spoke in favor of the petition, and several town officials and residents spoke in opposition. Those who spoke in opposition stated their view that the proposed rezoning was inconsistent with the Town of Concord’s comprehensive plan, and also identified concerns over traffic congestion, lighting, and drainage.

¶14 Then, at the county zoning committee’s first decision meeting, much of the discussion concerned the Town of Concord’s comprehensive plan, and what Jefferson County could or should do about any inconsistency between the proposed rezoning and the town plan. At least one of the committee members expressed the view that the county was required to follow the town plan, and further opined that the petition was inconsistent with the town plan. Other members of the committee indicated that, absent any inconsistency with the town’s plan, they would vote to recommend that the petition be approved. The committee also discussed the fact that the town plan was outdated, and questioned whether an “expired” plan was legally binding on Jefferson County. The committee voted to table its consideration of the petition in order to give the Town of Concord time to update its plan.

¶15 The county zoning committee reconvened to consider the rezoning petition the following month. As of that meeting, the Town of Concord had not taken any further action to update its comprehensive plan. The county zoning committee members once again discussed whether the petition was consistent with the town plan, and whether the committee could or should recommend that the County Board vote against the petition due to that alleged inconsistency. During the discussion, Jefferson County's zoning director opined that the town's plan was "meant for the Town to provide guidance and their recommendations," that the town had recommended that the rezoning petition be approved, and that "if the Town isn't following [its plan], ... that's a Town issue." The zoning director suggested that, "at the end of the day," the committee should look to Jefferson County's comprehensive plan and ordinances "and leave the [T]own out of it." Committee members expressed different views on the topic of whether the rezoning would be consistent with Jefferson County's comprehensive plan.

¶16 As the discussion continued, members of the county zoning committee focused on whether other parcels outside of the Town of Concord's rural hamlet had been rezoned from A-1 to A-2. Committee members also noted that the Brunson parcel was directly adjacent to property that was zoned for business use. Ultimately, the committee voted unanimously in favor of recommending the rezoning, with the chair of the committee stating that "the reasons" for the vote were "basically we've noted that the Town has approved other [requests to rezone property to A-2] and [the acreage at issue] is adjacent to an existing business property."

¶17 The county zoning committee's March 28, 2022 vote was commemorated in a written decision, which was made on a preprinted form document. The decision states that, "based upon the findings of fact, the

amendment file, site inspection, public hearing, zoning ordinance, and the agricultural preservation and land use plan,” the committee determined that the rezoning “[c]omplies” with unspecified standards for the following reasons: “The Town Board approved, and has approved other such uses outside the hamlet. This proposal is adjacent to the same use inside the hamlet.” The form decision contains a checkbox next to the following language: “The [committee] finds this amendment meets the standards of [WIS. STAT. §] 91.48 ....” That box on the form decision is unchecked.

¶18 As a result of the county zoning committee’s decision, a draft ordinance was prepared and provided to the County Board for consideration. The County Board held its own public hearing, at which it invited public comment on the proposed ordinance. Several individuals spoke in favor of the proposed ordinance, and others, including several town officials and members of the public, spoke in opposition.

¶19 The members of the County Board then discussed the proposed ordinance among themselves, with their discussion likewise focusing on whether the proposed ordinance was inconsistent with the town’s “expired” comprehensive plan, and the fact that the town board voted to recommend that the zoning petition be approved, despite any alleged inconsistency. During this discussion, the county zoning administrator expressed the view that the petition was consistent with Jefferson County’s comprehensive plan and its zoning ordinances. The County Board sought an opinion from corporation counsel regarding what should be done in the face of the proposed ordinance’s alleged inconsistency with the town plan. Counsel indicated that he saw “no issues” and that the petition “should be granted.” Counsel suggested that the County Board focus on its own plan and

ordinances, noting that the town board would have an opportunity to veto any ordinance that the County Board passed.

¶20 The County Board voted to adopt the rezoning ordinance. The town board did not veto the ordinance.

### **Defend Town's Certiorari Petition**

¶21 Defend Town filed a petition for a writ of certiorari seeking circuit court review of the County Board's adoption of the rezoning ordinance. As pertinent here, Defend Town alleged that the County Board adopted the rezoning ordinance without making findings that are required by WIS. STAT. § 91.48(1). Defend Town further alleged that the rezoning ordinance could not be reconciled with the comprehensive plans that had been adopted by the Town of Concord and Jefferson County, and it asked the court to enter an order vacating the County Board's approval of the rezoning ordinance.

¶22 The circuit court ordered briefing and held several hearings at which it elicited arguments from the parties. A significant focus of the arguments was on what the remedy should be if the court were to determine that the County Board was required to make findings under WIS. STAT. § 91.48(1) but failed to do so. The County Board asked the court to "remand[] for any correction that the Court deems appropriate" rather than "reversing or undoing the zoning amendment." Defend Town argued that a remand would be futile because, it argued, the County Board could not reasonably make the findings required by § 91.48(1) based on the alleged inconsistencies between the rezoning ordinance and the comprehensive plans that had been adopted by the town and county.

¶23 The circuit court ultimately focused its decision on WIS. STAT. § 91.48(1), and did not expressly weigh in on whether the rezoning was or was not consistent with the town or county comprehensive plans. The court determined that the rezoning ordinance must be “invalidat[ed]” and “vacat[ed]” because the County Board did not make findings that were required by § 91.48(1). However, the court was “not prepared to say” that it would be “an impossibility” for the County Board to make the required findings because the court did not “have the sort of record” that would allow the court “to say that,” and because “there is a considerable amount of deference that has to be left with the local governing body.” Following the hearing, the circuit court entered a judgment against the County Board that declared the rezoning ordinance “null and void and/or vacated as appropriate.” The County Board appeals.<sup>7</sup>

### DISCUSSION

¶24 Certiorari is the appropriate mechanism to challenge the validity of local government decisions, including rezoning decisions. *Ottman v. Town of Primrose*, 2011 WI 18, ¶34, 332 Wis. 2d 3, 796 N.W.2d 411. When considering an appeal of a circuit court’s certiorari decision, we review the decision of the local governing body, not the decision of the circuit court. *Miller v. Zoning Bd.*

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<sup>7</sup> Defend Town’s brief does not comply with WIS. STAT. RULE 809.19(8)(bm), which addresses the pagination of appellate briefs. See RULE 809.19(8)(bm) (providing that, when paginating briefs, parties should use “Arabic numerals with sequential numbering starting at ‘1’ on the cover”). This rule has recently been amended, see S. CT. ORDER 20-07, 2021 WI 37, 397 Wis. 2d xiii (eff. July 1, 2021), and the reason for the amendment is that briefs are now electronically filed in PDF format, and are electronically stamped with page numbers when they are accepted for e-filing. As our supreme court explained when it amended the rule, the new pagination requirements ensure that the numbers on each page of a brief “will match ... the page header applied by the e-filing system, avoiding the confusion of having two different page numbers” on every page of a brief. S. CT. ORDER 20-07 cmt. at xl.

*of Appeals of Lyndon Station*, 2022 WI App 51, ¶29, 404 Wis. 2d 539, 980 N.W.2d 295 (*Miller I*), *affirmed* by 2023 WI 46, 407 Wis. 2d 678, 991 N.W.2d 380 (*Miller II*). Our review is confined to the record before the local body at the time of its decision. *State ex rel. Brookside Poultry Farms, Inc. v. Jefferson Cnty. Bd. of Adjustment*, 131 Wis. 2d 101, 119, 388 N.W.2d 593 (1986) (courts do not generally consider any additional evidence on the merits of the local body’s decision). Our scope of review is limited to the following inquiries: (1) whether the local body kept within its jurisdiction; (2) whether it proceeded on a correct theory of law; (3) whether its action was arbitrary, oppressive, or unreasonable and represented its will and not its judgment; and (4) whether the evidence was such that the local body might reasonably make the determination in question. *Miller I*, 404 Wis. 2d 539, ¶29 (citations omitted).

¶25 Here, Defend Town’s argument focuses on the second inquiry—whether the County Board proceeded on a correct theory of law. A local governing body proceeds on a correct theory of law when it “relies on the applicable [statutes,] ordinances[,] and cases and applies them properly.” *Edward Kraemer & Sons, Inc. v. Sauk Cnty. Bd. of Adjustment*, 183 Wis. 2d 1, 8-9, 515 N.W.2d 256 (1994). Whether the County Board proceeded on a correct theory of law is a question of law that we review de novo, while at the same time according a “presumption of correctness and validity” to its rezoning decision. *Miller II*, 407 Wis. 2d 678, ¶9 (citation omitted).

¶26 We begin our analysis where the circuit court did—by considering what WIS. STAT. § 91.48(1) requires, and whether the County Board failed to make findings that are mandated by that statute. After concluding that § 91.48(1) required the County Board to make findings that the County Board did not make, we consider the parties’ arguments about the appropriate remedy.

### I. WISCONSIN STAT. § 91.48(1)

¶27 WISCONSIN STAT. § 91.48(1) is part of WIS. STAT. ch. 91, which, as noted, governs farmland preservation. The evident purpose of ch. 91 is to promote agricultural development and to preserve farmland for agriculture and agricultural-related uses. *See, e.g.*, WIS. STAT. §§ 91.10(1)(a)-(g); 91.38(1)(a)-(i).

¶28 As mentioned, WIS. STAT. ch. 91 authorizes and incentivizes “political subdivisions” to adopt “farmland preservation zoning ordinances” that create “farmland preservation zoning districts” and are certified by DATCP. *See* WIS. STAT. §§ 91.30, 91.38(1)(c)-(e). As pertinent to this appeal, after a farmland preservation zoning ordinance has been certified by DATCP, WIS. STAT. § 91.48 sets forth a process for the political subdivision to use when “rezon[ing] land out of a farmland preservation zoning district.” The parties’ dispute turns on what that process requires and whether it was satisfied here.

¶29 When considering what WIS. STAT. § 91.48(1) requires, we begin with the statutory text. *State ex rel. Kalal v. Circuit Ct. for Dane Cnty.*, 2004 WI 58, ¶45, 271 Wis. 2d 633, 681 N.W.2d 110. Section 91.48(1) provides that a “political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified” by DATCP. However, to do so, the subdivision must hold a “public hearing,” after which it “finds all of the following”:

(a) The land is better suited for a use not allowed in the farmland preservation zoning district.

(b) The rezoning is consistent with any applicable comprehensive plan.

(c) The rezoning is substantially consistent with the county certified farmland preservation plan.

(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

See § 91.48(1)(a)-(d).<sup>8</sup>

¶30 According to its unambiguous language, WIS. STAT. § 91.48(1) gives a political subdivision two options for “rezon[ing] land out of a [certified] farmland preservation district.” The political subdivision can have the rezoning certified by DATCP; or it can make the findings identified in the statute after a public hearing.

¶31 As a threshold matter, the County Board does not meaningfully dispute that the provisions of WIS. STAT. § 91.48(1) apply here. More specifically, it is undisputed that the term “political subdivision” includes counties, *see* WIS. STAT. § 91.01(24); that the farmland preservation zoning ordinance at issue was certified by DATCP; that the Brunson parcel was located within a farmland preservation zoning district; and that changing the zoning classification of 7.4 acres of the Brunson parcel to A-2 constituted rezoning the land “out of a farmland preservation zoning district” within the meaning of § 91.48(1).<sup>9</sup> The County

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<sup>8</sup> Other provisions in WIS. STAT. ch 91 require the political subdivision to report the number of acres that it has rezoned out of a farmland preservation zoning district to DATCP each year. If the subdivision fails to comply with this reporting requirement, DATCP may withdraw its farmland preservation zoning ordinance certification. WIS. STAT. § 91.48(2), (4).

