

# **JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

**March 21, 2023**

Pursuant to Wis. Stat. § 59.11, the March 21, 2023 session of the Sheboygan County Board was called to order by Chairperson Vern Koch at 6:00 p.m. Chairperson Koch noted that the notice of meeting was posted on March 17, 2023 at 4:00 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 21 Supervisors present; (1) Supervisor attended remotely: Supervisor Jorgensen; Absent: 4, Supervisors Coulson, Ellis, Gruber, and Kulow.

Supervisor Ellis arrived at 6:01 pm.

**Resolution No. 32 (2022/23) Re: Honoring the Life of Former County Board Supervisor James P. Glavan.**

**Pursuant to County Board Rule 2.13, this Resolution was on the floor for immediate action and was unanimously adopted by the Board on a rising vote and a pause in its deliberations.**

County Administrator Krause, Chairperson Koch and Vice Chairperson Abler presented a signed copy of the resolution to James Glavan, and Susan Theune.

**Supervisor Brauer moved for approval of the February 21, 2023 Journal, which was distributed to all supervisors prior to the meeting.** The motion was seconded by Supervisor Wegner and carried on unanimous roll call vote of the board.

## **PRESENTATION - NONE**

### **LETTERS AND COMMUNICATIONS**

The Clerk presented a resolution from the Clark County Board of Supervisors opposing the State's current wind energy regulations. By Chairperson referred to the Planning, Resources, Agriculture, and Extension Committee.

The Clerk presented a resolution from the Columbia County Board of Supervisors requesting revisions to the State's Solar Energy System law. By Chairperson referred to the Planning, Resources, Agriculture, and Extension Committee.

The Clerk presented a resolution from the Green Lake County Board of Supervisors requesting State to use a portion of the 2023 budgetary surplus for the maintenance, repair and replacement of county trunk highway systems. By Chairperson referred to the Transportation Committee.

### **COUNTY ADMINISTRATOR'S REPORT**

County Administrator Alayne Krause reported that the Departments annual reports have all been submitted and are being finalized. They will be posted on the Departments respective web pages soon and she encouraged everyone to view them. Ms. Krause reviewed the resolutions and ordinance being voted on including Resolution 28 which was referred back to the Transportation Committee from the Executive Committee for changes to the agreement only; Resolution No. 31 for the generous donation from Ducks Unlimited to purchase a parcel adjacent to the Sheboygan Marsh; Ordinance No. 05 which is amending Chapter 47 to allow for the dispatchers to be put in their own DBM; and Resolution No. 30 for the Opioid settlements which the Committee recommended being adopted as amended. She clarified that the content

of the resolution hadn't changed but was updated to align with the template resolution for Wisconsin counties prepared by the Wisconsin Counties Association.

Supervisor Gruber joined the meeting at 6:12 p.m. remotely.

#### **COMMITTEE REPORTS**

The Clerk read the report of the Executive Committee regarding **Resolution No. 28 (2022/23) Authorizing Elkhart Lake's Road America Right of First Refusal and Option to Purchase** recommending adoption.

**Supervisor Wegner moved to adopt the resolution.** The motion was seconded by Supervisor Goehring and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding **Resolution No. 31 (2022/23) Accepting Donation from Ducks Unlimited and Authorizing Purchase of Property to be Added to the Sheboygan County Broughton Marsh** recommending adoption.

**Supervisor Goehring moved to adopt the resolution.** Supervisor Clarke seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding **Ordinance No. 05 (2022/23) Amending Pay Scale for Sheriff's Department Dispatchers** recommending enactment.

**Supervisor Goehring moved to enact the ordinance.** The motion was seconded by Supervisor Brauer and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 30 (2022/23) Authorizing Sheboygan County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General** recommending adopt as amended per the revised red-lined version.

**Supervisor Wegner moved to adopt as amended per the revised redlined version of the resolution.** Supervisor Brauer seconded the motion which carried on unanimous roll call vote of the board.

(Vice-Chairperson Abler presiding)


Pursuant to Rule IV of the Rules of Order, the following resolutions were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

**Resolution No. 33 (2022/23)** Re: Authorizing the Finance Committee and Interim Finance Director to Balance Over Budget Departmental Accounts referred to the Executive Committee.

**Resolution No. 34 (2022/23)** Re: Amending the Sheboygan County Comprehensive Outdoor Recreation and Open Space Plan referred to the Executive Committee.

