



OFFICE OF KIM TRUEBLOOD
COUNTY CLERK
MARATHON COUNTY



Marathon County Mission Statement: Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business.

ADJOURNED ANNUAL MEETING AGENDA

THE ADJOURNED ANNUAL MEETING of the Marathon County Board of Supervisors, composed of thirty-eight (38) members, will convene at the Marathon County Courthouse, Assembly Room, 500 Forest St, Wausau, WI, on Tuesday, March 19, 2024, at 7:00 p.m. to consider the following matters:

Persons Wishing to attend the meeting by phone may call into the telephone conference beginning ten minutes prior to the start time indicated above using the following number:

1-408-418-9388 Access Code: 146 235 4571

The meeting will also be broadcast on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

A. OPENING OF SESSION:

1. Meeting called to order by Chairperson Gibbs at 7:00 p.m., the agenda being duly signed and posted
2. Pledge of Allegiance to the Flag; Followed by a Moment of Silence/Reflection
3. Reading of Notice
4. Request for silencing of cellphones and other electronic devices
5. Roll Call
6. Acknowledgment of visitors

B. EDUCATION PRESENTATIONS / REPORTS:

7. Standing Committee Chairpersons or Designees

C. CONSENT AGENDA:

8. Approval of minutes from the February 22 & 27, 2024 meetings
9. Referral of bills and communications to respective committees
10. Authorizing the Clerk to issue orders, bills, and claims from the last session through this session
11. Ordinances:
 - a. Town of Spencer Rezone – Tim Vreeland for Dennis & Deborah Janz #O-7-24
 - b. Town of Wien Rezone – Tim Vreeland for Norman & Margaret Borntreger #O-8-24
 - c. Amendments to Chapter 15 of Marathon County General Code #O-9-24
 - d. Amendments to Chapter 21 of Marathon County General Code #O-10-24
12. Resolutions:
 - a. Town of Wausau Local Zoning Ordinance Amendment #R-4-24
 - b. Adopt the 2024 Administration Work Plan #R-6-24

RESOLUTIONS

D. EXTENSION, EDUCATION, AND ECONOMIC DEVELOPMENT COMMITTEE:

13. Consideration of Request for Marathon County, WI to Approve the Public Finance Authority as Conduit Issuer for Not to Exceed \$25,000,000 Exempt Facility Revenue Bonds to Benefit Buckhorn RNG, LLC Project #R-5-24

E. HUMAN RESOURCES, FINANCE, AND PROPERTY COMMITTEE:

14. Establish Salaries for County Clerk, Treasurer, and Register of Deeds Elected Department Heads for their Upcoming Term of Office #R-7-24

F. HUMAN RESOURCES, FINANCE, AND PROPERTY COMMITTEE & HEALTH AND HUMAN SERVICES COMMITTEE:

- 15. Acceptance of Lead in Water Grant Program Funds #R-8-24
- 16. Acceptance of Nicotine Prevention Alliance of Central Wisconsin Nicotine Delivery Grant Program Funds #R-9-24

G. HUMAN RESOURCES, FINANCE, AND PROPERTY COMMITTEE & ENVIRONMENTAL RESOURCES COMMITTEE:

- 17. Budget Transfer Request to Accept Wisconsin Department of Natural Resources Surface Water Grant Funds in the Amount of \$99,670 for the Aerator and Monitoring at the Big Eau Pleine #R-10-24
- 18. Budget Transfer Request to Accept Nature Conservancy Challenge Grant in the Amount of \$10,000 for Incentives to Farmers in the Big Eau Pleine Watershed for Implementation of Conservation Practices #R-11-24
- 19. Budget Transfer Request to Accept Department of Agriculture and Consumer Trade Protection Nutrient Management Grant in the Amount of \$1,350 for Incentives for Farmers to Implement Practices Related to Nutrient Management #R-12-24
- 20. Budget Transfer Request to Accept the Good Idea Mini-Grant in the Amount of \$ 8,000 to Implement Phosphorus-Reducing Filter Strips #R-13-24

H. HUMAN RESOURCES, FINANCE, AND PROPERTY COMMITTEE & INFRASTRUCTURE COMMITTEE:

- 21. Budget Transfer of \$125,000 for Replacement of Box Culvert on Highway U #R-14-24

I. INFRASTRUCTURE COMMITTEE:

- 22. Vehicular Access from Hummingbird Road (County Road "R") to Serve Jarvis Property / Extension of Swallow Lane #R-15-24
- 23. Work Zone Awareness Week Resolution #R-16-24

J. MISCELLANEOUS BUSINESS

- 24. Announcements and / or Requests
- 25. Motion to Adjourn

WITNESS: My signature this 19th day of March, 2024

Kim Trueblood
Marathon County Clerk

NOTE: The next meeting of the County Board will be the Organizational Meeting scheduled for Tuesday, April 16, 2024, at 7:00 p.m. It will be held in the Assembly Room of the Courthouse.

NOTICE PROVIDED TO: County Board Members
Marathon County Departments
News Media
Posted on County Website: marathoncounty.gov

Any person planning to attend this meeting who needs some type of special accommodation to participate should call the County Clerk's Office at 715-261-1500 or email countyclerk@co.marathon.wi.us one business day before the meeting.

ORDINANCE # O - 7 -24

Town of Spencer Rezone

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Tim Vreeland on behalf of Dennis and Deborah Janz to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-E Rural Estate and G-A General Agriculture to G-A General Agriculture and R-E Rural Estate described as part of Lot 1 of Certified Survey Map 5714-21-32 and part of the Southwest ¼ of the Southeast ¼ of Section 19, Township 26 North, Range 2 East, Town of Spencer. The area proposed to be rezoned to G-A- General Agriculture is described as part of Lot 1 and the area proposed to be rezoned to R-E Rural Estate is described as part Lot 2 and Lot 3 of the preliminary CSM. Parent Parcel Pin #074-2602-194-0993, 074-2602-194-0995, and 074-2602-194-0996.

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on March 5, 2024 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Spencer hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, BE IT RESOLVED, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 5th day of March, 2024