Separately, the parties point out that Jefferson County has its own ordinance, JEFFERSON COUNTY ORD. § 11.11(e)6., that contains requirements for “rezoning out of the A-1 district” that are similar to those set forth in WIS. STAT. § 91.48(1), and also requires the County’s zoning committee to make several additional findings that are not required by § 91.48.

<sup>9</sup> Separately, the County Board contends that, even though land zoned A-2 is not eligible for inclusion in a farmland preservation *zoning district*, it can still be included in a “farmland preservation *area*” that is part of a certified farmland preservation *plan*. As discussed below, this argument might be pertinent to a determination of whether the rezoning at issue here is consistent  
(continued)

Board did not pursue the option to rezone these acres through DATCP certification; therefore, the statutory text unambiguously required the County Board to make the findings identified in § 91.48(1).

¶32 The County Board appears to tacitly concede that it did not make any of the findings identified in WIS. STAT. § 91.48(1)—at least not “formally” or “expressly.” Even so, the County Board argues that it did all that was required by § 91.48(1) for several overlapping reasons. It argues that the County Board was allowed to rely on and adopt any findings made by its designated county zoning agency (here, the zoning committee); that § 91.48 is not actually a “mandatory directive”; and that the deference we are to give to its rezoning decision means that we should affirm the decision—either because we should assume that any findings required by § 91.48(1) were made, or because we should uphold the rezoning decision if such findings would be supported by substantial evidence in the certiorari record. We address these arguments in turn.

#### A. Findings by the Designated Zoning Authority

¶33 The County Board argues that WIS. STAT. § 91.48(1) does not require *the County Board to itself* make the findings in § 91.48(1). It argues that it was allowed to adopt the findings made by its designated zoning agency—here, the county zoning committee. Defend Town does not dispute that the County Board could have adopted the findings from the committee, if those findings had been made.

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with Jefferson County’s comprehensive plan or its farmland preservation plan. However, it does not appear to be pertinent to our determination that the provisions of WIS. STAT. § 91.48(1) apply to the rezoning decision.

¶34 We agree that the County Board may adopt any findings that were made by the county zoning committee. We further agree that, if the county zoning committee makes the required findings and the County Board adopts them, it has satisfied the requirement that the “political subdivision” make findings under WIS. STAT. § 91.48(1).<sup>10</sup> However, this conclusion does not affect the outcome of this case. Based on our review of the record, it is apparent that the committee did not make any findings on the topics set forth in § 91.48(1) that the County Board could have adopted.<sup>11</sup>

¶35 In arguing to the contrary, the County Board points to statements that were made by individual members of the county zoning committee members and that arguably touch on some of the topics listed in WIS. STAT. § 91.48(1).

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<sup>10</sup> WISCONSIN STAT. § 91.48(1) does not specify any particular unit within a “political subdivision” that must hold the public hearing or make the findings required by the statute. Because § 91.48(1) is silent on this issue, it is appropriate to look to WIS. STAT. ch. 59, which also governs county zoning. As provided in ch. 59, a county board is the only body that has authority to amend a county’s zoning ordinances. WIS. STAT. § 59.69(5)(e)5. Yet, ch. 59 also contemplates that the county board will receive a recommendation and proposed ordinance from its designated zoning agency before voting on such an amendment. *See* § 59.69(5)(e)1., 2., 4., 5. Section 59.69 specifies that, whenever a public hearing is required, the hearing is to be held by the county’s designated zoning agency, § 59.69(2)(a)1., and expressly requires the agency to hold a public hearing on any rezoning petition, § 59.69(5)(e)2. Similarly, Jefferson County’s ordinances specify that “rezoning out of the A-1 district” may “occur only after the [county zoning committee] conducts a public hearing and makes findings as specified in § 91.48(1).” JEFFERSON COUNTY ORD. § 11.04(f)6.; *see also* JEFFERSON COUNTY ORD. § 11.11(e)6.

Based on these provisions, it is apparent that the county zoning committee may make the findings in WIS. STAT. § 91.48(1) after holding a public hearing under WIS. STAT. § 59.69(5)(e)2., and that the County Board may, in its discretion, adopt the committee’s findings as its own under § 59.69(5)(e)5.

<sup>11</sup> We pause to observe that the County Board’s appellate briefing does not accurately characterize the circuit court’s rationale for voiding the rezoning ordinance. The County Board contends that the court determined that the “County Board, rather than the designated county zoning agency, was required to engage in its own fact-finding on the record.” This assertion is not accurate—the court voided the ordinance based on its determination that neither the County Board nor its zoning committee made the findings required by WIS. STAT. § 91.48(1).

Even so, we are not persuaded that these statements constitute a finding under § 91.48(1) as there is nothing in the record showing that the committee actually determined that the portion of the Brunson parcel at issue was “better suited for a use not allowed in the farmland preservation zoning district”; that the rezoning was “consistent with any applicable comprehensive plan”; that the rezoning was “substantially consistent with the county certified farmland preservation plan”; or that the rezoning would not “substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.” *See* § 91.48(1). Of these topics, the committee’s most robust discussion was about whether the proposed rezoning would be consistent with the Town of Concord’s comprehensive plan. Yet, opinions on this topic were decidedly mixed, and the transcripts do not reveal that the committee reached any conclusion or made any findings on this topic during the meeting.

¶36 Nor does the county zoning committee’s written decision contain any such findings. Quite to the contrary—as discussed above, the decision was memorialized on a preprinted form that allowed the committee to check a box indicating that it “finds [that the rezoning] amendment meets the standards of [WIS. STAT. §] 91.48.” The committee could have checked that box on the form, which would have implied that it made the required findings. However, the committee did not do so. Accordingly, the written decision does not reflect that the committee made the findings required by § 91.48(1) as part of its decision to recommend that the County Board pass the rezoning ordinance.

### **B. No Mandatory Directive**

¶37 In addition to arguing that the county zoning committee made the required findings, the County Board also seems to suggest that the findings may

not have been required after all. At one point in its appellate briefing, the County Board asserts that WIS. STAT. § 91.48 “is not a mandatory directive that forbids local governments from rezoning property when they fail to make specified findings.” Instead, the County Board suggests that § 91.48 merely identifies a set of discretionary considerations that should guide local decisions to rezone land out of a farmland preservation zoning district.

¶38 This argument is unfounded. WIS. STAT. § 91.48(1) unambiguously imposes a condition that must be satisfied to rezone land out of a certified farmland preservation zoning district. The findings identified in the statute are “discretionary” only in the sense that the political subdivision need not make them if it opts to instead ask DATCP to certify the rezoning. As we have explained, the County Board did not do so here; therefore, it was required to make the findings set forth in § 91.48(1).

¶39 The County Board may instead be arguing that we should not interpret WIS. STAT. § 91.48(1) to mean what it unambiguously provides because rezoning is “quasi-legislative” in nature, and legislative bodies are not generally required to articulate findings when they enact legislation. As we now explain, we agree with the predicates of the County Board’s argument—rezoning is considered to be a “quasi-legislative” function, and legislative bodies are not usually required to make findings when they legislate. However, we do not agree that this means the County Board was not required to make findings under § 91.48. In enacting § 91.48(1), the Wisconsin legislature unambiguously required findings as part of certain rezoning decisions, and the County Board does not cite any legal authority that would prevent the legislature from imposing this requirement on a local government’s exercise of zoning authority. We will not interpret § 91.48(1) to

mean something other than what it unambiguously provides merely because making findings is not typically associated with quasi-legislative functions.

¶40 By way of background, Wisconsin courts have acknowledged that local governments perform functions that are both legislative and adjudicative in nature. *Miller I*, 404 Wis. 2d 539, ¶¶23-26. In prior opinions, when considering the degree to which due process principles apply to local government decision making and the degree of deference to afford local government decisions, we have sometimes found it useful to categorize such decisions as either “quasi-legislative” or “quasi-judicial.” See, e.g., *id.* (citing cases); *id.*, ¶¶40-41 (discussing due process requirements of “quasi-legislative” and “quasi-judicial” decisions); *Cushman v. City of Racine*, 39 Wis. 2d 303, 307, 159 N.W.2d 67 (1968). Our cases “firmly establish” that rezoning land is a quasi-legislative function, even if it may be a fact-intensive and individualized determination. *Miller I*, 404 Wis. 2d 539, ¶26 (“the act of rezoning is as legislative in nature as drafting and adopting a zoning ordinance in the first instance”).<sup>12</sup>

¶41 The County Board correctly observes that, if WIS. STAT. § 91.48(1) requires a political subdivision to make findings when rezoning land out of a farmland preservation zoning district, it requires it to perform an act that is typically associated with judicial decision making. However, the argument that a political subdivision cannot be required to make findings simply because zoning

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<sup>12</sup> We have described “quasi-legislative actions” as those involving the creation of “prospective rules of general applicability.” *Miller v. Zoning Bd. of Appeals of Lyndon Station*, 2022 WI App 51, ¶23, 404 Wis. 2d 539, 980 N.W.2d 295 (*Miller I*). By contrast, we have described “quasi-judicial actions” as those that “implement” or “apply” preexisting rules to a particular set of historic facts or circumstances, and often require a local body to engage in factfinding. *Id.*, ¶¶23, 40 (citing *Marris v. City of Cedarburg*, 176 Wis. 2d 14, 25, 498 N.W.2d 842 (1993)).

has been characterized as a quasi-legislative activity misses the mark. Local zoning authority is regulated by state statutes, and in those statutes, the state legislature routinely imposes conditions on local exercises of zoning authority. *See, e.g.*, WIS. STAT. § 59.69(4) (imposing numerous conditions on local zoning decisions). It is the state statutes that control what the County Board must do when exercising its zoning authority, not our prior description of rezoning as “quasi-legislative” in nature.

¶42 Apart from arguing that WIS. STAT. § 91.48 cannot be read to mandate findings because zoning is a quasi-legislative activity, the County Board does not identify any legal authority that would prevent the legislature from imposing such conditions—whether “legislative” or “judicial” in nature—on the exercise of local zoning authority. For example, the County Board does not argue that the requirements of § 91.48(1) are unconstitutional, or that the legislature lacks the power to impose such requirements because farmland preservation is purely a matter of local concern. *See, e.g., Adams v. Wisconsin Livestock Facilities Siting Rev. Bd.*, 2012 WI 85, ¶29, 342 Wis. 2d 444, 820 N.W.2d 404 (“the legislature may, on issues of statewide concern, prohibit political subdivisions from enacting ordinances, or invalidate ordinances already promulgated”).

¶43 Finally, the County Board contends that our decision in *Step Now*, 264 Wis. 2d 662, supports its argument that WIS. STAT. § 91.48(1) does not require it to make findings. We disagree. In *Step Now*, we declined to invalidate a town’s rezoning ordinance, even though the town did not make any findings under WIS. STAT. § 91.77 (2007-08), a predecessor to the current version of

§ 91.48(1).<sup>13</sup> *Id.*, ¶69. We reasoned that the citizen group challenging the ordinance “ha[d] not provided any authority for its contention that a legislative body’s failure to provide formal WIS. STAT. § 91.77 findings justifies invalidation of the rezoning.” *Id.* Thus, our rejection of the argument in *Step Now* turned on the citizen group’s failure to develop and support its argument. Here, by contrast, Defend Town has developed an argument about the language of § 91.48(1), and we have concluded that Defend Town’s argument is supported by the unambiguous statutory text. The County Board does not explain how another party’s failure to develop an argument about the text of a different statute in a prior case could override our interpretation of § 91.48(1).

### C. Presumption of Correctness

¶44 The County Board also argues that its rezoning decision is entitled to a presumption of correctness. Therefore, it argues, we should either presume that the required findings were made, or we should sustain the rezoning ordinance if substantial evidence in the record would support the required findings. Again, we agree with a predicate to the County Board’s argument—specifically, that its rezoning decision is afforded a presumption of correctness. However, as we now explain, that does not mean that we would presume that it made required findings that are not found in the record, or that we would review the record to see if there is evidence that could support required findings that were never made.