#### **ADJOURNMENT**

**Supervisor Te Stroete moved to adjourn.** Supervisor Immel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:19 p.m. **The next scheduled meeting is Tuesday, April 18, 2023 at 6:00 p.m.**

|                                                                                                                                  |                         |                                                                                                                                                                                                                      |           |         |              |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------|--------------|
|  <p>Clark County, WI</p> <p>Founded in 1853</p> | Type/Number             | Resolution 3-1-23                                                                                                                                                                                                    |           |         |              |
|                                                                                                                                  | Title                   | Recommending Revision to State Wind Energy Regulations                                                                                                                                                               |           |         |              |
|                                                                                                                                  | Overview/Synopsis       | Clark County opposes the current Wind Energy regulations promulgated by the Wisconsin Public Service Commission ("PSC") and recommend revision and consideration of the impacts of regulation on Wisconsin Counties. |           |         |              |
|                                                                                                                                  | Submitted By            | Planning, Zoning & Land Information Committee                                                                                                                                                                        |           |         |              |
|                                                                                                                                  | Fiscal Impact           | None                                                                                                                                                                                                                 |           |         |              |
|                                                                                                                                  | Review (Initial & Date) | Legal                                                                                                                                                                                                                | PN 2/6/23 | Finance | tfd 2/7/2023 |

1 WHEREAS, the Wisconsin Legislature has limited how counties can regulate solar and wind energy  
2 Systems. See Wis. Stat. § 66.0401.

3  
4 WHEREAS, The Wisconsin Public Service Commission ("PSC") has promulgated rules that limit how  
5 counties can regulate wind energy systems. See PSC 128 of the Wisconsin Administrative Code.

6  
7 WHEREAS, Planning and Zoning is a fundamental regulatory function and authority of Wisconsin  
8 counties.

9  
10 WHEREAS, Clark County residents have expressed concerns about contractual provisions proposed by  
11 both solar and wind renewable energy companies in renewable energy easement agreements.

12  
13 WHEREAS, the Clark County Planning, Zoning and Land Information Committee and the Clark County  
14 Board of Supervisors have concerns about the regulatory limitations placed on the counties by PSC 128  
15 and Chapter 66, Wisconsin Statutes.

16  
17 NOW, THEREFORE, BE IT RESOLVED, that Clark County recommends and requests the Wisconsin  
18 Public Service Commission and the Wisconsin State Legislature to revise PSC 128 and/or Chapter 66 of  
19 the Wisconsin Statutes to address the following concerns:

20  
21 a. Some renewable energy contracts under the current regulations appear to bind owners and their  
22 property to decades worth of encumbrances while allowing renewable energy companies to  
23 terminate the contracts at any time for any or no reason.

24  
25 b. The law does not prohibit energy companies from shifting liability created by the renewable  
26 energy company to the landowners. This includes liability for stray voltage, diminished  
27 property values, neurological problems, cancer, and death that the renewable energy  
28 companies cause.

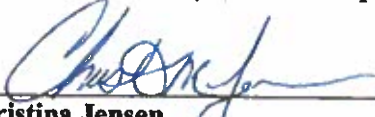
29  
30 c. State Law prohibits the regulation of the density and footprint of renewable energy systems by  
31 Municipalities, and prohibits Clark County from requiring bonding certain to ensure proper  
32 decommissioning of renewable energy systems.

33  
34 d. Clark County has concerns about the use of renewable energy systems and their impact on  
35 agricultural land and production, at a time when war abroad disrupts food chains and causes  
36 food shortages, and as domestically we are experiencing uncontrolled inflation.

| <b>Committee/Board/Supervisor Action</b> |                                               |
|------------------------------------------|-----------------------------------------------|
| Committee/Board/Supervisor Name:         | Planning, Zoning & Land Information Committee |
| Result/Date:                             | Approved 12/28/2022                           |
| Mover:                                   | Tom Wilcox                                    |
| Seconder:                                | William Neville                               |
| Ayes:                                    | Wilcox, Hoover, and Neville                   |
| Abstained:                               | Ken Gerhardt                                  |
| Absent:                                  | Dean Zank                                     |