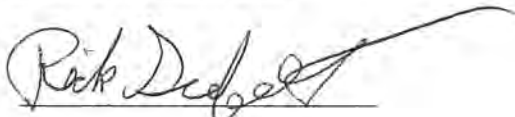
ENVIRONMENTAL RESOURCES COMMITTEE




Jacob Langenhahn, Chair



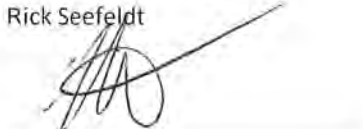
Allen Drabek, Vice Chair



Rick Seefeldt

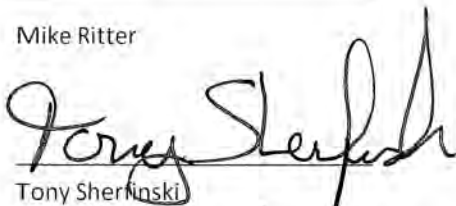


David Oberbeck

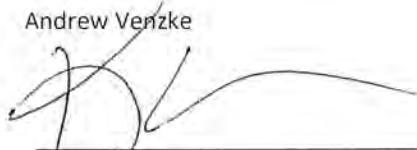


Mike Ritter

Andrew Venzke



Tony Sherfinski



Kim Ungerer

Kurt Gibbs – Marathon County Board Chair

Dated this 5th day of March, 2024

CERTIFIED SURVEY MAP

ALL OF LOT 1 CSM 5714-21-32 AND THAT PART OF THE SW 1/4
OF THE SE 1/4 OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 2
EAST, TOWN OF SPENCER, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF NICK HEINTZ, I SURVEYED, MAPPED AND DIVIDED ALL OF LOT 1 CERTIFIED SURVEY MAP NUMBER 5714, RECORDED IN VOLUME 21 ON PAGE 32 AND THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 2 EAST, TOWN OF SPENCER, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 19; THENCE N 0°04'24" W ALONG THE NORTH -SOUTH 1/4 LINE 33.00 FEET TO THE NORTH LINE OF 26TH ROAD AND TO THE POINT OF BEGINNING; THENCE CONTINUING N 0°04'24" W ALONG THE NORTH - SOUTH 1/4 LINE 1275.61 FEET; THENCE S 89°59'00" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 1317.02 FEET; THENCE S 0°07'20" W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 1274.75 FEET TO THE NORTH LINE OF 26TH ROAD; THENCE S 89°58'44" W ALONG THE NORTH LINE OF 26TH ROAD 1312.66 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF MARATHON COUNTY AND THE TOWN OF SPENCER, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 28TH DAY OF DECEMBER, 2023
SURVEY PERFORMED DECEMBER 15TH, 2023

TIMOTHY G. VREELAND P.L.S. 2291

APPROVED FOR RECORDING UNDER
THE TERMS OF THE MARATHON
COUNTY LAND DIVISION REGULATIONS.

BY _____

DATE _____
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.
CPZ TRACKING NO. _____

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF SPENCER)

RESOLUTION ON ZONING ORDINANCE AMENDMENT

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Dennis Gonnering, Clerk of the Town of Spencer, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Spencer Town Board at a meeting held on the 13th day of February, 2024.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3., Wisconsin Statutes, provides that if a town affected by a proposed amendment disapproves of the proposed amendment, the town board may file a certified copy of a resolution adopted by such board disapproving of the petition with the Environmental Resources Committee prior to, at or within ten (10) days after the public hearing, and

WHEREAS, if the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, the Environmental Resources Committee may not recommend to the County Board approval of the petition without change, but may only recommend approval with change or recommend disapproval.

NOW, THEREFORE BE IT RESOLVED that the Town of Spencer Town Board considered on the 13th day of February, 2024. The petition of Tim Vreeland on behalf of Dennis and Deborah Janz to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from R-E Rural Estate and G-A General Agriculture to G-A General Agriculture and R-E Rural Estate described as part of Lot 1 of Certified Survey Map 5714-21-32 and part of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 26 North, Range 2 East, Town of Spencer. The area proposed to be rezoned to G-A- General Agriculture is described as part of Lot 1 and the area proposed to be rezoned to R-E Rural Estate is described as part Lot 2 and Lot 3 of the preliminary CSM. Parent Parcel Pin #074-2602-194-0993, 074-2602-194-0995, and 074-2602-194-0996.

The Town of Spencer hereby has considered the following standards for rezoning above property (use additional sheets if necessary):

- 1) **Has the applicant provided what public facilities and/or services currently serve the proposed development, what additional services may be required, and how the additional services will be provided?**
 No Yes Explain: no additional services
- 2) **Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?**
 No Yes Explain: No Burden
- 3) **Has the applicant determined that the land is suitable for the development proposed? Explain.**
 No Yes Explain: Build a new home on
- 4) **Has the applicant demonstrated what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas? Explain.**
 No Yes Explain: No adverse effects
- 5) **Is there any potential for conflict with existing land uses in the area?**
 No Yes Explain: No Conflicts

(OVER)

Has the applicant demonstrated the need for the proposed development at this location? Explain.

No Yes Explain: To build a home on

6) Has the applicant demonstrated the availability of alternative locations? Be specific

No Yes Explain: No alternative locations

7) Is cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?

No Yes Explain: no consumption of croplands

8) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?

No Yes Explain: No consumption of croplands

9) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.

No Yes Explain: Is consistant with Comprehensive Plan

10) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?

No Yes Explain: _____

The Town of Spencer recommends **Approval** **Disapproval** of the amendment and/or zone change.

OR **Requests an Extension*** for the following reasons: _____

*Wis. Stats §59.69(5)(e), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk Dawn Doman

Town Board Dominic R. Fathy
Carl R. Hoff
Jay L. Luby

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Environmental Resources Committee Public Hearing. Town input at the hearing is always appreciated. Please return this form before February 9th, 2024 to:

Marathon County Conservation, Planning and Zoning Department
210 River Drive
Wausau, WI 54403

Town of Wien Rezone

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Tim Vreeland on behalf of Norman and Margaret Borntreger to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from G-A General Agriculture to R-E Rural Estate located in part of the Southwest ¼ of the Southeast ¼ of Section 29, Township 28 North, Range 4 East, Town of Wien. The area proposed to be rezoned from G-A General Agriculture to R-E Rural Estate is described as Lot 1 of the preliminary CSM. Parcel Pin #084-2804-294-0994.

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and


WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on March 5, 2024 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Holton hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, BE IT RESOLVED, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 5th day of March, 2024