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<sup>13</sup> Although the *Step Now* court cited to the 2001-02 version of that statute, we cite to the 2007-08 version, which was in effect immediately before the legislature repealed the version of WIS. STAT. ch 91 that was in place when *Step Now* was decided and replaced it with the version that is in place today. See 2009 Wis. Act 28 § 1947.

¶45 We begin with the County Board’s argument that we must presume that it made the findings in WIS. STAT. § 91.48(1), given that it was aware of § 91.48’s requirements and passed the rezoning ordinance. To support its argument, the County Board cites a passage from *State ex rel. Sullivan v. Dammann*, 227 Wis. 72, 81-82, 277 N.W.2d 687 (1938), but as we now explain, the cited passage from *Sullivan* is inapt.

¶46 In that case, Sullivan was a state employee, and the state owed her money for services rendered. *Id.* at 74. The legislature passed a bill that appropriated a certain amount to Sullivan, but the secretary of state refused to pay the appropriation. *Id.* at 77-78. Sullivan filed a writ of mandamus against the secretary, and the issue was whether the appropriation violated a provision in the state constitution that prevented the legislature from granting “extra compensation to any servant after the services shall have been rendered.” *Id.* at 74.

¶47 Our supreme court rejected the argument that the appropriation was unconstitutional. *Id.* at 79-82. It observed that the appropriation was not unconstitutional on its face—it “purport[ed] to appropriate money to compensate [Sullivan] for services performed,” and “d[id] not purport to grant extra compensation for services rendered.” *Id.* at 79. Then, looking deeper into the dispute about the amount that Sullivan was owed, the court explained that it presumed the legislature did not intend to pass any act that would conflict with constitutional limits on its authority—the legislature had a verified claim before it, and it held a hearing at which it considered the facts on which the claim was based. *Id.* at 81. The *Sullivan* court then went on to make the statement that the County Board relies on in this case. The court cited a legal treatise, *American Jurisprudence*, for the proposition that, “if any special finding of fact was needed

in order to warrant the passage of a particular act, the passage of the act itself was treated as the equivalent of such finding.” *Id.* at 81-82.

¶48 The County Board appears to argue that the presumption described in *Sullivan* should be extended here, such that we must conclude that, because the County Board voted in favor of the rezoning ordinance, it necessarily made the findings required by WIS. STAT. § 91.48(1). We disagree for at least two reasons. First, the *Sullivan* court was reviewing a bill passed by the state legislature, and the County Board does not cite any authority that would extend the principle articulated in *Sullivan* to our certiorari review of quasi-legislative local decisions. Second, even if we might extend this presumption to local legislative bodies, it would be inappropriate to presume that the required findings were made here. As discussed, the County Board does not argue that it made the findings itself and instead argues that it adopted findings that were made by the county zoning committee; yet, as explained above, the committee’s written decision makes clear that it declined to make the findings required by § 91.48(1). *See supra*, ¶36.

¶49 We now turn to the County Board’s alternative assertion that we must sustain its rezoning ordinance if “any reasonable view of the evidence” in the record would support the findings required by WIS. STAT. § 91.48(1). We reject this argument. Had the findings required by § 91.48(1) been made (either by the County Board itself or by adopting findings made by its zoning committee), we would review those findings, and we would consider “whether the evidence was such that [the County Board] might reasonably make the ... determination in question.” *Miller I*, 404 Wis. 2d 539, ¶29. However, the County Board cites no authority to support the proposition that it is this court’s role to make findings in the first instance, or to review evidence in the record to see if it would support findings that were never made.

¶50 In sum, for all of these reasons, we conclude that the County Board failed to make the findings required by WIS. STAT. § 91.48(1) before it passed the rezoning ordinance, and, therefore, it did not proceed on a correct theory of law. Accordingly, we conclude that the County Board did not validly enact the rezoning ordinance.

## II. Remedy

¶51 We next address the appropriate remedy. The issue is whether we should simply vacate the rezoning ordinance based on the County Board's failure to proceed on a correct theory of law, or whether we should also remand to the County Board for additional proceedings that are consistent with the requirements of WIS. STAT. § 91.48(1). As part of our discussion, we address the County Board's argument that it should be given an opportunity to make the findings required by § 91.48(1) on remand, as well as Defend Town's argument that a remand for that purpose would be futile.

¶52 As a general matter, we agree with the County Board that a remand is appropriate if the error in its proceedings is one that could potentially be cured. *See generally Lamar Cent. Outdoor, Inc. v. Board of Zoning Appeals of Milwaukee*, 2005 WI 117, ¶24, 284 Wis. 2d 1, 700 N.W.2d 87.

¶53 Defend Town argues that a remand would be futile because the County Board could not reasonably make one of the findings required by WIS. STAT. § 91.48(1)(b)—that the proposed rezoning is compatible with the county's comprehensive plan. Notably, although the arguments during the local government proceedings focused on whether the rezoning was consistent with the Town of Concord's comprehensive plan, at this point on appeal, Defend Town's futility argument is based exclusively on the comprehensive plan adopted by

Jefferson County. In its appellate briefing, Defend Town contends that the “Town Plan is simply irrelevant to this case.”

¶54 We understand Defend Town’s current argument about the county’s comprehensive plan as follows. Jefferson County’s farmland preservation plan is incorporated into its comprehensive plan. The farmland preservation plan includes a map that depicts areas that are part of an existing rural hamlet and those areas that are projected as “15-year growth areas,” and, according to Defend Town, the comprehensive plan contemplates that land in those areas will not be limited to strictly agricultural use. The Brunson parcel is not located in a rural hamlet, nor is it located in a 15-year growth area. Instead, the Brunson parcel is located in the farmland preservation area, defined as an “area[] of existing agricultural or agricultural-related uses ... that should be preserved for agricultural-related uses throughout the planning horizon of [the farmland preservation plan].” According to Defend Town, if the acreage is rezoned to agricultural and rural business (A-2), it is not being “preserved for agricultural-related uses.”

¶55 For its part, the County Board takes issue with the ultimate conclusion that Defend Town draws from its arguments about the county’s comprehensive and farmland preservation plans. Most notably, the County Board contends that land zoned A-2 is eligible for inclusion in a farmland preservation area that is part of a certified farmland preservation plan. Therefore, the County Board contends, rezoning land to A-2 does not in and of itself take the land outside of a farmland preservation area, and is consistent with the portion of the plan that provides that farmland preservation areas “should be preserved for agricultural-related uses.”

¶56 As noted above, the County Board did not resolve any of the issues arising out of these arguments, and did not make any finding about whether the proposed rezoning is consistent with the county's comprehensive plan. Thus, Defend Town would have us make that determination in the first instance. Like the circuit court, we decline to do so for at least the following reasons. First, as we have explained, a comprehensive plan is meant to be an "advisory ... guide to community development," *Step Now*, 264 Wis. 2d 662, ¶45, and not necessarily a rigid set of rules. Second, consistency with the county's comprehensive plan is quintessentially an assessment for the county to make, and one which we would presume correct on certiorari review. Here, because the County Board did not make any finding about whether the rezoning ordinance is consistent with the county's comprehensive plan, we have no determination that we would presume correct, and nothing to assess within the limited scope of certiorari review.

¶57 Accordingly, we reject Defend Town's argument that a remand to the County Board would necessarily be futile. We therefore remand to the circuit court to enter an order that remands the matter to the County Board for additional proceedings that are consistent with the requirements of WIS. STAT. § 91.48(1).<sup>14</sup>

*By the Court.*—Judgment affirmed as modified and remanded.

Recommended for publication in the official reports.

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<sup>14</sup> Before concluding, we pause to comment on one aspect of the circuit court's oral ruling. At the close of the final hearing, Defend Town argued that "any effort to rezone the same parcel" would "have to start with a new petition for a rezone," and the circuit court expressed agreement with that position. Defend Town does not renew this argument on appeal, but for the sake of clarity, we do not necessarily agree. The error that the County Board made in this case occurred after the rezoning petition was filed, and we have concluded that the rezoning ordinance was not validly enacted. Yet, Defend Town does not provide any basis for concluding that the rezoning petition was itself invalid or defective in some respect.

**Exhibit 5**

## STAFF REPORT & DECISION OF THE JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

### Zoning Map Amendment

**Summary:** Rezone from A-1 to A-2

**Petition #** R4379A-2022 **Town:** Concord

**Site Inspection Date:** February 11, 2022 **Public Hearing Date:** February 17, 2022

**Petitioner Name:** The Boat House of Lake Country

**Property Owner(s):** Previous Owner: Donald and Nancy Brunson Trust

Current Owner: Boat House of Concord Real Estate LLC

**Property Location:** Near W1432 County Road B

**PIN:** 006-0716-1642-000 – currently 006-0716-1642-001

**Rezoning Request:** Create 1 vacant A-2 zone lot (7.4+/- acres)

**Conditional Use Request:** Storage of Boats

**Finding of Fact:** See finding of fact and maps for parcel information including soil types, farmland preservation plan mapping, etc.

**Town Board Recommendation:** The Town of Concord approved the rezone from A-1 to A-2 Agricultural and Rural Business on a vote of 2-1 on January 10, 2022.

#### Analysis of Applicable Zoning Standards:

##### WI Stat. §91.48 Factors:

- **The land is better suited for a use not allowed in the A-1 zoning district.**
  - The property is currently fallow with limited agricultural use and directly adjacent to the Town of Concord rural hamlet and along a County Highway. Additionally, the proposed A-2 zone abuts a property owned by the petitioner and is being used for the same proposed use (boat storage). Due to its proximity to the rural hamlet, similar adjacent uses and location along a county road, the land is better suited for the proposed A-2 use (boat storage), rather than A-1 zoning district.
- **The rezoning is consistent with any applicable comprehensive plan.**
  - The County considers its Comprehensive Plan which incorporates its Agricultural Preservation & Land Use Plan and references the Town's Comprehensive Plan.
  - Consistent the applicable plans, the proposed rezone allows for the orderly growth and development of land such that the form and density of the land use is consistent with the surrounding land.

- All applicable plans allow for the use of A-2 zoning to allow a wide range of agricultural-related uses and other rural businesses that are compatible with predominantly agricultural area within Farmland Preservation Areas.
- The Town of Concord approved this rezone request based upon its interpretation of the Town's Comprehensive Plan. The Town of Concord Comprehensive Plan incorporates the County's A-2 zoning policies and consistent with those policies the Town has previously permitted A-1 to A-2 rezones within Farmland Preservation Areas.
- The rezone is consistent with the County Comprehensive Plan through various goals of the plan:
  - Land Use Goals- 1, 2, 3, & 8
  - Economic Development Goals- 6, 9, & 10
  - Agricultural, Natural & Cultural Resource Goals- 1 & 6
- **The rezoning is substantially consistent with the County certified farmland preservation plan.**
  - The rezone is substantially consistent with the farmland preservation plan as explained below. The rezone request follows the standards and policies of the farmland preservation plan for rezoning from A-1 to A-2. The A-2 zoning district is permitted within the farmland preservation area.
  - The rezone request is substantially consistent with Farmland Preservation Plan A-2 Policies 1, 2 and 3 on page 33 of the plan.
    - *Policy 1: Continue to utilize the A-2 Agricultural and Rural Business zoning district to allow a wide range of agricultural related uses and such other rural businesses that are compatible in a predominately agricultural area. Utilize criteria in Section 91.48, Wis. Stats. and the County's zoning ordinance in evaluating proposals for rezoning land to the A-2 district.*
      - Response: The proposed use is located in a transition area between the 15-year growth area/rural hamlet and the farmland preservation area (located in the farmland preservation area). The proposed use complies with and is a conditional use in the A-2 zoning district.
    - *Policy 2: Consider requiring site plan submittal prior to the establishment or expansion of all agricultural-related uses in the A-2 district (not including agricultural structures), in order to evaluate the proposed building and driveway locations with respect to impact on productive farmland, traffic movement, and the use and enjoyment of adjoining properties.*
      - Response: The application includes a site plan showing the access location and proposed structures. Based on the site plan, the proposed use does not impact productive farmland, traffic movement or adjoining properties.
    - *Policy 3: Encourage compliance with the Rural Commercial, Industrial, and Agribusiness Development Guidelines*
      - The proposed rezone is in compliance with the applicable guidelines.
- **The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**
  - The rezone does not impair or limit agricultural uses and the rezone does not affect any land currently utilized for agricultural purposes. The parcel to the west and north will

continue to be used for agricultural purposes. The proposed buildings will be similar to agricultural barns/structures and will present an agricultural appearance. The proposed lot includes straight lots lines and will not impart or limit the agricultural use of surrounding properties.