| <b>Clark County Board of Supervisors Action</b> |                                                                                                                                                                                                                                                  |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vote Required:                                  | Majority                                                                                                                                                                                                                                         |
| Result/Date:                                    | Adopted 01/19/2023                                                                                                                                                                                                                               |
| Type of Vote:                                   | Roll Call: 26 Yes, 2 No, 1 Absent                                                                                                                                                                                                                |
| Mover:                                          | Zank                                                                                                                                                                                                                                             |
| Seconder:                                       | Wilcox                                                                                                                                                                                                                                           |
| Ayes:                                           | Brodhagen, Molitor, Schindler, Wilcox, Klabon, Waichulis, Zank, Thielman, Kolzow, Jalling, Bower, Ashbeck, Hendrickson, C. Rueth, W. Rueth, Bobrofsky, Krause Jr., Rollins, Smagacz, Boon, Trunkel, Gerhardt, Bakker, Garbisch, Neville, Sebesta |
| Nayes:                                          | Kodl & Tyznik                                                                                                                                                                                                                                    |
| Absent:                                         | Krempasky                                                                                                                                                                                                                                        |

**I, Christina M. Jensen, Clerk for Clark County, hereby certify that Resolution 3-1-23 was adopted by the Clark County Board of Supervisors at the meeting held on January 19, 2023.**

  
**Christina Jensen**  
**Clark County Clerk**  
**Neillsville, Wisconsin 54456**

**SEAL**

1  
2 **RESOLUTION NO. 14-23**

3 **SYNOPSIS: Request State to Revise Solar Energy System Law**  
4 **INTRODUCED BY: Planning and Zoning Committee**  
5

6 **To the Honorable Board of Supervisors of Columbia County:**  
7

8 WHEREAS, Wisconsin counties possess limited authority to regulate solar energy  
9 systems in their communities as a result of Wisconsin State law; and,  
10

11 WHEREAS, the regulation of solar energy systems is generally dependent on size, with  
12 smaller solar energy systems being subject to within Wis. Stat. § 66.0401(1m), and those above  
13 one hundred (100) megawatts the Wisconsin Public Service Commission (PSC);  
14

15 WHEREAS, while Wis. Stat. § 66.0401(1m) provides a mechanism for counties to  
16 consider areas of local concern, it provides little ability for counties to restrict or even deny a  
17 project based on local concerns from residents, environmental impact, or economic impact.  
18 Within Wis. Stat. § 66.0401(1m), terms like "public health" or "safety" are undefined, a clear  
19 evidentiary threshold was never included; and, while found with Wis. Stat. § 59.69, the term  
20 "welfare" was not included with the reason for its omission uncertain; and,  
21

22 WHEREAS, there are currently 14 solar and battery energy storage systems being  
23 proposed in the Midcontinent Independent System Operator, Inc. queue as of February 23, 2023  
24 to be constructed within Columbia County, totaling 1220 MW of solar energy generation  
25 potential and 1000 MW of battery storage potential; and with many of these developers stating  
26 that there will be a phase 2 for their projects, an untold number of acres of prime farmland,  
27 wildlife habitat, threatened and endangered species of plants and animals that have been  
28 documented within project areas, scenic country views, lives, and livelihoods could be destroyed  
29 with little to no opportunity for the County to intervene; and,  
30

31 WHEREAS, public utilities and private developers are using a loophole in Wis. Stat. §  
32 196.491(3)(d)2 and 3 that exempts wholesale merchant plants from meeting the same standards  
33 as public utility companies in order to receive their Certificate of Public Convenience and  
34 Necessity (CPCN) and then immediately turn around and sell the project to a public utility  
35 company.  
36

37 WHEREAS, the State has given planning and zoning authority to the County through  
38 Wis. Stat. § 59.69, specifically in order to "promote the public health, safety, convenience and  
39 general welfare; to encourage planned and orderly land use development; to protect property  
40 values and the property tax base" and to "preserve wetlands; to conserve soil, water and forest  
41 resources; to protect the beauty and amenities of landscape and man-made developments; to  
42 provide healthy surroundings for family life." However, when it comes to utility-scale solar, the  
43 County process and authority is completely circumvented.  
44

45 NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of  
46 Supervisors hereby requests that the Wisconsin State Legislature revise Wis. Stat. § 66.0401(1m)  
47 and Wis. Stat. § 196.491 as follows in order to grant Wisconsin counties the authority to  
48 responsibly site utility-scale solar installations in order to maintain orderly planning and comply  
49 with the statutory requirement laid out in Wis. Stat. § 66.1001(3) to adhere to the objectives,  
50 goals, and policies contained in the County's comprehensive plan:  
51

52 ~~66.0401(1m) Authority to restrict systems limited. No political subdivision may place~~  
53 ~~any restriction, either directly or in effect, on the installation or use of a wind energy~~  
54 ~~system that is more restrictive than the rules promulgated by the commission under~~

s. 196.378 (4g) (b). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

66.0401(1m)(e)

(c) Allows for an alternative system of comparable cost and efficiency.