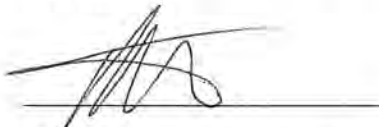
ENVIRONMENTAL RESOURCES COMMITTEE

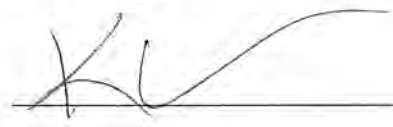


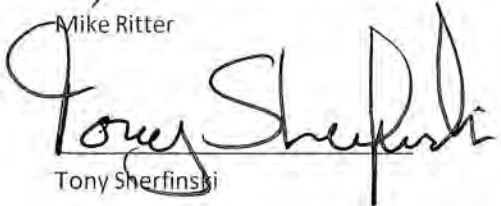
Jacob Langenhahn, Chair

Allen Drabek, Vice Chair

Rick Seefeldt

David Oberbeck

Mike Ritter

Kim Ungerer

Tony Sherfinski

Kurt Gibbs – Marathon County Board Chair

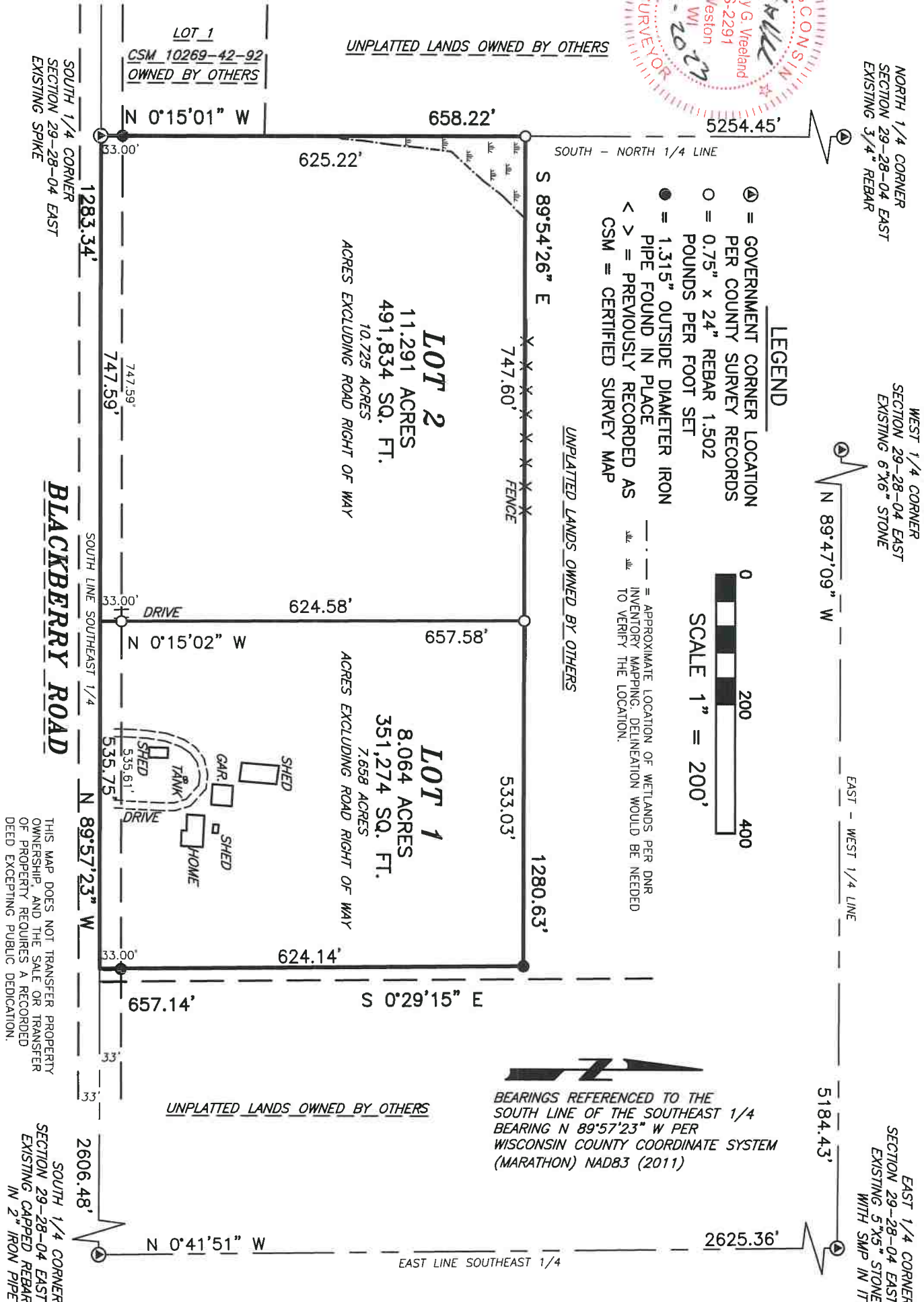
Dated this 5th day of March, 2024

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST,
TOWN OF WIEN, MARATHON COUNTY, WISCONSIN.

SHEET 1 OF 2 SHEETS



THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP, AND THE SALE OR TRANSFER OF PROPERTY REQUIRES A RECORDED DEED EXCEPTING PUBLIC DEDICATION.

SOUTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING CARPED REBAR IN 2" IRON PIPE

NORTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING 3/4" REBAR

WEST 1/4 CORNER SECTION 29-28-04 EAST EXISTING 6"x6" STONE

N 89°47'09" W

EAST - WEST 1/4 LINE

5184.43'

EAST 1/4 CORNER SECTION 29-28-04 EAST EXISTING 5"x5" STONE WITH SMP IN IT

SOUTH 1/4 CORNER SECTION 29-28-04 EAST EXISTING SPIKE

SOUTH LINE SOUTHEAST 1/4

33'

2606.48'

LOT 1
CSM 10269-42-92
OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

UNPLATTED LANDS OWNED BY OTHERS

EAST LINE SOUTHEAST 1/4

CERTIFIED SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. LAND SURVEYORS & ENGINEERS	
6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 tim@vreelandassociates.us	
PREPARED FOR:	LESTER YODER
FILE #:	23-0463 YODER
DRAFTED BY:	TIMOTHY G. VREELAND
DRAWN BY:	DALTON L. ZEINERT

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF LESTER YODER, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 4 EAST, TOWN OF WIEN, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE N 0°15'01" W ALONG THE SOUTH - NORTH 1/4 LINE 658.22 FEET; THENCE S 89°54'26" E 1280.63 FEET; THENCE S 0°29'15" E 657.14 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4; THENCE N 89°57'23" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 1283.34 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF MARATHON COUNTY AND THE TOWN OF WIEN, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



DATED THIS 2ND DAY OF NOVEMBER, 2023
SURVEY PERFORMED OCTOBER 17TH, 2023

TIMOTHY G. VREELAND

P.L.S. 2291

APPROVED FOR RECORDING UNDER
THE TERMS OF THE MARATHON
COUNTY LAND DIVISION REGULATIONS.

BY _____

DATE _____

MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.

CPZ TRACKING NO _____

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF WIEN)

RESOLUTION ON ZONING ORDINANCE AMENDMENT

TO THE MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE

I, Diane Drinsinger, Clerk of the Town of Wien, Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Wien Town Board at a meeting held on the 9th day of February, 2024.

RESOLUTION

WHEREAS, Section 59.69(5)(e)3., Wisconsin Statutes, provides that if a town affected by a proposed amendment disapproves of the proposed amendment, the town board may file a certified copy of a resolution adopted by such board disapproving of the petition with the Environmental Resources Committee prior to, at or within ten (10) days after the public hearing, and

WHEREAS, if the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, the Environmental Resources Committee may not recommend to the County Board approval of the petition without change, but may only recommend approval with change or recommend disapproval.

NOW, THEREFORE BE IT RESOLVED that the Town of Wien Town Board considered on the 9th day of February, 2024, The petition of Tim Vreeland on behalf of Norman and Margaret Borntrager to amend the General Code of Ordinance for Marathon County Chapter 17 Zoning Code to rezone lands from G-A General Agriculture to R-E Rural Estate located in part of the Southwest 1/4 of the Southeast 1/4 of Section 29, Township 28 North, Range 4 East, Town of Wien. The area proposed to be rezoned from G-A General Agriculture to R-E Rural Estate is described as Lot 1 of the preliminary CSM, Parcel Pin #084-2804-294-0994.

The Town of Wien hereby has considered the following standards for rezoning above property (use additional sheets if necessary):

1) Has the applicant provided what public facilities and/or services currently serve the proposed development, what additional services may be required, and how the additional services will be provided?

No Yes Explain: _____

2) Has the applicant demonstrated how the provision of the public facilities will not be an unreasonable burden to local government?

No Yes Explain: _____

3) Has the applicant determined that the land is suitable for the development proposed? Explain.

No Yes Explain: _____

4) Has the applicant demonstrated what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas? Explain.

No Yes Explain: _____

5) Is there any potential for conflict with existing land uses in the area?

No Yes Explain: _____

(OVER)

Has the applicant demonstrated the need for the proposed development at this location? Explain.

No Yes Explain: _____

6) Has the applicant demonstrated the availability of alternative locations? Be specific

No Yes Explain: NA

7) ~~Is~~ cropland is being consumed by this zone change? What is the productivity of the agricultural lands involved?

No Yes Explain: NA

8) Has the applicant explained how the proposed development will be located to minimize the amount of agricultural land converted?

No Yes Explain: _____

9) Is proposed rezone request consistent with the town's adopted Comprehensive Plan? Explain.

No Yes Explain: _____

10) Is there anything else the Town wishes to present or comment on regarding this application to the Marathon County Environmental Resources (ERC) Committee?