Additional Criteria of Jefferson County Zoning Ordinance Section 11.11(e)6:

- **There will be adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning**
  - The Town Board of Concord approves of the proposed rezone and conditional use permit. No concerns were raised by the Town regarding the adequacy of public facilities to serve this proposed rezone.
  - The County Highway Department reviewed and approved the rezoning request and the proposed access onto the County Road. There are adequate public facilities pre and post creation of this lot.
- **The burdens on local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable**
  - No significant burdens on local government will result from the creation of this lot. The proposed use is primarily storage and will result in minimal burden to local governments. Adjacent to the proposed lot is a similar use that has created minimal additional burdens on local governments since its development.
- **The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.**
  - The proposed development will not affect any wetlands or sensitive environmental areas. The developer will mitigate any runoff or soil erosion concerns during construction and post construction. Additional pollution is not expected with this development of boat storage buildings.
- **The soil productivity rating has been considered in the location of the area proposed for rezoning.**
  - The proposed lot utilized prime soil, however, approximately one acre of the lot is currently used as a residential yard/lawn, 3 acres is a fallow non-cropped area and only approximately 3 acres is or has been previously used for agricultural purposes.
- **The remaining A-1 parcel shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.**
  - The remaining parcel has access onto a public road for at least 66’.

**Staff Recommendation: APPROVAL For the Following Reasons:**

- This rezoning meets the requirements of the County Zoning Ordinance and aligns with the County’s Comprehensive Plan and Agricultural Preservation & Land Use Plan as set forth above.
- The proposed amendment is located a designated Farmland Preservation Area and complies with the standards and policies of the farmland preservation area:
  - The proposed lot is clustered with a proposed A-3 lot and existing lots lines and development.
  - The proposed lot does not impact the surrounding agricultural land.

- Public concerns were raised regarding screening, lighting and traffic/road access. The petitioner has addressed all concerns with their application and proposed plans. The County has not received any complaints regarding the adjacent property including access or road issues prior to the public hearing comments. The petitioner provided solutions to reducing any traffic back up on the County Highway.

**DECISION OF ZONING & PLANNING COMMITTEE:**

The Jefferson County Planning & Zoning Committee adopts the facts and recommendations set forth in the above Staff Report [as amended or supplemented on the record (if necessary)] as findings of the Committee and APPROVES the proposed zoning map amendment.

Based on the Staff Report, complete application and file, substantial evidence provided, site inspection, public hearing, Jefferson County Zoning Ordinance and the Agricultural Preservation and Land Use Plan, the Planning and Zoning Committee concludes that the proposed Official Zoning Map Amendment complies with the Jefferson County Zoning Ordinance, Comprehensive Plan and Farmland Preservation Plan. The Planning and Zoning Committee further finds this amendment meets the standards of Wisconsin State Statutes 91.48 and Section 11.11(e)6 of the Jefferson County Zoning Ordinance for the reasons set forth above and discussed on the record.

Motion by: Nass                      Seconded by: Poulson

Motion passed by a voice vote, 4-0.

**APPOINTMENTS BY COUNTY BOARD CHAIR**

By virtue of the authority vested in me under Section 3.05(1)(c)-(d) of the County Board Rules, I hereby request confirmation of the following appointments:

- a. Joan Fitzgerald, Local State Official, to the Local Emergency Planning Committee (LEPC) for an indeterminate term.

**APPOINTMENTS BY COUNTY ADMINISTRATOR**

By virtue of the authority vested in me under Sections 59.18 (2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment:

- a. John Fox as Director of Facilities Management for an indeterminate term.

**APPOINTMENT BY HUMAN SERVICES BOARD**

By virtue of the authority vested in the Human Services Board under Section 3.05(1)(j) of the County Board Rules, the Human Services Board hereby requests County Board's confirmation of the following appointment:

- a. Mary Jo Shackelford to the Nutrition Project Council to fill a term ending November 13, 2027.

February 11, 2025

**Exhibit 6**

**MINUTES**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**  
**DECISION MEETING**

*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson*

**SUBJECT:** Planning and Zoning Committee Decision Meeting  
**DATE:** Monday, January 27, 2025  
**TIME:** 8:30 a.m.  
**PLACE:** Room C1021, County Courthouse, Jefferson WI

**1. Call to Order**

The meeting was called to order by Vice Chairman Nass at 8:30 a.m.

**2. Roll Call (Establish a Quorum)**

All committee members were present in person except Chairman Jaeckel who was an excused absence. Other County staff in attendance were Interim County Administrator Michael Luckey and Corporation Counsel Danielle Thompson, County Highway Dept Interim Commissioner Sean Heaslip and GIS/Engineering Tech Derek Anderson and via Zoom Operation Manager Brian Udovich. Department staff present were Matt Zangl, Sarah Elsner, Haley Nielsen and Shari Fischback. Members of the public present were Deann Schneider, Oakland Hills Subdivision Representative, Sally Williams, Sue Marx, Ted Mueller, Dale Konle and Kimberly Miller. Others present via Zoom were Duane Bennett and Rick Donner.

**3. Certification of Compliance with Open Meetings Law**

Supervisor Poulson confirmed that the meeting was being held in compliance.

**4. Approval of the Agenda**

Motion by Supervisor Poulson, second by Supervisor Richardson to approve the agenda. Motion passes on a voice vote, 4-0.

**5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

Sally Williams spoke regarding the solar ordinance setbacks from property line vs. the house, fencing/panels on three sides of residence, solar panels being unsightly and noisy and preserving farmland.

Sue Marx spoke regarding solar ordinance not going far enough to incorporate language to protect the people, the soil and the farmland. Suggested using Kenosha as example to incorporate similar language for decommissioning, "useful condition".

**6. Approval of meeting minutes from December 19, December 30, January 10, January 16**

Motion by Poulson/Richardson to approve December 19, 2024, minutes as written.

Motion passed on a voice vote 4-0.

Motion by Foelker/Richardson to approve December 30, 2024, minutes as written.

Motion passed on a voice vote 4-0.

Motion by Richardson/Foelker to approve January 10, 2025, minutes as written.

Motion passed on a voice vote 4-0.

Motion by Richardson/Foelker to approve January 16, 2025, minutes as written.

Motion passed on a voice vote 4-0.

**7. Communications** – Zangl reported that approval for agent status for sanitary permits was received from Dept of Safety & Professional Services and the County will begin review of state plans starting on March 1, 2025.

**8. December Monthly Financial Report for Register of Deeds**

Zangl stated on Staci's behalf that she reported that December ended better than November.

**9. December Monthly Financial Report for Land Information Office**

Zangl reported budget was met.

**10. January Monthly Financial Report for Zoning**

Zangl reported that 2024 ended well, higher than expected and the first half of January was heavy and off to a good start.

**11. Discussion on Solar Energy Facilities**

- a. Crawfish River Solar – Project just completed the noise study.
- b. Badger State River – Project has been quiet.
- c. Sinnissippi Solar – Project has been quiet.
- d. Hackbarth Solar – Project has finished construction and is now producing.
- e. Whitewater Solar Project – Project is at the PSC level but has been quiet at the County level.
- f. Rock Lake Solar Project – Project has begun applying for zoning permits, work expected to start this summer.

**12. Discussion and Possible Action on the yearly review of CU2058-20 – Paul E Elliott/Dianne M Owens for agricultural tourism, retail sales of agricultural related items and a wine tasting room located a N7040 Saucer Dr in the Town of Farmington.**

Zangl stated this is being moved to next month's meeting agenda to allow for adjacent landowners to be notified.

**13. Discussion and Possible Action on Resubmittal of the Oakland Hills Subdivision Preliminary Plat**

Deann Schneider provided review of subdivision layout, decreased from 133 lots to 100 lots. Zangl explained changes to emergency access and wider access. The committee requested further discussion with local emergency service departments about emergency vehicle access. Motion made by Supervisor Poulson/Foelker to postpone decision until further information is obtained. Passed on voice vote 4-0.

**14. Discussion and Possible Action on an Amendment to the Zoning Ordinance Regarding Solar Energy Systems**

Zangl reported that there was good progress on the ordinance draft and reviewed highlights. Danielle has reviewed and edited the draft. Motion was made by Poulson/Foelker to incorporate public comments and send to Towns for their review and input. Motion passed on voice vote 4-0.

**15. Discussion and Possible Action on R4379A-22, PIN 006-0716-1642-000 near W1380 County Road B in the Town of Concord. The property is currently owned by Boat House of Concord Real Estate LLC.**

Zangl reviewed rezone petition from A-1 to A-2 for boat storage and discussed the zoning ordinance regulations and Comprehensive Plan and Farmland Preservation Plan guidelines. Motion was made by Nass to approve including the staff report and discussion, seconded by Poulson and passed on voice vote 4-0. Please see formal decision in the rezone file.

**16. Discussion and Possible Action on Enforcement Actions at Riverbend RV Resort at W6940 Rubidell Road in the Town of Milford**

Zangl reported that a meeting was held with the resort members and recommended sending letters to all lot owners with expectations at the end of summer or risk citations for violations by November 2025. Committee agreement to review letter draft in February with goal to send out in March. Further discussion needed to discuss enforcement actions.

**17. Discussion on Accessory Dwelling Units (ADU)**

Discussed start to define an ADU, begin pursuing input from Towns, current ordinance allows for one house per lot, need to address septic, setback and footprint concerns. Luckey suggested contacting the municipalities for additional resources and collaboration.

**18. Discussion on Findings of Fact and County Board Ordinance**

The Committee and staff discussed revising the Finding of Facts sheet that is in the files, reorganizing with tabs like Variance files and not making multiple copies.

**19. Discussion and Possible Action on Petitions Presented in Public Hearing on January 16, 2025:**

*See rezone and conditional use file for complete decision*

**POSTPONED - R4581A-24& CU2142-24–Alex M. & Courtney Zastrow:** Rezone 2.6-acres from A-1 to A-2 to allow for a boarding, daycare and retail business for dogs and other pets at **N8668 County Road O** in Town of Waterloo, PIN 030-0813-1723-001 (35.17 ac.). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Motion approved by Nass/Richardson to postpone for redesign. Motion approved on 4-0 voice vote.

**APPROVED - R4582A-24– Michael & Rebecca Yenser:** Rezone to from A-1 to A-3 to create a 3-acre farm consolidation around the existing buildings at **W4510 Ebenezer Drive** in the Town of Watertown, PIN 032-0815-2922-000 (27.157 ac). The property is owned by Arlene J. Kropf Trust. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Motion by Richardson/Foelker to approve the rezone request with conditions. Motion approved on a 4-0 voice vote.

**APPROVED - R4583A-24– Michael & Rebecca Yenser:** Rezone from A-1 to A-3 to create a 2-acre residential building site at **W4510 Ebenezer Drive** in the Town of Watertown, PIN 032-0815-2922-000 (27.157 ac). The property is owned by Arlene J. Kropf Trust. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Motion by Poulson/Foelker to approve the rezone request for 1-acre with conditions. Motion approved on a 4-0 voice vote.