196.491(3)(d)2 Except as provided under par. (e), the commission shall approve an application filed under par. (a) 1. for a certificate of public convenience and necessity only if the commission determines all of the following:

196.491(3)(d)2.

2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. This subdivision does not apply to a wholesale merchant plant.  
3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors, except that the commission may not consider alternative sources of supply or engineering or economic factors if the application is for a wholesale merchant plant. In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ch. 285.

BE IT FURTHER RESOLVED, that the County Clerk will send a copy of this Resolution to Governor Tony Evers, all members of the State Legislature representing Columbia County, the Wisconsin Counties Association and an electronic copy to all Wisconsin county board supervisors and the full State Legislature.

Fiscal Note: None.

Fiscal Impact: None.


STATE OF WISCONSIN  
COUNTY OF COLUMBIA  
CERTIFIED COPY

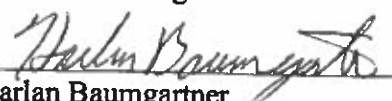
I certify that this is a true and exact copy of the original of which I am legal custodian for the County Clerk of Columbia County.

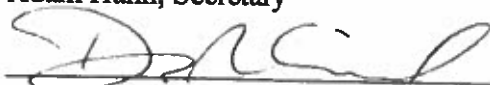
Signed by

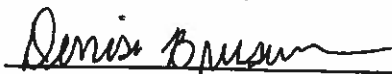
  
County Clerk or Deputy County Clerk

3-15-2023  
Date

  
Andrew Kolberg

  
Harlan Baumgartner

Adam Hahn, Secretary  
  
Douglas Richmond, Vice Chair

  
Denise Brusveen, Chair

PLANNING & ZONING COMMITTEE

**RESOLUTION NUMBER 04-2023**

**REQUEST STATE OF WISCONSIN TO USE A PORTION OF THE 2023  
BUDGETARY SURPLUS FOR THE MAINTENANCE, REPAIR AND REPLACEMENT  
OF COUNTY TRUNK HIGHWAY SYSTEM**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting on this 21st day of February 2023, does resolve as follows:

- 1 **WHEREAS**, On January 25, 2023, the nonpartisan Legislative Fiscal Bureau reports the  
2 State of Wisconsin has a budget surplus estimated at \$7.1billion, which is the largest  
3 budget surplus in Wisconsin's history.  
4  
5 **WHEREAS**, The Joint Commission of established the Local Supplemental  
6 Transportation Program as a one-time use of State revenue surplus to support local  
7 projects, which evolved into the popular and successful Local Road improvement  
8 Program (LRIP) and LRIP – Supplemental (LRIP-S).  
9  
10 Fiscal note is not applicable.  
11 Majority vote is needed to pass.

Roll Call on Resolution No. 04-2023

Submitted by Highway Committee

Ayes 16, Nays 0, Absent 3, Abstain 0

*/s/ Dennis Mulder*

Passed and Adopted/~~Rejected~~ this day of  
21st day of February, 2023.

Dennis Mulder, Chair

*/s/ Charlie Wielgosh*

Charlie Wielgosh, Vice Chair

*/s/ Chuck Buss*

*/s/ David Abendroth*

County Board Chairman

Chuck Buss

*/s/ Bob Schweder*

*/s/ Elizabeth A. Otto*

ATTEST: County Clerk

Approve as to Form:

*/s/ Daniel Sondalle*

Bob Schweder

*/s/ Bill Boutwell*

Corporation Counsel

Bill Boutwell

12 **WHEREAS**, Governor Evers and the Legislature have recently devoted additional  
13 funding to counties through GTA and LRIP-S, counties throughout Wisconsin are still  
14 not receiving appropriate financial support to make roads and bridges safe for the  
15 speeds and weight of travel experienced through the State.  
16

17 **NOW, THEREFORE, BE RESOLVED**, by the Green Lake County Board that in an  
18 effort to assist the Wisconsin Counties Highway Association and the WCA request of  
19 additional funding through budgetary surplus be allocated to the county GTA  
20 appropriation for the backlog of maintenance on the county trunk highway system, as  
21 well as for LRIP -S.  
22

23 **NOW THEREFORE BE FURTHER RESOLVED**, a copy of this resolution be sent to  
24 Governor Tony Evers, all members of the State Legislature, the Wisconsin Counties  
25 Association, and all other Wisconsin Counties.