No Yes Explain: _____

The Town of Wien recommends: **Approval** **Disapproval** of the amendment and/or zone change.

OR **Requests an Extension*** for the following reasons: _____

*Wis. Stats §59.69(5)(c), (3), and (3m) authorizes Towns to extend the time to disapprove a zone change for a total of thirty (30) days beyond the date of the public hearing. The extension must be by Town Board Resolution and remains in effect until the Town Board adopts a resolution rescinding the extension.

Clerk Rhiane Drussinger
Town Board Ruby King
David Bauman
Calvin Tacke

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Environmental Resources Committee Public Hearing. Town input at the hearing is always appreciated. Please return this form before December 26th, 2023 to:

Marathon County Conservation, Planning and Zoning Department
210 River Drive
Wausau, WI 54403

ORDINANCE # O -9-24

ORDINANCE AMENDING GENERAL CODE OF ORDINANCES FOR MARATHON COUNTY CHAPTER 15 PRIVATE SEWAGE SYSTEMS CODE

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 15 Private Sewage Systems code, and

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing on the proposed amendment, and filed their recommendation with the Board, and

WHEREAS, the proposed amendment has been given due consideration by the Board in open session,

WHEREAS, a copy of the proposed text amendments is available for review at the offices of Marathon County Conservation Planning and Zoning Dept., 210 River Dr., and Marathon County Clerk, Courthouse 500 Forest Street, Wausau, 54403 during regular office hours, and is also available at the following link: <https://www.marathoncounty.gov/services/zoning> and is incorporated herein by reference as if set forth in full; and

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 15 Private Sewage Systems Code is amended in the following respects: For general text amendment changes to the General Code of Ordinances for Marathon County Chapters 15 Private Sewage Systems Code.

Dated this 5th day of March, 2024

ENVIRONMENTAL RESOURCES COMMITTEE

Jacob Langenhahn, Chair

Allen Drabek, Vice Chair

Rick Seefeldt

David Oberbeck

Mike Ritter

Andrew Venzke

Tony Sherfinski

Kim Ungerer

Kurt Gibbs – Marathon County Board

Dated this 5th day of March, 2024

**GENERAL CODE OF ORDINANCES
FOR MARATHON COUNTY
CHAPTER 15
PRIVATE SEWAGE SYSTEMS**



Approved by Marathon County
Environmental Resources Committee
TBD

Approved by Marathon County
Board of Supervisors TBD

CHAPTER 15 PRIVATE SEWAGE SYSTEMS

Table of Contents

INTRODUCTION	
15.1	STATUTORY AUTHORITY..... 1
15.2	PURPOSE..... 1
15.3	REPEAL AND EFFECTIVE DATE 1
15.4	SEVERABILITY AND LIABILITY 1
15.5	INTERPRETATIONS 1
15.6	DEFINITIONS 2
GENERAL REQUIREMENTS	
15.7	COMPLIANCE 4
15.8	INCORPORATION OF PROVISIONS BY REFERENCE 4
15.9	APPLICABILITY 4
15.10	LIMITATIONS..... 4
15.11	ABANDONMENT OF PRIVATE SEWAGE SYSTEMS 6
PERMITS AND APPLICATIONS	
15.13	SOIL AND SITE EVALUATION 7
15.14	SANITARY PERMITS..... 8
15.15	APPLICATION REQUIREMENTS 9
15.16	PLANS 11
15.17	PERMIT CARDS 12
15.18	PERMIT EXPIRATION AND RENEWAL..... 12
15.19	TRANSFER OF OWNERSHIP 13
15.20	CHANGE OF PLUMBERS 13
15.21	PERMIT DENIAL 13
15.22	RECONNECTION 14
15.23	CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD 15
15.24	CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD 15
15.25	EXISTING POWTS EVALUATION REPORTS 16
15.26	SCHEDULE OF FEES 17
INSPECTIONS	
15.27	INSPECTIONS; GENERAL 18

15.28	INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS	18
15.29	INSPECTIONS; NON_PLUMBING SANITARY SYSTEMS.....	18
15.30	INSPECTIONS; MOUND AND AT-GRADE SYSTEMS.....	19
15.31	INSPECTIONS; SAND FILTERS.....	19
15.32	EXPERIMENTAL SYSTEMS.....	19
15.33	REINSPECTIONS.....	19
15.34	TESTING	20
SYSTEM MAINTENANCE AND MANAGEMENT		
15.36	MAINTENANCE AND MANAGEMENT	21
15.37	SEPTIC TANK MAINTENANCE PROGRAM	21
15.38	HOLDING TANK MAINTENANCE AGREEMENT	22
ADMINISTRATION AND ENFORCEMENT		
15.39	ADMINISTRATION.....	23
15.40	POWERS AND DUTIES.....	23
15.41	BOARD OF ADJUSTMENTS	24
15.42	VIOLATIONS AND PENALTIES.....	25
CHAPTER 25 CONSTRUCTION AND EFFECT OF ORDINANCES		
25.4	PENALTY PROVISIONS.....	26

INTRODUCTION

15.1 STATUTORY AUTHORITY.

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes

15.2 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems, and to assure the timely repair or replacement of failing private sewage systems.

15.3 REPEAL AND EFFECTIVE DATE

This ordinance shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The existing provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

15.4 SEVERABILITY AND LIABILITY

Should any section, clause, provision, or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or non-plumbing sanitation system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

15.5 INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

15.6 DEFINITIONS

The following terms shall have the meanings indicated in this section.

Administrator. A person employed by Marathon County in the Conservation, Planning, and Zoning Department to administer and enforce this ordinance.

Buildings. See Structure.

Committee. The Committee ([Environmental Resources Committee](#)) designated by Marathon County Board having jurisdiction over this ordinance.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

Department. The Marathon County Conservation, Planning, and Zoning Department.

Failing Non-plumbing Sanitation System. A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

- (a) Into Surface Water or ground water;
- (b) Into Zones of Bedrock; or
- (c) To the surface of the ground.

Failing Private Sewage System. Also referred to as a “Failing private on-site wastewater treatment system” or “Failing POWTS”, has the meaning specified under §145.245(4), Wisconsin Statutes.

A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Minor Repairs. A minor repair to a private sewage system includes the replacement or repair of any of the following.

- (a) Manhole covers;
- (b) Manhole risers;
- (c) Septic tank baffles;
- (d) Effluent pumps and related controls or wiring;
- (e) Other components as determined by the Department.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures

and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

Portable Restroom. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

Private Sewage System. Also referred to as a “Private On-Site Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Public Sewer. Sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems. Availability of public sewer is determined by the agency authorized to operate such system.

Rebuilt. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Sanitary Permit. The term “sanitary permit”, as used in this ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.

Sanitary Permit - County. A permit issued by the Department for the reconnection, repair, or modification of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §59.70 and 145.04, Wisconsin Statutes.

Sanitary Permit - State. A permit issued by the Department for the installation, replacement, repair, or modification of a private sewage system, pursuant to ~~§145.135 and~~ 145.19, Wisconsin Statutes.

Septic Tank. An anaerobic treatment tank.

Soil and Site Evaluation Application. An application submitted for the purpose of requesting county verification of a Soil and Site Evaluation Report.

State. The Wisconsin Department of Safety and Professional Services.

Structure. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground.