**APPROVED - R4584A-24 & CU2143-24–Duane & Anita Bennett:** Rezone 1-acre from A-3 to A-2 to allow for landscaping business to store equipment at **N9027 County Road Q** in Town of Milford, PIN 020-0814-0931-002 (1.0 ac.). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Motion by Poulson/Foelker to approve the rezone request with conditions. Motion approved on a 4-0 voice vote.

**POSTPONED - R4585A-24 – Godfrey Enterprises LLC:** Rezone from R-2 to B to expand an existing business zone north of **W6630 County Road B** in the Town of Aztalan, PIN 002-0714-1713-007 (1.75 ac). This is in accordance with Sec. 11.04(f)3 of the Jefferson County Zoning Ordinance. Motion by Poulson/Richardson to postpone the rezone request with conditions. Motion approved on a 4-0 voice vote.

**POSTPONED - CU2144-24– Godfrey Enterprises LLC:** Conditional Use to update an existing conditional use for the expansion of the parking lot and septic for an existing eating and drinking business at **W6630 County Road B** in the Town of Aztalan, PIN 002-0714-1713-007 (1.75 ac). This is in accordance with Sec. 11.04(f)3 of the Jefferson County Zoning Ordinance. Motion by Poulson/Richardson to postpone the conditional use request with conditions. Motion approved on a 4-0 voice vote.

**APPROVED - CU2145-24– Godfrey Enterprises LLC:** Conditional Use to allow for a duplex on Lot 1 (35,555 sq. ft) on an R-2 zoned lot at **N6330 County Road Q** in the Town of Aztalan, PIN 002-0714-1713-006 (1.25 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance. Motion by Richardson/Poulson to approve the rezone request with conditions. Motion approved on a 4-0 voice vote.

**APPROVED - CU2146-24 – Godfrey Enterprises LLC:** Conditional Use to allow for a duplex on Lot 2 (30,000 sq. ft) on an R-2 zoned lot at **N6330 County Road Q** in the Town of Aztalan, PIN 002-0714-1713-006

(1.25 ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance. Motion by Richardson/Poulson to approve the rezone request with conditions. Motion approved on a 4-0 voice vote.

**20. Planning and Development Department Update**

Zangl reported that the new Zoning Tech position has been approved and posted.

**21. Possible Future Agenda Items**

Continue with updates on solar projects, ADU topic and various updates as they become available.

**22. Discussion on Upcoming Meeting Dates:**

**February 14, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049**

**February 20, 7:00 p.m. – Public Hearing in Courthouse Room C2063**

**February 24, 8:30 a.m. – Decision Meeting in Courthouse Room C1021**

**March 14, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049**

**March 20, 7:00 p.m. – Public Hearing in Courthouse Room C2063 – date changed to 27th**

**March 31, 8:30 a.m. – Decision Meeting in Courthouse Room C1021**

**23. Adjourn**

Supervisor Nass/Foelker made a motion to adjourn the meeting. Meeting adjourned at 10:21 a.m.

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room C1040 at 311 S Center Ave between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov).**

A quorum of any Jefferson County Committee, Board, Commission, or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

***Individuals requiring special accommodation for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.***

A digital recording of the meeting will be available in the Zoning Department upon request.

## **Exhibit 7**

**AGENDA****JEFFERSON COUNTY BOARD MEETING****TUESDAY****February 11, 2025****7:00 p.m.**

**Jefferson County Courthouse  
311 S. Center Avenue, Room C2063  
Jefferson, WI 53549**

**Livestream on YouTube**

Register in advance for this webinar:

[https://zoom.us/webinar/register/WN\\_N2ghwZR3TQenotKF1KEwmQ](https://zoom.us/webinar/register/WN_N2ghwZR3TQenotKF1KEwmQ)

After registering, you will receive a confirmation email containing information about joining the webinar.

1. **CALL TO ORDER**
  - a. Roll Call by County Clerk
2. **PLEDGE OF ALLEGIANCE**
3. **CERTIFICATION OF COMPLIANCE WITH OPEN MEETINGS LAW**
4. **APPROVAL OF THE AGENDA**
5. **APPROVAL OF JANUARY 14, 2025 MEETING MINUTES**
6. **COMMUNICATIONS**
  - a. Notice of Public Hearing – Planning and Zoning – February 20, 2025 (Page 1)
  - b. Treasurer’s Monthly Report
7. **PUBLIC COMMENT (agenda items)**  
**COMMITTEE REPORTS / RESOLUTIONS / ORDINANCES**
8. **BROADBAND WORKING GROUP**
  - a. Resolution(s) – Endorsing Internet Service Provider’s application for Broadband, Equity, Access & Deployment Program (BEAD) funding for Broadband Expansion in Jefferson County (Addendum)
9. **EXECUTIVE COMMITTEE**
  - a. Ordinance – Adopting and enacting a new code for Jefferson County, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective (Page 4)
10. **FINANCE COMMITTEE**
  - a. Resolution – Raising the asset capitalization threshold from \$5,000 to \$10,000 (Page 5)
  - b. Resolution – Denying Claim for damages by Charter Spectrum (Page 6)
11. **HUMAN RESOURCES COMMITTEE**
  - a. Resolution – Addressing leadership restructuring and staffing adjustments in the Jefferson County Sheriff’s Office (Page 7)
  - b. Resolution – Amending the 2025 budget to transfer Program Assistant position from Economic Development to Human Services Economic Support Division (Page 9)
  - c. Resolution – Creating a full-time Human Services Professional I in the Behavioral Health Division at Human Services (Page 11)

- d. Resolution – Eliminating two filled, Seasonal On-Site Caretaker positions and creating a part-time Building & Grounds Worker role at Jefferson County Fair Park (Page 13)
12. **HUMAN SERVICES BOARD**
- a. Resolution – Accepting bid for a low-step minivan at Jefferson County Human Services and amending the 2025 budget (Page 15)
13. **PARKS COMMITTEE**
- a. Resolution – Authorizing Motorized Recreation Grant Application to fund the Jefferson County Snowmobile Trail Aid Program (Page 17)
14. **PLANNING AND ZONING COMMITTEE**
- a. Report (Page 19)
- b. Ordinance – Amending Official Zoning Map (Page 20)
15. **APPOINTMENT BY COUNTY BOARD CHAIR** (Page 26)
- a. Joan Fitzgerald, Local State Official, to the Local Emergency Planning Committee (LEPC) for an indeterminate term
16. **APPOINTMENT BY COUNTY ADMINISTRATOR** (Page 26)
- a. John Fox as Director of Facilities Management for an indeterminate term
17. **APPOINTMENT BY HUMAN SERVICES BOARD** (Page 26)
- a. Mary Jo Shackelford to the Nutrition Project Council to fill a term ending November 13, 2027
18. **PUBLIC COMMENT** (General)
19. **ANNOUNCEMENTS**
20. **ADJOURN**

**NEXT COUNTY BOARD MEETINGS**

**TUESDAY, March 11, 2025**

**7:00 P.M.**

**NOTICE OF PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**  
*George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson*

**SUBJECT:** Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits  
**DATE:** Thursday, February 20, 2025  
**TIME:** 7:00 p.m. (Doors will open at 6:30)  
**PLACE:** JEFFERSON COUNTY COURTHOUSE, ROOM C2063  
311 S. CENTER AVE, JEFFERSON, WI 53549  
OR Via Zoom Videoconference

**PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:**

You are invited to a Zoom meeting.  
When: February 20, 2025, at 07:00 PM Central Time (US and Canada)  
Meeting ID: 957 3344 0565  
Passcode: Zoning

Register in advance for this meeting:

<https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhlUnlKdkhtOXhoTmtNZz09>

After registering, you will receive a confirmation email containing information about joining the meeting.

1. Call to Order
2. Roll Call
3. Certification of Compliance with Open Meetings Law
4. Approval of Agenda
5. Public Hearing

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, February 20, 2025, in Room C2063 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Decisions on Conditional Use Permits will be made on **February 24, 2025**

Recommendations by the Committee on Rezones, will be made on **February 24, 2025**

Final decision will be made by the County Board on **March 11, 2025**

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

All are in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance

**R4586A-25 – Christopher & Angelique Hebbe:** Rezone from A-1 to A-3 to create an approximate 3-acre lot around the existing home and outbuildings at **W7952 County Road C** in the Town of Oakland, PIN 022-0613-2634-000 (40 ac).

**FROM A-2 AGRICULTURAL AND RURAL BUSINESS TO A-3, AGRICULTURAL/RURAL RESIDENTIAL**

All are in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance

**R4587A-25 – Bark River Campground & Resort Inc.**: Rezone .14-acres from A-2 to A-3 to be transferred to Lot 1 CSM 5537 from **W2340 Hanson Road** in Town of Sullivan, PIN 026-0616-3024-000 (1.108 ac).

### **CONDITIONAL USE PERMIT APPLICATIONS**

All is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance

**CU2147-25 – Kemmeter’s Properties LLC**: Conditional Use to allow for a 3600 sq. ft. structure to be used as an activity building for the existing bar in A-2 zone at **W5003 US Highway 18** in the Town of Jefferson, PIN 014-0614-1212-001 (4.74 ac), in accordance with Sec. 11.04(f)7 of the zoning ordinance.

**CU2148-25– St Peter’s Evangelical Lutheran Church**: Conditional Use to allow for an approximately 5,380 sq. ft. addition to the west side of the existing church at **N4656 S Helenville Road** in the Town of Jefferson, PIN 014-0615-0232-001 (3.20 ac), in accordance with Sec. 11.04(f)9 of the zoning ordinance.

**CU2149-25 – Michael R Brinkmann**: Conditional Use to allow for a 2000 sq. ft., 25 ft. high extensive on-site storage structure in R-2 zone at **N4209 Pioneer Drive** in the Town of Sullivan, PIN 026-0616-0842-002 (1.60 ac), in accordance with Sec. 11.04(f)2 of the zoning ordinance.

**CU2150-25 – Matthew Barrett**: Conditional Use to allow for a 3024 sq. ft., 16 ft. high extensive on-site storage structure in R-2 zone at **W9326 State Road 106** in the Town of Sumner, PIN 028-0513-1841-001 (3.180 ac), in accordance with Sec. 11.04(f)2 of the zoning ordinance.

**CU2151-25 – Keith Bartholomew**: Conditional Use to allow for a 1020 sq. ft., 12 ft. high extensive on-site storage structure in R-2 zone at **W7394 State Road 106** in the Town of Sumner, PIN 028-0513-0141-004 (.70 ac) in accordance with Sec. 11.04(f)2 of the zoning ordinance.

#### 6. Adjourn

**A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.**

*Individuals requiring special accommodation for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.*

**A digital recording of the meeting will be available in the Zoning Department upon request.**

**ORDINANCE NO. 2024-\_\_****ADOPTING AND ENACTING A NEW CODE FOR JEFFERSON COUNTY, WISCONSIN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**Executive Summary

Codification is the process of compiling, consolidating, and organizing existing ordinances into a single structured code for easy reference and access by the public. Currently, Jefferson County has over 50 individual general ordinances with distinct formats and numbering systems. With the assistance of CivicPlus, LLC, Jefferson County staff has been working to codify existing Jefferson County ordinances into a single, systematic code to improve efficiency and transparency for the public. This process has involved reviewing all existing ordinances and editing both for internal consistency and consistency with current state law.

The Jefferson County Code of Ordinances is now ready for adoption. By enacting this Code, prior versions of ordinances that are reproduced in the codification will be repealed and replaced. There are certain ordinances which pertain to internal procedures such as our Personnel Ordinance and ordinances which govern a single event or transaction that are not included in the code. Those ordinances will be "saved from repeal" meaning they will remain valid post-codification.

A copy of the Code of Ordinances is available for public inspection in the County Clerk's office. Following the adoption of the code, it will also be available via an online platform hosted by CivicPlus which will be linked to our website. As new ordinances are passed, the code will be regularly updated with amendments and supplements.

This ordinance adopts the Jefferson County Code of Ordinances as the official set of local laws. The Executive Committee considered this ordinance at its meeting on January 29, 2025, and recommended forwarding it to the County Board for approval.

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**NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS:**

Section 1. The Code entitled "Code of Ordinances, Jefferson County, Wisconsin," published by CivicPlus, LLC, consisting of chapters 1 through 22, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before August 12, 2024, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to and including the maximum amount permitted or required by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county board may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the county board to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after August 12, 2024, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon passage and publication as provided by law.

*Fiscal Note: None*

*Strategic Plan reference: None*

Referred By:  
Executive Committee

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**RESOLUTION NO. 2024-\_\_\_\_\_****Raising the asset capitalization threshold from \$5,000 to \$10,000**Executive Summary

The term capital assets is used to describe assets that are used in operations that have useful lives extending beyond a single year. Accounting standards require governments to allocate the cost of a capital asset over its useful life under the full accrual basis of accounting. The government must select a cost threshold over which these capital assets will be recorded. Jefferson County, like almost all other state and local governments, has historically followed guidance issued by the U.S. Office of Management and Budget (OMB) when selecting its capitalization threshold. On February 10, 1998, Jefferson County approved a resolution that adopted a capitalization threshold of \$5,000 as recommended by the OMB.

Effective October 1, 2024, the OMB recommended capitalization threshold has risen from \$5,000 to \$10,000. The Finance Committee met on February 4, 2025, and voted unanimously to adopt this recommendation effective on January 1, 2026. This allows the County adequate time to communicate this change for the 2026 budget process.

WHEREAS, Resolution No. 97-89 adopted February 10, 1998, established a fixed asset capitalization level of \$5,000 as recommended by U.S. Office of Management & Budget (OMB) under OMB Circular A-87, and

WHEREAS, effective October 1, 2024, the OMB has revised the guidance on its recommended capitalization threshold from \$5,000 to \$10,000.

NOW, THEREFORE, BE IT RESOLVED that all Jefferson County departments shall use the fixed asset capitalization level of \$10,000 as recommended by the U.S. Office of Management and Budget effective for the 2026 budget year.

*Fiscal Note: Increasing the capitalization threshold will increase the County's operating budget and reduce the capital budget. Traditional methods for funding the capital budget have been tax levy related to net new construction, debt issuance and carryforward funds. These methods would likely be replaced by a combination of property tax levy, revenue growth in other general-purpose revenues such as sales tax or shared revenue, and a reduction of operating expenses. Capital requests funded by general purpose revenue for items with a cost between \$5,000 and \$10,000 were \$34,500 for 2025, \$44,927 for 2024 and \$14,800 for 2023.*

*Strategic Plan Reference: YES*



*Transformative Government: Data driven budgets and policy management*

Referred By:  
Finance Committee

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director 

**RESOLUTION NO. 2024-\_\_\_\_\_**

**Denying Claim for damages by Charter Spectrum**

Executive Summary

A claim has been made against Jefferson County for damages. The claim has been reviewed by the County’s insurance carrier, WMMIC, and was recommended for disallowance based on the finding that the County has no liability for this claim and is not legally responsible for the alleged damages. This resolution formally denies the claim filed against Jefferson County and directs the Corporation Counsel to give the claimant notice of disallowance. The Finance Committee considered this resolution on February 04, 2025, and recommended forwarding to the County Board for approval.

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

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

<u>Claimant</u>	<u>Date of Loss</u>	<u>Claim Filed</u>	<u>Description</u>	<u>Alleged Damages</u>
Charter Spectrum	11/04/2024	01/07/2025	Charter Spectrum alleges damage to one cable pedestal at W1943 Cty Rd CW, Watertown, WI during regular mowing operations by a Jefferson County highway employee.	\$1,008.13

WHEREAS, said damages are alleged to be the result of negligence of Jefferson County, its agents, officials, officers or employees, and

WHEREAS, Jefferson County’s insurance carrier, Wisconsin Municipal Mutual Insurance Company, recommends disallowance of the claim on the basis that the County is not legally responsible for the alleged damages.

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

*Fiscal Note: This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County’s policy.*

*Strategic Plan Reference: None*

Referred By:  
Finance Committee

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**Resolution No. 2024-\_\_\_\_\_****Addressing Leadership Restructuring and Staffing Adjustments in the Jefferson County Sheriff's Office**Executive Summary

The Jefferson County Sheriff's Office is undergoing a series of leadership transitions following recent retirements and appointments. This resolution addresses funding and structural adjustments to ensure operational continuity while acknowledging necessary role modifications. Specifically, upon the retirement of the Chief Deputy, the Chief Deputy position will be unfunded, and the Undersheriff position will be funded at 1.0 FTE. Additionally, the Jail Captain position title will be changed to Jail Administrator/Captain to better reflect its responsibilities. To facilitate a smooth transition, there will be an overlap period of up to three months, or until the Chief Deputy retires, whichever is sooner, allowing cross-training among the Chief Deputy, Undersheriff, and the newly hired Jail Administrator/Captain.

The Human Resources Committee considered this resolution at its meeting on January 21, 2025, and the Finance Committee considered this resolution at their meetings on January 7, 2025, and February 4, 2025. Both committees recommended forwarding to the County Board for approval.

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

WHEREAS, the Jefferson County Sheriff's Office has recently experienced significant leadership transitions, including the retirement of former Sheriff Paul Milbrath in August 2024 and the appointment of Patrol Captain Travis Maze as Sheriff, and

WHEREAS, the position of Administrative Captain, previously vacated, has been filled by the Jail Captain, with other responsibilities redistributed among existing staff, and

WHEREAS, an experienced former leader was rehired to the position of Undersheriff, covering both Jail Captain duties and Undersheriff responsibilities, following approval by the Jefferson County Law Enforcement Committee, Human Resources Committee, and Interim County Administrator, and

WHEREAS, upon the retirement of the Chief Deputy, the Chief Deputy position will be unfunded, and the Undersheriff position will be funded at 1.0 FTE, maintaining the existing pay grade unless otherwise approved by the County Board, and

WHEREAS, the Jail Captain position title will be changed to Jail Administrator/Captain to better reflect its expanded role and duties, and

WHEREAS, an overlap period of up to three months, or until the Chief Deputy retires, whichever is sooner, will be implemented to allow for necessary cross-training among the Chief Deputy, Undersheriff, and the newly hired Jail Administrator/Captain.

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of Supervisors authorizes unfunding the Chief Deputy position and the full funding of the Undersheriff position at 1.0 FTE upon the retirement of the current Chief Deputy, that the Jail Captain position title will be changed to Jail Administrator/Captain, and that a maximum of a three-month overlap of positions among the Chief Deputy, Undersheriff, and newly hired Jail Administrator/Captain shall be permitted to allow for necessary cross-training, or until the Chief Deputy retires, whichever occurs sooner.

BE IT FURTHER RESOLVED THAT the Sheriff's Office shall notify the Human Resources and Finance Committees of any changes to the Chief Deputy's retirement timeline and seek additional approval for any necessary structural or pay adjustments, which shall require County Board approval.

*Fiscal Note: The Jail Administrator/Captain position is currently vacant, and funding for this position is being applied to the Undersheriff position. Once the Jail Administrator/Captain position is filled, funding to overlap the Undersheriff and Chief Deputy positions will come from benefits budgeted for unfilled deputy positions, of which there are currently 16. Upon the retirement of the current Chief Deputy, the Chief Deputy position will be unfunded, and the Undersheriff position will be funded at 1.0 FTE within the existing budget. If further adjustments to the funding structure are required, additional approval from the County Board will be sought to ensure alignment with budgetary constraints and operational needs. This is a budget amendment. County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).*

*Strategic Plan Reference: YES*



*Transformative Government: Attract and retain a talented and committed County workforce and Board of Supervisors*

Referred By:  
Human Resources

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**Resolution No. 2024-\_\_\_\_\_****Amending the 2025 Budget to Transfer Program Assistant Position from Economic Development to Human Services Economic Support Division**Executive Summary

This resolution proposes amending the 2025 budget to maintain funding for the Program Assistant position within the Economic Development Department while authorizing the transfer of oversight and responsibilities for this position to the Human Services Department under the Economic Support Division. This adjustment aims to align the position's responsibilities, including HUD counseling and Financial Empowerment Center (FEC) initiatives, with the operational structure of the Economic Support Division. Funding for the position will remain within the Economic Development budget. This resolution was supported by the Human Resources Committee at their meeting on January 21, 2025, and is forwarded to the County Board for consideration and approval.

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

WHEREAS, the Program Assistant position in the Economic Development Department has historically provided critical support for HUD counseling and related initiatives, including the Financial Empowerment Center (FEC), and

WHEREAS, the responsibilities of this position align more closely with the operational objectives of the Human Services Department's Economic Support Division, and

WHEREAS, transferring the oversight and authorization of this position to the Economic Support Division will enable more effective management and integration of HUD counseling and FEC initiatives with intake and resource management efforts, and

WHEREAS, the funding for this position, totaling \$94,811 for wages and benefits, will remain within the Economic Development Department budget, and

WHEREAS, the Jefferson County Board of Supervisors seeks to ensure efficient use of resources while maintaining essential services provided by this position.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors amends the 2025 budget to maintain funding for the Program Assistant position within the Economic Development Department while authorizing the position and its oversight to transfer to the Human Services Department under the Economic Support Division.

*Fiscal Note: The funding for this position is included in the Economic Development Department's 2025 budget, totaling \$94,811 for wages and benefits. The funding will remain within the Economic Development budget, while the position's oversight and responsibilities will transfer to the Human Services Department's Economic Support Division. No additional funding is required.*

*As a budget amendment, County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).*

*Strategic Plan Reference: YES*



*Diverse Housing Options: Improve access to a diverse housing stock*

Referred By:  
Human Resources

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**Resolution No. 2024-\_\_\_\_\_****Creating a Full-time Human Services Professional I in the Behavioral Health Division at Human Services**Executive Summary

The Human Services Director recommends the creation of a full-time Human Services Professional I (HSP I) position within the 2025 budget. This position will support re-entry and addiction recovery efforts, aligning with Jefferson County's behavioral health objectives.

In December 2024, \$80,304 was approved by the County Board of Supervisors for wages and benefits for this role under the opioid funding appropriation. Since the approval, it has been determined that the position requires a higher classification than initially assessed. Any additional costs associated with this adjustment will be covered through the opioid settlement funds, ensuring no impact on the tax levy or future budget constraints. Additionally, delaying the hire date to February 1, 2025, or later will ensure that the \$80,304 allocation sufficiently covers the revised costs.

This resolution establishes this position and incorporates it into the County's staffing plan. The Human Resources Committee supported this proposal at their meeting on January 21, 2025, and recommended forwarding to the County Board for consideration and approval.

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

WHEREAS, Jefferson County recognizes the critical need to address the impacts of addiction and behavioral health challenges within our community, and

WHEREAS, Jefferson County Human Services has identified a gap in case management and re-entry services for individuals affected by substance use and incarceration, and

WHEREAS, the proposed Human Services Professional I (HSP I) position will provide targeted case management, crisis support, and community-based services to individuals impacted by addiction and re-entry challenges, and

WHEREAS, funding of \$80,304 for the wages and benefits of this position was approved by the Jefferson County Board in December 2024 under the appropriation of opioid settlement funds, and any additional costs due to the classification change will also be covered by the opioid settlement funds, and

WHEREAS, the creation of this position aligns with Jefferson County's strategic goals for behavioral health, substance use recovery, and re-entry programs.