GENERAL REQUIREMENTS

15.7 COMPLIANCE

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy **which are provided with interior plumbing,** ~~which~~ and are not serviced by a public sewer or a privately owned wastewater treatment facility regulated by the Department of Natural Resources, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.
- (3) **Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in §15.15(4) (b-d) may be required.**

15.8 INCORPORATION OF PROVISIONS BY REFERENCE

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113 and NR 116 Wisconsin

Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.9 APPLICABILITY

The requirements of this ordinance shall apply to all geographic areas of the County.

15.10 LIMITATIONS

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Portable restrooms may be utilized for temporary purposes only. For the purpose of this section, temporary shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two (2) weeks. A sanitary permit is not required for a portable restroom.

(4) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Marathon County Zoning Code, Chapter 17 of the General Code of Ordinances for Marathon County.

(5) Installation of a holding tank is prohibited if any other type of private sewage system permitted by SPS 383, Wisconsin Administrative Code, may be utilized. A sanitary permit for the installation, modification, or replacement of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by SPS 383, Wisconsin Administrative Code, except as provided in (a), (b) or (c) below.

(a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in §15.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank shall be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code

(b) A holding tank may be installed to serve a use, other than a dwelling, with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in §15.15, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a copy of a recorded affidavit from:

1. The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.

(c) A holding tank may be installed as a replacement to a failing or compromised system prior to obtaining a Soil and Site Evaluation Report if the Administrator deems the current site conditions to pose an immediate health or safety hazard. In addition to items required in §15.15, an application for a sanitary permit to install a holding tank on an emergency basis shall include a copy of a recorded affidavit from:

1. The property owner, agreeing to obtain a Soil and Site Evaluation of the above property conforming to SPS 385, Wisconsin Administrative Code, and filed with the Marathon County Conservation, Planning and Zoning Department, and to obtain a revision to his or her sanitary permit and install another type of system recognized by SPS 383, Wisconsin

Administrative Code, if determined suitable by the Soil and Site Evaluation Report.

- (6) Failing systems.
 - (a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.
 - (b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage into the ground, onto ground surface or into surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.
- (7) Building sewers for new structures or additions ~~construction~~ shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8 inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

15.11 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the utility having jurisdiction.

Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of SPS 383, Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

15.13 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall comply with SPS 383, SPS 385 and SPS 391, Wisconsin Administrative Code, and this ordinance.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.
- (3) Soil and Site Evaluation Reports shall include the following:
 - (a) A soil test pit or boring located not more than 25 feet from the distribution cell of each existing POWTS on the property under consideration which extends to a depth adequate to determine whether the system is failing;
 - (b) The elevation of the infiltrative surface of each existing POWTS on the property under consideration.
- (4) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the Administrator and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:
 - (a) Issuance of the permit provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.
 - (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, ~~except as provided in §15.26(4)(a).~~
- (5) A certified soil tester may request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Application for this verification shall include all information required in §15.15(1)(a - f) on forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department.
 - (a) A re-inspection fee may be assessed if excavation of soil test pits is not complete before the appointed time for Department verification.
- (6) Interpretive Determinations
 - (a) Department soil verification is required for all interpretive determinations.
 - (b) A complete Soil and Site Evaluation report must be filed prior to Department soil verification.
 - (c) Department verification shall be conducted when the site is not snow covered or frozen.

- (d) Soil pits shall be excavated to a depth of 3 feet below the limiting factor, to bedrock, or observed water table, whichever is shallower. The bottom of the soil pit shall be at least 2 feet by 3 feet.
- (e) The proposed system area shall be staked on the contour, prior to Department verification, using steel, wood, plastic or other durable material, be of a color which contrasts the dominant vegetation and of sufficient height to remain visible.

15.14 SANITARY PERMITS

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, repaired, reconnected or modified. A sanitary permit is not required for minor repairs.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for code compliance prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a Soil and Site Evaluation Report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was previously submitted to and approved by the Department.
If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (6) Any sanitary permit provisions, stipulations or conditions of approval shall have the same authority as any provision of this ordinance.
- (7) When public sewer approved by the Department of Natural Resources is available to the structure or premises served as described in §15.11, a sanitary permit may not be issued.

15.15 APPLICATION REQUIREMENTS

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).
 - (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Driving directions to the site.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, [unless exception is provided by 15.10\(5\)\(c\)](#).
 - (g) System plans (see §15.16).
 - (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) An Existing POWTS Evaluation Report verifying that any existing private sewage systems on the same parcel of land as the structure or structures served by the proposed POWTS are not failing private sewage systems.
 - (j) Copies of any documents required in §15.15(4) and verification that they have been recorded.
 - (k) Any other information required by the Department, including verification of compliance with §15.40(12) of this ordinance.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Marathon County Register of Deeds prior to sanitary permit issuance:
 - (a) Maintenance agreements or other maintenance documents, if recording is required by SPS 383, Wisconsin Administrative Code, or §15.38 of this ordinance.
 - (b) If the proposed private sewage system, or parts thereof, are located on or within the minimum setback from a different parcel than the structure served, the parcels shall be combined in accordance with the General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Regulations and Chapter 17 Zoning Code. Where it is not possible to combine the parcels, an appropriate easement must be recorded.
 - (c) If the proposed private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (d) If the proposed private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.

- (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- (f) If a holding tank will be installed in lieu of another type of private sewage system for a use with a design wastewater flow of less than 150 gallons per day, an affidavit as specified in §15.10(5) of this ordinance.

~~Before any land division which would separate any POWTS components from the parcel where the structure served by those components is located, documents listed in (b), (c), and (d) above may be required.~~

- (5) The Department reserves the right to require Floodplain and/or Wetland delineation prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
- (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

DRAFT

15.16 PLANS

System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383, Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383, Wisconsin Administrative Code, and this ordinance.

- (1) The number of Plans copies submitted shall be determined by to the Department.
- (2) If plans are reviewed and approved by the State, each set of the plans submitted to the Department shall bear any State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with SPS 383, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in SPS 383.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A management plan for the proposed system.
 - (f) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. [see §15.10(5)].
 - (g) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.
- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (7) A modification to the design of a private sewage system which has been previously approved shall be submitted to the Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans, see §15.26~~(5)~~.

15.17 PERMIT CARDS

- (1) The permit card issued by the Administrator to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.19, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Administrator.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this ordinance.

15.18 PERMIT EXPIRATION AND RENEWAL

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed following submittal of an application to the Department prior to the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) The renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal.
- (4) Changed Wisconsin Administrative Code, Statute, or ordinance requirements may impede the renewal.
- (5) A new permit card shall be issued when the permit is renewed.
- (6) A sanitary permit which has been renewed shall expire two years from the date of renewal.
- (7) A new sanitary permit shall be obtained by the owner or his/her agent prior to beginning construction of a POWTS if a sanitary permit has expired.

15.19 TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable State form shall be submitted to the Department.
- (2) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

15.20 CHANGE OF PLUMBERS

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable State form signed by the new plumber.
- (2) The change of plumbers shall be approved by the Department prior to the installation of the private sewage system.
- (3) A change of plumbers for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State level approval is obtained by the new plumber.
- (4) There may be a filing fee. (See § 15.26).

15.21 PERMIT DENIAL

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and Corporation Counsel.

15.22 RECONNECTION

- (1) A County reconnection permit shall be obtained prior to:
 - (a) Construction, installation, or placement of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in §15.22(4); or
 - (c) Rebuilding a structure that is connected to a private sewage system.
 - (d) A modification of, or addition to, an existing building which includes a new building sewer and/or a new connection to an existing private sewage system.
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Code, will be maintained.
- (3) Application for a County reconnection permit shall include the following:
 - (a) All items in §15.15(1)(a - e) and §15.15(1)(h-k);
 - (b) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
 - (c) A detailed plot plan as described in §15.16(4)(c).
 - (d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components, and a reinspection fee.
- (5) Reconnection to an undersized system is not permitted.
- (6) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

15.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) An Existing POWTS Evaluation Report, as specified in §15.25. If a code compliant private sewage system was installed less than three (3) years before the issuance of the reconnection permit or if an Existing POWTS Evaluation Report was accepted by the Department less than three (3) years before reconnection permit issuance, a new Existing POWTS Evaluation Report is not required.
- (3) If the existing private sewage system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, Wisconsin Administrative Code.
- (4) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

15.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in SPS 383, Wisconsin Administrative Code.

15.25 EXISTING POWTS EVALUATION REPORTS

- (1) When an evaluation of an existing private sewage system is required by this ordinance, by the General Code of Ordinances for Marathon County Chapter 22 Shoreland, Shoreland-Wetland Code, or is voluntarily submitted to the Department, an Existing POWTS Evaluation Report shall be completed which shall include all the following:
 - (a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code.

Submittal of a Soil and Site Evaluation Report will not be required if:

 1. The existing POWTS is a code compliant holding tank; or
 2. A Soil and Site Evaluation Report, form SBD-8330 or equivalent, which complies with SPS 385, Wisconsin Administrative Code, verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wisconsin Administrative Code was previously submitted to and approved by the Department.
 - (b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;
 - (c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;
 - (d) A plot plan signed by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, which shows the POWTS at the time of evaluation, including information specified in §15.16(4)(c);
 - (e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.
 - (f) Verification that all domestic wastewater from the structure discharges into the POWTS.
- (2) Existing POWTS Evaluation Reports must be on forms provided by or in a format approved by the Department. Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).
- (3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of completion of the evaluation.
- (4) When there is more than one private sewage system on a parcel a separate Existing POWTS Evaluation Report shall be submitted for each system.

- (5) The Department shall review and make a determination on an Existing POWTS Evaluation Report within ten (10) business days after receiving all required information and fees, except when weather conditions prevent verification of the report.
 - (a) If the report confirms that the POWTS is code compliant the Department shall accept the report.
 - (b) If the existing POWTS is found to be failing or not in conformance with this ordinance it shall be repaired, replaced with a code compliant system, or otherwise brought into compliance as required by Department order.

- (6) An Existing POWTS Evaluation Report which was submitted to and accepted by the Department in accordance with this section shall be valid for a period of three (3) years.

15.26 SCHEDULE OF FEES

- (1) Fee schedule. See department approved fee schedule as approved by the Committee.

- (2) Nonrefundable. All fees received by the Department are nonrefundable and shall be placed in the County treasury.

- (3) Double Fee.
 - (a) Any installation, establishment, or construction of a building or structure which requires a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.
 - (b) Any installation, replacement, repair, reconnection or modification of a private sewage system or non-plumbing sanitation system without obtaining all permits and approvals prior to commencing the above stated activities shall result in a double fee.

INSPECTIONS

15.27 INSPECTIONS; GENERAL

- (1) Notice for inspection shall be given to the Department for all private sewage systems installed, replaced, repaired, modified or reconnected.
- (2) These private sewage systems shall be inspected by the Department for compliance with SPS 382, SPS 383, and SPS 384, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for inspection shall be given in accordance with the requirements of SPS 383 Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of SPS 383, Wisconsin Administrative Code, are not met by the Department.
- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Administrator.

15.28 INSPECTIONS; SITE CONSTRUCTED HOLDING TANKS

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.29 INSPECTIONS; NON-PLUMBING SANITARY SYSTEMS

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance.

Note: SPS 362.2900 and ~~DHS 178.14~~ [ATCP 79.16](#), Wisconsin Administrative Code, may apply to non-plumbing sanitary systems serving uses other than one and two family dwellings.

- (2) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.30 INSPECTIONS; MOUND AND AT-GRADE SYSTEMS

- (1) The plumber installing the mound or at-grade system shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound and at-grade systems shall be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling, and after all work has been completed. The Department may waive certain mound or at-grade inspections on a case-by-case basis.

15.31 INSPECTIONS; SAND FILTERS

- (1) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

15.32 EXPERIMENTAL SYSTEMS

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be performed pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

15.33 REINSPECTIONS

- (1) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site shall require a fee.
- (2) The reinspection fee shall be due within ten working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

15.34 TESTING

- (1) If testing of new systems or new system components is required by SPS 382, 383 or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §15.27(3), so that the Department may make an inspection during the test.
- (2) The Department shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both a and b.

DRAFT

SYSTEM MAINTENANCE AND MANAGEMENT

15.36 MAINTENANCE AND MANAGEMENT

- (1) All private sewage systems and non-plumbing systems shall be managed and maintained in accordance with SPS 383, 384 and 391 Wisconsin Administrative Code, and this ordinance.
- (2) The owner of a POWTS or the owner's agent shall report to the Department each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the Department prior to expiration of any existing maintenance agreement and/or servicing contract.

15.37 SEPTIC TANK MAINTENANCE PROGRAM

- (1) All new and existing private sewage systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter.
- (2) Visual inspection of a private sewage system shall be conducted by persons specified in SPS 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (3) All new and existing septic tanks shall be pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.
- (4) Pumping of a septic or holding tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (5) The owner of a POWTS or the owner's agent shall report to the Department in accordance with SPS 383.55, Wisconsin Administrative Code. Reports shall verify the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface and the date of pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

- (1) The owner of each holding tank shall sign a Maintenance Agreement which documents maintenance requirements for the holding tank system, including owner's responsibility to maintain a servicing contract, to have the system serviced, and to provide servicing reports in accordance with this ordinance. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.
- (3) The Department may require the owner of a holding tank found to be violating the Maintenance Agreement to replace the holding tanks with a soil absorption system or, if the parcel is unsuitable for any type of soil absorption system, to hire a plumber to install a water meter and evaluate the holding tanks for code compliance and sign a new Service Contract which requires the certified septage servicing operator to report water meter readings at each pumping.

ADMINISTRATION AND ENFORCEMENT

15.39 ADMINISTRATION

The Administrator shall be responsible for the administration of this ordinance. The Administrator may delegate his responsibilities to personnel employed by the Conservation, Planning, and Zoning Department and in the case of issuing abatement orders, to the County Health Department.

15.40 POWERS AND DUTIES

In the administration of this ordinance, the Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance.
- (6) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (7) Report violations of this ordinance to the Corporation Counsel.
- (8) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Administrator or upon issuance of a special inspection warrant in accordance with ~~§66.122~~66.0119, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (9) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building or POWTS which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (10) Issue and enforce orders to plumbers, certified septage servicing operators, property owners, their agents or contractors or the responsible party, to assure proper compliance

with all provisions of this ordinance or delegate this authority to the County Health Department.