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of Supervisors hereby authorizes the creation of one full-time Human Services Professional I (HSP I) position to provide essential case management and re-entry services and that the Jefferson County Human Services Department shall incorporate this position into its staffing plan, ensuring the effective implementation of the county's behavioral health and re-entry initiatives.

*Fiscal Note: Funding for the Human Services Professional I position was approved by the County Board of Supervisors on December 10, 2024, under the appropriation of opioid settlement funds. The approved amount of \$80,304 will cover wages and benefits for 2025, with any additional costs due to the higher classification covered through the same settlement funds. No additional funding or tax-levy increase is required. This is a budget amendment. County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).*

*Strategic Plan Reference: None*

Referred By:  
Human Resources

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**Resolution No. 2024-\_\_\_\_\_****Eliminating Two Filled, Seasonal On-Site Caretaker Positions and Creating a Part-Time Building & Grounds Worker Role at Jefferson County Fair Park**Executive Summary

The Jefferson County Fair Park Director has recommended changes to the staffing structure at the Fair Park. Based on operational needs and staffing efficiencies observed during the 2024 season, the Director proposes eliminating two seasonal on-site caretaker positions and adding a 19-hour-per-week part-time Building & Grounds Worker Maintenance I (Grade 2) position. This change is cost-neutral and aims to enhance operational flexibility, reduce redundancy, and better align staffing resources with the demands of Fair Park's events and operations. The on-site caretaker positions have been filled by two individuals who have returned annually for the past eight years, establishing an expectation of continued employment. Consequently, this change could be considered a layoff.

This resolution eliminates the two seasonal caretaker positions and creates a part-time Building and Grounds Worker I position at the Fair Park. This resolution was supported by the Human Resources Committee at their meeting on January 21, 2025, and the Finance Committee at their meeting on February 4, 2025. Both committees recommended forwarding it to the County Board for consideration and approval.

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

WHEREAS, the Jefferson County Fair Park's on-site caretaker positions have historically provided overnight oversight, grounds maintenance, janitorial support, and event assistance, and

WHEREAS, recent operational experience has demonstrated that the overnight, on-site component of this position is no longer essential, and current staff scheduling has proven effective in meeting the operational needs of the Fair Park, and

WHEREAS, the on-site caretaker positions' redundancy in coverage creates inefficiencies in staff utilization and payroll expenditure, and

WHEREAS, the addition of a part-time 19-hour-per-week Building & Grounds Worker Maintenance I (Grade 2) position would provide greater scheduling flexibility, ensure adequate event coverage, and more efficiently allocate staff resources, and

WHEREAS, the proposed staffing adjustment has been confirmed as cost-neutral, with savings from the elimination of the on-site caretaker position offsetting the cost of the new part-time position, and

WHEREAS, the elimination of the on-site caretaker position may result in a one-time unemployment insurance (UI) cost of up to \$8,000 for the first year, which requires consideration as part of this staffing change, and

WHEREAS, the Fair Park Director recommends eliminating the on-site caretaker position effective March 2025 and hiring a part-time Building & Grounds Worker Maintenance I position by April 2025 to support the upcoming event season.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors authorizes the elimination of the two seasonal on-site caretaker positions and the creation of one Building & Grounds Maintenance I position at the Jefferson County Fair Park effective March 2025.

BE IT FURTHER RESOLVED that the Jefferson County Board of Supervisors acknowledges the contributions of Christine and Curt Kreklow during their tenure as on-site caretakers and directs the Fair Park Director to formally notify them of this staffing change, ensuring ample notice and support as they transition from this role.

*Fiscal Note: The elimination of the two seasonal, on-site caretaker positions and the creation of a 19-hour-per-week part-time Building & Grounds Worker Maintenance I (Grade 2) position result in a cost-neutral adjustment. However, potential unemployment insurance (UI) costs are estimated at \$4,000 per individual for a total of \$8,000 in the first year. The Fair Park Director believes that the efficiencies of the new part-time position will provide ample savings to cover any potential unemployment expenses. No additional tax increase is required. This is a budget amendment. County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).*

*Strategic Plan Reference: None*

Referred By:  
Human Resources

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**RESOLUTION NO. 2024-\_\_\_\_**

**Accepting bid for a low-step minivan at Jefferson County Human Services and amending the 2025 budget**

Executive Summary

Jefferson County Human Services was awarded a grant from the Department of Transportation (DOT) to purchase a low-step minivan for the Human Services Transportation Program, which provides driver/escort services to the elderly and persons with disabilities to get to medical appointments. The DOT grant will fund 80% of the purchase price, and the County will match 20%. Consistent with the Purchasing Ordinance, the County posted a Request for Bid seeking bids for the minivan. Three bids were received for this van. The lowest responsible bid was from Rock County Honda in the amount of \$41,238.

The purchase of this low-step minivan was included in the 2024 budget. However, due to the bidding process the purchase will take place in 2025. In order to complete the purchase, the funds previously approved for the minivan in 2024 will need to be carried over to the 2025 budget.

This resolution accepts the lowest responsible bid, amends the 2025 budget to carry over the funding, and authorizes the purchase of a low-step minivan from Rock County Honda at a price of \$41,238.00. The Finance Committee and The Human Services Board each considered this resolution at their meetings on February 4, 2025, and February 11, 2025, respectively. Both recommended forwarding to the County Board for approval.

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

WHEREAS, Jefferson County is in need of new vehicles to continue operating its Transportation Program at the Human Services Department, and

WHEREAS, Jefferson County received the following three bids to provide this vehicle in response to an Request for Bids issued in November from:

Rock County Honda	\$41,238.00
Out the Mud Hauling	\$47,493.25
One Nation Distribution, LLC	\$48,989.00

WHEREAS, the Human Services Board recommends awarding the bid to Rock County Honda, as the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED that the Department of Human Services is authorized to execute a contract with Rock County Honda to provide a low-step minivan for \$41,238.

*Fiscal Note: The costs for the purchase and the grant revenue from the Department of Transportation were approved in the 2024 budget. However, the purchase did not occur in 2024 and the amount has been included in the 2025 Human Services carryover request. This resolution authorizes the carryforward of these funds from the 2024 budget to the 2025 budget. The Finance Director is hereby authorized to make the necessary budget adjustments to enact the resolution. As a budget amendment, this resolution requires twenty (20) of thirty (30) affirmative votes for passage.*

*Strategic Plan Reference: None*

Requested By:  
Human Services Board

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

**RESOLUTION NO. 2024-\_\_\_\_\_****Authorizing Motorized Recreation Grant Application to Fund the Jefferson County Snowmobile Trail Aid Program**Executive Summary

Jefferson County participates in the Wisconsin Department of Natural Resources Snowmobile Trail Aid Program funded by a Wisconsin Department of Natural Resources Motorized Recreation grant which provides funding for the development and maintenance of approximately 229.4 miles of public snowmobile trails in Jefferson County. Applying for these grant funds requires County Board authorization.

This resolution authorizes Jefferson County to submit a Wisconsin Department of Natural Resources Motorized Recreation grant application seeking funds for snowmobile trail maintenance and development, and to administer the funds according to the grant requirements. The Parks Committee considered this resolution at its January 30, 2025, meeting and recommended forwarding to the County Board for approval.

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

WHEREAS, Jefferson County is interested in continuing to develop and maintain land for public outdoor recreation purposes which includes approximately 229.4 miles of public snowmobile trails in Jefferson County, and

WHEREAS, grant funds are available to Jefferson County to fund the Snowmobile Trail Aid Program and must be applied for annually, and

WHEREAS, Jefferson County includes the anticipated grant funds in the adopted budget each year for this program.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors authorizes the Jefferson County Parks Director to act on behalf of Jefferson County to:

- apply to the State of Wisconsin Department of Natural Resources for any financial aid that may be available for the Snowmobile Trail Aid program;
- submit reimbursement claims along with necessary supporting documentation;
- take all other action required to undertake, direct and administer the Snowmobile Trail Aid Program.

BE IT FURTHER RESOLVED that Jefferson County will comply with state and federal laws and rules requiring the program to be open to the general public during reasonable hours and will obtain from the State of Wisconsin Department of Natural Resources approval in writing before any change is made in the use of the project sites.

*Fiscal Note: The snowmobile trail aid program is expected to cost approximately \$68,820 for winter 2025-2026. One hundred percent (100%) of this cost is funded by the grant and the anticipated grant funds have been included in the adopted budget for 2025. This resolution authorizes the Jefferson County Finance Director to make any necessary budget adjustments for additional miles.*

*Strategic Plan Reference: YES*



*Highly Regarded Quality of Life: Promote Jefferson County's historical, cultural, and natural assets to attract tourists and stimulate local businesses*

Referred By:  
Parks Committee

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director: 

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

The Jefferson County Planning and Zoning Committee, having considered petitions to amend the official zoning map of Jefferson County, filed for public hearing held on February 17, 2022, and January 16, 2024, as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town boards and persons in the areas affected, hereby recommends approval of the following petitions which the Committee finds meet the standards for rezoning set forth in Jefferson County Zoning Ordinance s. 11.11(e) and s. 91.48 of the Wisconsin Statutes (where applicable):

**APPROVAL OF PETITIONS**

**R4379A-22, R4582A-24, R4583A-24, R4584A-24**

Further support for the Jefferson County Planning & Zoning Committee's recommendations can be found in the Staff Report and individual petition files on record in the Planning & Development office.

**DATED THIS TWENTY-SEVENTH DAY OF JANUARY 2025**

**Blane Poulson, Secretary**

**THE PRIOR MONTH'S AMENDMENTS**

**R4572A-24, R4573A-24, R4574A-24, R4575A-24, R4576A-24,  
R4577A-24, R4578A-24, R4579A-24, R4580A-24**

**ARE EFFECTIVE UPON PASSAGE BY COUNTY BOARD, SUBJECT TO WIS.  
STATS. 59.69(5)**

**ORDINANCE NO. 2024-\_\_\_\_\_****Amending Official Zoning Map**

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

WHEREAS, Petitions R4379A-22, R4582A-24, R4583A-24 and R4584A-24 were referred to the Jefferson County Planning and Zoning Committee for public hearing on February 17, 2022, and January 16, 2025, and

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

WHEREAS, as to Petition R4379A-22, the Jefferson County Board of Supervisors concurs with the analysis set forth in the attached Staff Report & Decision of the Jefferson County Planning & Zoning Committee and adopts the findings set forth therein as the findings of the County Board, and

WHEREAS, consistent with the recommendations of the Planning & Zoning Committee, the Board of Supervisors finds, where applicable, the standards set forth in s. 91.48 of the Wisconsin Statutes for rezoning out of an A-1 Exclusive Agricultural zone are met by the proposed rezones.

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

**From A-1 Exclusive Agricultural to A-2 Agricultural and Rural Business**

Rezone from A-1 to A-2 to allow for boat storage business near W1380 County Road B in Town of Concord, PIN 006-0716-1642-000. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. R4379A-22 – Boat House of Concord Real Estate LLC.

**From A-1 Exclusive Agricultural to A-3 Agricultural and Rural Residential**

Rezone from A-1 to A-3 to create a 3-acre farm consolidation around the existing buildings at W4510 Ebenezer Drive in the Town of Watertown, PIN 032-0815-2922-000 (27.157 ac). Rezoning is conditional upon an extraterritorial plat review. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. R4582A-24 – Michael & Rebecca Yenser. The property is owned by Arlene J. Kropf Trust.

Rezone from A-1 to A-3 to create a 1-acre residential building site at W4510 Ebenezer Drive in the Town of Watertown, PIN 032-0815-2922-000 (27.157 ac). Rezoning is conditional upon receipt of and recording of the final certified survey map, receipt of suitable soil test, access approval of maintaining authority, extraterritorial plat review and filing of affidavit of zoning status on remaining lands and the lot redesigned to be only one acre in size that is clustered near

existing proposed area. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. R4584A-24 – Michael & Rebecca Yenser. The property is owned by Arlene J. Kropf Trust.

**From A-3 Agricultural and Rural Residential to A-2 Agricultural and Rural Business**

Rezone 1-acre from A-3 to A-2 to allow for landscaping business to store equipment at N9027 County Road Q in Town of Milford, PIN 020-0814-0931-002 (1.0 ac.). Rezoning is conditional upon receipt of and recording of the plat of survey. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. R4584A-24 – Duane and Anita Bennett

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

*Fiscal Note: This Ordinance has no determinable fiscal impact.*

Referred By:  
Planning and Zoning Committee

02-11-2025

REVIEWED: Corporation Counsel: DHT ; Finance Director 

## STAFF REPORT & DECISION OF THE JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

### Zoning Map Amendment

**Summary:** Rezone from A-1 to A-2

**Petition #** R4379A-2022 **Town:** Concord

**Site Inspection Date:** February 11, 2022 **Public Hearing Date:** February 17, 2022

**Petitioner Name:** The Boat House of Lake Country

**Property Owner(s):** Previous Owner: Donald and Nancy Brunson Trust

Current Owner: Boat House of Concord Real Estate LLC

**Property Location:** Near W1432 County Road B

**PIN:** 006-0716-1642-000 – currently 006-0716-1642-001

**Rezoning Request:** Create 1 vacant A-2 zone lot (7.4+/- acres)

**Conditional Use Request:** Storage of Boats

**Finding of Fact:** See finding of fact and maps for parcel information including soil types, farmland preservation plan mapping, etc.

**Town Board Recommendation:** The Town of Concord approved the rezone from A-1 to A-2 Agricultural and Rural Business on a vote of 2-1 on January 10, 2022.

#### Analysis of Applicable Zoning Standards:

##### WI Stat. §91.48 Factors:

- **The land is better suited for a use not allowed in the A-1 zoning district.**
  - The property is currently fallow with limited agricultural use and directly adjacent to the Town of Concord rural hamlet and along a County Highway. Additionally, the proposed A-2 zone abuts a property owned by the petitioner and is being used for the same proposed use (boat storage). Due to its proximity to the rural hamlet, similar adjacent uses and location along a county road, the land is better suited for the proposed A-2 use (boat storage), rather than A-1 zoning district.
- **The rezoning is consistent with any applicable comprehensive plan.**
  - The County considers its Comprehensive Plan which incorporates its Agricultural Preservation & Land Use Plan and references the Town's Comprehensive Plan.
  - Consistent the applicable plans, the proposed rezone allows for the orderly growth and development of land such that the form and density of the land use is consistent with the surrounding land.

- All applicable plans allow for the use of A-2 zoning to allow a wide range of agricultural-related uses and other rural businesses that are compatible with predominantly agricultural area within Farmland Preservation Areas.
- The Town of Concord approved this rezone request based upon its interpretation of the Town's Comprehensive Plan. The Town of Concord Comprehensive Plan incorporates the County's A-2 zoning policies and consistent with those policies the Town has previously permitted A-1 to A-2 rezones within Farmland Preservation Areas.
- The rezone is consistent with the County Comprehensive Plan through various goals of the plan:
  - Land Use Goals- 1, 2, 3, & 8
  - Economic Development Goals- 6, 9, & 10
  - Agricultural, Natural & Cultural Resource Goals- 1 & 6
- **The rezoning is substantially consistent with the County certified farmland preservation plan.**
  - The rezone is substantially consistent with the farmland preservation plan as explained below. The rezone request follows the standards and policies of the farmland preservation plan for rezoning from A-1 to A-2. The A-2 zoning district is permitted within the farmland preservation area.
  - The rezone request is substantially consistent with Farmland Preservation Plan A-2 Policies 1, 2 and 3 on page 33 of the plan.
    - *Policy 1: Continue to utilize the A-2 Agricultural and Rural Business zoning district to allow a wide range of agricultural related uses and such other rural businesses that are compatible in a predominately agricultural area. Utilize criteria in Section 91.48, Wis. Stats. and the County's zoning ordinance in evaluating proposals for rezoning land to the A-2 district.*
      - Response: The proposed use is located in a transition area between the 15-year growth area/rural hamlet and the farmland preservation area (located in the farmland preservation area). The proposed use complies with and is a conditional use in the A-2 zoning district.
    - *Policy 2: Consider requiring site plan submittal prior to the establishment or expansion of all agricultural-related uses in the A-2 district (not including agricultural structures), in order to evaluate the proposed building and driveway locations with respect to impact on productive farmland, traffic movement, and the use and enjoyment of adjoining properties.*
      - Response: The application includes a site plan showing the access location and proposed structures. Based on the site plan, the proposed use does not impact productive farmland, traffic movement or adjoining properties.
    - *Policy 3: Encourage compliance with the Rural Commercial, Industrial, and Agribusiness Development Guidelines*
      - The proposed rezone is in compliance with the applicable guidelines.
- **The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**
  - The rezone does not impair or limit agricultural uses and the rezone does not affect any land currently utilized for agricultural purposes. The parcel to the west and north will

continue to be used for agricultural purposes. The proposed buildings will be similar to agricultural barns/structures and will present an agricultural appearance. The proposed lot includes straight lots lines and will not impart or limit the agricultural use of surrounding properties.

Additional Criteria of Jefferson County Zoning Ordinance Section 11.11(e)6:

- **There will be adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning**
  - The Town Board of Concord approves of the proposed rezone and conditional use permit. No concerns were raised by the Town regarding the adequacy of public facilities to serve this proposed rezone.
  - The County Highway Department reviewed and approved the rezoning request and the proposed access onto the County Road. There are adequate public facilities pre and post creation of this lot.
- **The burdens on local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable**
  - No significant burdens on local government will result from the creation of this lot. The proposed use is primarily storage and will result in minimal burden to local governments. Adjacent to the proposed lot is a similar use that has created minimal additional burdens on local governments since its development.
- **The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.**
  - The proposed development will not affect any wetlands or sensitive environmental areas. The developer will mitigate any runoff or soil erosion concerns during construction and post construction. Additional pollution is not expected with this development of boat storage buildings.
- **The soil productivity rating has been considered in the location of the area proposed for rezoning.**
  - The proposed lot utilized prime soil, however, approximately one acre of the lot is currently used as a residential yard/lawn, 3 acres is a fallow non-cropped area and only approximately 3 acres is or has been previously used for agricultural purposes.
- **The remaining A-1 parcel shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.**
  - The remaining parcel has access onto a public road for at least 66'.

**Staff Recommendation: APPROVAL For the Following Reasons:**

- This rezoning meets the requirements of the County Zoning Ordinance and aligns with the County's Comprehensive Plan and Agricultural Preservation & Land Use Plan as set forth above.
- The proposed amendment is located a designated Farmland Preservation Area and complies with the standards and policies of the farmland preservation area:
  - The proposed lot is clustered with a proposed A-3 lot and existing lots lines and development.
  - The proposed lot does not impact the surrounding agricultural land.

- Public concerns were raised regarding screening, lighting and traffic/road access. The petitioner has addressed all concerns with their application and proposed plans. The County has not received any complaints regarding the adjacent property including access or road issues prior to the public hearing comments. The petitioner provided solutions to reducing any traffic back up on the County Highway.

**DECISION OF ZONING & PLANNING COMMITTEE:**

The Jefferson County Planning & Zoning Committee adopts the facts and recommendations set forth in the above Staff Report [as amended or supplemented on the record (if necessary)] as findings of the Committee and APPROVES the proposed zoning map amendment.

Based on the Staff Report, complete application and file, substantial evidence provided, site inspection, public hearing, Jefferson County Zoning Ordinance and the Agricultural Preservation and Land Use Plan, the Planning and Zoning Committee concludes that the proposed Official Zoning Map Amendment complies with the Jefferson County Zoning Ordinance, Comprehensive Plan and Farmland Preservation Plan. The Planning and Zoning Committee further finds this amendment meets the standards of Wisconsin State Statutes 91.48 and Section 11.11(e)6 of the Jefferson County Zoning Ordinance for the reasons set forth above and discussed on the record.

Motion by: Nass            Seconded by: Poulson

Motion passed by a voice vote, 4-0.

**APPOINTMENTS BY COUNTY BOARD CHAIR**

By virtue of the authority vested in me under Section 3.05(1)(c)-(d) of the County Board Rules, I hereby request confirmation of the following appointments:

- a. Joan Fitzgerald, Local State Official, to the Local Emergency Planning Committee (LEPC) for an indeterminate term.

**APPOINTMENTS BY COUNTY ADMINISTRATOR**

By virtue of the authority vested in me under Sections 59.18 (2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment:

- a. John Fox as Director of Facilities Management for an indeterminate term.

**APPOINTMENT BY HUMAN SERVICES BOARD**

By virtue of the authority vested in the Human Services Board under Section 3.05(1)(j) of the County Board Rules, the Human Services Board hereby requests County Board's confirmation of the following appointment:

- a. Mary Jo Shackelford to the Nutrition Project Council to fill a term ending November 13, 2027.

February 11, 2025

## **Exhibit 8**

**Resolution 2025-1 disapproving petition R4379A-2022 and Jefferson County Ordinance 2024-20 as it relates to petition R4379A-2022**

**WHEREAS** Ordinance No. 2024-20 is a new ordinance but the Jefferson County Board of Supervisors did not follow the process laid out in Wis. Stats. 59.69(5)(e), including that it did not notify the Town Board of the Town of Concord of its reconsideration of the petition or seek the current Town Board's opinion, even as the current County Board of Supervisors itself held a vote, and

**WHEREAS** the PIN number on the ordinance is inaccurate (the parcel is now identified as PIN 006-0716-1642-001 in the GIS system), and

**WHEREAS** the Town Board of the Town of Concord finds that this petition is not consistent with either the 2009 Town of Concord Comprehensive Land Use Plan or the 2022 Town of Concord Comprehensive Land Use Plan, and in fact holds that no Town Board ever regarded this as consistent with either Town Comprehensive Plan, and

**WHEREAS** the Town Board of the Town of Concord does not agree that this rezone meets the standards of Wis. Stats. 91.48, contrary to the findings made by the Jefferson County Planning and Zoning Committee on January 27, 2025, and passed by the County Board on February 11, 2025, regarding petition R4379A-2022, to wit: it is not better suited for commercial development than for farmland, given its prime soils, location, and topography; and it is not consistent with applicable plans (the Town of Concord Town Comprehensive Land Use Plans of 2009 or 2022, the 2021 Jefferson County Agricultural Preservation and Land Use Plan), as described in the attached report, and

**WHEREAS** concerns raised at public hearing 3 years ago concerning traffic, lighting, screening, and outdoor storage at the adjacent property owned by the Boat House have not been addressed or resolved, as evidenced by a Notice of Ordinance Violation (2025 VIO016) issued February 5, 2025, by the Jefferson County Zoning Department to the Boat House of Concord LLC concerning their property at W1380 County Road B, and approving this rezone would simply exacerbate an already existing problem,

**THEREFORE**, the Town Board of the Town of Concord, Jefferson County, Wisconsin, exercising its authority under 59.69(5)(e) of Wisconsin Statutes, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

**The petition R4379A-2022 and Ordinance 2024-20 to rezone 7.4 acres from A-1 to A-2 near W1380 County Road B in the Town of Concord PIN 006-0716-1642-000 (currently PIN 006-0716-1642-001) are hereby disapproved.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Ted Mueller, Town chair

\_\_\_\_\_  
Kim Herro, Supervisor

\_\_\_\_\_  
Lloyd Zastrow, Supervisor

I am the keeper of the records for the Town of Concord and I certify the above to be an exact copy of the original resolution passed by the Town of Concord Board on the date indicated.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Brian Neuman, Town Clerk