- (11) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (12) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant ~~or owner~~ ~~or licensed contractor~~ is in violation of this, or any ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the ~~Environmental Resources Land Conservation and Zoning~~ Committee.
- (13) Consider and approve or deny requests for a waiver to §15.10(5) of this ordinance (holding tanks). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Administrator may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (14) Consider and approve or deny requests to install sewage holding components (tanks) prior to obtaining an approved Soil and Site Evaluation Report when a health or safety emergency exists, pursuant to §15.10(5)(c). ~~to sanitary permit issuance When a health or safety emergency exists.~~ Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to ~~complete all required application materials per §15.15~~ ~~obtain the required sanitary permit~~ by a specified date.
- (15) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.
- (16) Perform reviews on the sale or exchange of parcels of land between owners of adjoining property where parcel(s) are below 10 acres, or if the sale or exchange modifies a parcel below 10 acres, prior to recording. The purpose of the review is to ensure the split does not reduce the capability of the parcel(s) to support a legal sanitary system in accordance with this ordinance. Additional requirements may be applicable per Marathon County Chapter 17.101.06(C).
 - (a) Acceptable forms of sale and exchange documentation include but are not limited to a proposed deed, preliminary certified survey map, plat of survey, land contracts, and/or other documentation as required.

15.41 BOARD OF ADJUSTMENTS

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.42 VIOLATIONS AND PENALTIES

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in §25.04 of the General Code.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the Administrator or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the Administrator.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

DRAFT

CHAPTER 25 CONSTRUCTION AND EFFECT OF ORDINANCES

25.4 PENALTY PROVISIONS

(1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months

(2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

ORDINANCE # O -10-24

**ORDINANCE AMENDING GENERAL CODE OF ORDINANCES FOR MARATHON COUNTY CHAPTER 21
NONMETALLIC MINING RECLAMATION CODE**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code, and

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing on the proposed amendment, and filed their recommendation with the Board, and

WHEREAS, the proposed amendment has been given due consideration by the Board in open session,

WHEREAS, a copy of the proposed text amendments is available for review at the offices of Marathon County Conservation Planning and Zoning Dept., 210 River Dr., and Marathon County Clerk, Courthouse 500 Forest Street, Wausau, 54403 during regular office hours, and is also available at the following link: <https://www.marathoncounty.gov/services/zoning> and is incorporated herein by reference as if set forth in full; and

NOW, THEREFORE, BE IN RESOLVED, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code is amended in the following respects: For general text amendment changes to the General Code of Ordinances for Marathon County Chapters 21 Nonmetallic Mining Reclamation Code.

Dated this 5th day of March, 2024

ENVIRONMENTAL RESOURCES COMMITTEE

Jacob Langenhahn, Chair

Allen Drabek, Vice Chair

Rick Seefeldt

David Oberbeck

Mike Ritter

Andrew Venzke

Tony Sherfinski

Kim Ungerer

Kurt Gibbs – Marathon County Board

Dated this 5th day of March, 2024

**GENERAL CODE OF ORDINANCES
FOR MARATHON COUNTY
CHAPTER 21
NONMETALLIC MINING
RECLAMATION CODE**



Approved by Marathon County
Environmental Resources **TBD**

Approved by Marathon County
Board of Supervisors **TBD**

TABLE OF CONTENTS

TABLE OF CONTENTS	i
<u>TITLE 1</u> TITLE, PURPOSE, AND SCOPE.....	1
<u>Chapter 21.101</u> General.....	1
<u>Section 21.101.01</u> Title.....	1
<u>Section 21.101.02</u> Authority.....	1
<u>Section 21.101.03</u> Purpose and Scope	1
<u>Section 21.101.04</u> Applicability.....	1
<u>Section 21.101.05</u> Exempt Activities	1
<u>TITLE 2</u> STANDARDS	3
<u>Chapter 21.201</u> Standards.....	3
<u>Section 21.201.01</u> Reclamation Standards.....	3
<u>TITLE 3</u> PERMITTING	6
<u>Chapter 21.301</u> Permitting.....	6
<u>Section 21.301.01</u> Permits Required	6
<u>Section 21.301.02</u> Local Transportation Related Mines	6
<u>Section 21.301.03</u> Reclamation Permit Application Requirements	7
<u>Section 21.301.04</u> Reclamation Plan.....	8
<u>Section 21.301.05</u> Permit Conditions	10
<u>Section 21.301.06</u> Public Notice and Right of Hearing.....	10
<u>Section 21.301.07</u> Permit Decisions and Appeal Process.....	11
<u>TITLE 4</u> FEES.....	14
<u>Chapter 21.401</u> Fees.....	14
<u>Section 21.401.01</u> Annual Fee.....	14
<u>TITLE 5</u> FINANCIAL ASSURANCE	15
<u>Chapter 21.501</u> Financial Assurance	15
<u>Section 21.501.01</u> Notification.....	15
<u>Section 21.501.02</u> Methods of Financial Assurance	15
<u>TITLE 6</u> ADMINISTRATION AND ENFORCEMENT	17
<u>Chapter 21.601</u> Administration and Enforcement.....	17
<u>Section 21.601.01</u> Inspections.....	17
<u>Section 21.601.02</u> Enforcement.....	17
<u>Section 21.601.03</u> Penalties	18
<u>Section 21.601.04</u> Government Immunity	18
<u>Chapter 21.602</u> Reporting.....	18
<u>Section 21.602.01</u> Annual Operator Reporting	18
<u>TITLE 7</u> DEFINITIONS	19
<u>Chapter 21.701</u> General Definitions	19
<u>Section 21.701.01</u> Definitions	19

Title 1: TITLE, PURPOSE AND SCOPE

Chapter 21.101

General

Section 21.101.01 TITLE

This Chapter shall be known and cited as the Marathon County Nonmetallic Mining Reclamation Code.

Section 21.101.02 AUTHORITY

AUTHORITY. In accordance with the provisions of Wis. Stats. 295.13 and ~~59.02~~, 59.51, 59.692, and 59.694 and Wisconsin Administrative Code NR135, the County Board enacts this Chapter.

Section 21.101.03 PURPOSE AND SCOPE

The purpose of this Chapter is to require reclamation of nonmetallic mining sites. This Chapter establishes standards for reclaiming nonmetallic mining sites, sets out nonmetallic mining reclamation permit requirements for reclamation standards, defines procedures and requirements applicable to mines subject to this Chapter, and defines procedures for administering nonmetallic mining reclamation.

Section 21.101.04 APPLICABILITY

- A. This Chapter applies to all nonmetallic mining sites within the County, except as exempted in Section 21.101.05 of this Code or are located at a site or that portion of a site within those municipalities with a nonmetallic mining reclamation ordinance adopted pursuant to Wisconsin Administrative Code NR 135.32(2).
- B. This Nonmetallic Mining Reclamation Ordinance shall take effect January 1, 2020. All prior nonmetallic mining regulations and amendments thereto are hereby repealed, except to the extent where there is a pre-existing violation.

Section 21.101.05 EXEMPT ACTIVITIES This Chapter does not apply to the following activities however, other County Ordinances or State Statutes may apply:

- A. Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Department of Natural Resources (DNR) under Wis. Stats., 30.19, 30.195 or 30.20 and complies with Wisconsin Administrative Code NR340.
- B. Excavations subject to the permit and reclamation requirements of Wis. Stats., 30.30 or 30.31,
- C. Excavations or grading by a person solely for domestic or farm use at the person's residence or farm.
- D. Excavation or grading conducted for the construction, re-construction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- E. Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- F. Excavations for building construction purposes conducted on the building site
- G. Nonmetallic mining at a nonmetallic mining site where less than one acre of total affected acreage occurs over the life of the mine.
- H. Any mining operation, the reclamation of which is required in a permit obtained under, Wis. Stats., 293 or Wis. Stats., 295.

- I. Any activities required to prepare, operate or close a solid waste or hazardous waste disposal facility under Wis. Stats., 289 or 291., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this Code apply to activities related to solid or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes, or roads.
- J. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Department of Transportation (DOT) concerning the restoration of the nonmetallic mining site.
 - 1. The exemption provided in this paragraph only applies to a nonmetallic mining operation with limited purpose and duration where the DOT actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the DOT contract for construction of a specific transportation project.
- K. If a nonmetallic mining site covered under this Section is used to concurrently supply materials for projects unrelated to the DOT project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under DOT contract and supervision. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

DRAFT

Title 2: STANDARDS

Chapter 21.201

Standards

Section 21.201.01 RECLAMATION STANDARDS

Reclamation Standards. All nonmetallic mining sites subject to this Code shall be reclaimed in conformance with the standards contained below:

A. General Standards.

1. Refuse and Other Solid Wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid waste shall be disposed of in accordance with applicable rules of the (WDNR) adopted pursuant to Wis. Stats., 289 and 291.
2. Area Disturbed and Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the site while nonmetallic mining continues on other portions of the site.
3. Public Health Safety and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health safety and welfare.
4. Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this Code requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

B. **Compliance with Environmental Regulations.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning or land use control.

C. **Surface Water and Wetlands Protection.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNR water quality standards for surface waters and wetlands contained in Wisconsin Administrative Code NR 102 to NR 105. Before disturbing the surface of a nonmetallic mining site and removal of topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this Code. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

D. Groundwater Protection.

1. Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that would result in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
2. Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Wisconsin Administrative Code NR 140 to be exceeded at the point of standards application.

E. Topsoil Management.

1. Removal. Topsoil and topsoil substitute shall be provided as specified in the reclamation plan approved pursuant to this Code in order to achieve reclamation to the approved post mining land use. Removal of on-site topsoil and topsoil substitute material, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.
2. Volume. The operator shall obtain the volume required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this Code.
3. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this Code, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbances or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

F. Final Grading and Slopes.

1. All areas affected by mining shall be addressed in the reclamation plan approved pursuant to this Code to provide that a stable and safe condition consistent with the post mining land use is achieved. The reclamation plan may:
 - a. Designate high walls or other un-mined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or
 - b. Designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe.
 - c. For slopes designated under b. the Department may require that either a site specific engineering analysis performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope; or the operator shall perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post mine land use specified in the post mine land use will not be adversely affected.
2. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline unless found acceptable through one or more of the following: alternative requirements are approved under Section [21.201.01](#) of this Code, steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan, or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
3. When the approved post-mining land use includes a body of water the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

G. Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this Code in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

H. Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this Code, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

I. Assessing Completion of Successful Reclamation.

1. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this Code. Criteria to evaluate reclamation success shall be quantifiable.
2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
 - a. On-site inspections by Department staff.
 - b. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
 - c. A combination of inspections or reports.
3. In those cases where the post mining land use specified in the reclamation plan requires a return of the

mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success as further described in this Section.

4. Revegetation success may be determined by:
 - a. Comparison to an appropriate reference area.
 - b. Comparison to baseline data acquired at the mining site prior to its being affected by mining.
 - c. Comparison to an approved alternate technical standard.
5. Revegetation using a variety of plants indigenous to the area is favored.

- J. **Intermittent Mining.** Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Section [21.501](#) of this Code, is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
- K. **Maintenance.** During the period of site reclamation, after the operator has stated that reclamation is complete, but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this Code.

DRAFT

Title 3: PERMITTING

Chapter 21.301

Permitting

Section 21.301.01 PERMITS REQUIRED

No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to this Code, unless the activity is specifically exempted in Section [21.101.05](#) of this Code.

Section 21.301.02 LOCAL TRANSPORTATION RELATED MINES

- A. Borrow Sites for Local Transportation Projects.** A permit shall be issued under this Section for any nonmetallic mine that meets the following conditions:
1. The mine will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months.
 2. The mine is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality.
 3. The mine is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the DOT concerning the restoration of nonmetallic mining sites.
 4. The mine is not a commercial source of nonmetallic minerals.
 5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any, and;
 6. Is not otherwise exempt from the requirements of Section [21.101.05](#) of this Code.
- B. Application Requirements** The applicant shall provide the following:
1. A copy of the contract which outlines the terms and conditions of the reclamation of the proposed borrow site. The contractual provisions incorporating requirements of DOT will be in lieu of a reclamation plan and in lieu of financial assurance requirements.
 2. Evidence to show that the borrow site and its reclamation will comply with applicable zoning requirements if any.
 3. The annual fees under Section [21.401.01](#) of this Code, shall apply. No fees will be charged for plan review or expedited plan review.
- C. Public Notice and Hearing.** The public notice and hearing provisions of Section [21.301.05](#) of this Code, do not apply to permits issued under this Section.
- D. Permit Issuance.** A permit pursuant to this Section shall be issued within 7 working days of receipt of a complete application.
- E. Multiple Use of Borrow Site.** If the borrow site is used to concurrently supply materials for other than the local transportation project, the permitting in this Section still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the DOT requirements.
- F. Annual Report.** Notwithstanding Wisconsin Administrative Code NR 135.36, the operator of a borrow site under this Section is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

Section 21.301.03 RECLAMATION PERMIT APPLICATION REQUIREMENTS

- A. **Application Required.** No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to this Code unless the activity is specifically exempted in Section [21.101.05](#) of this Code
- B. **Required Submittal.** Prior to beginning mining operations, all operators of nonmetallic mining sites shall apply for and obtain a Marathon County Nonmetallic Mining Reclamation permit. All applications submitted under this Section shall be submitted to the Department and be accompanied by, but not limited to, the following:
1. Marathon County Reclamation Permit Application
 2. The Department's plan review fee
 3. The first year's annual fee, as required by Section [21.401.01](#) of this Code and Wisconsin Administrative Code NR 135.39
 4. A reclamation plan conforming to Wisconsin Administrative Code NR 135.19 and Section [21.301.04](#) of this Code.
 5. A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by Section [21.501.01](#) of this Code and Wisconsin Administrative Code NR 135.40 upon granting of the reclamation permit and before mining begins.
 6. To avoid duplication, the permit application and submittals required by this Section may, by reference, incorporate existing plans or materials that meet the requirements of this Code
- C. **Application Contents.** All applications submitted under this Code shall include, but not limited to, the following:
1. A brief description of the general location and nature of the nonmetallic mine.
 2. A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
 3. The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
 4. The name, address and telephone number of the person or organization who is the operator.
 5. A certification by the operator of his or her intent to comply with the nonmetallic mining reclamation standards as outlined in this Code.

Section 21.301.04 RECLAMATION PLAN

- A. **Plan Required.** An operator who conducts or plans to conduct nonmetallic mining shall submit to the Department a reclamation plan that meets the requirements of this Section and complies with the Standards of this Code. The reclamation plan shall information sufficient to describe the existing natural and physical conditions of the site including:
1. Site Information. The name and address of the operator.
 2. Nature of Deposit. A description of the nature of the deposit and the mining methods that will be used to extract and process the material including the thickness and type of topsoil.
 3. Groundwater. The elevation of observed or estimated groundwater as determined by existing hydrogeological information, in relation to the site elevation reference point. In specific instances where the existing hydrogeological information is insufficient for purposes of the reclamation plan, the applicant may be required to supplement such information with the opinion of a professional geologist or hydrologist.
 4. Biological Resources. Information available to the mine operator on the biological resources, plant communities and wildlife use at and adjacent to the proposed or operating mine site.
 5. Map. A general location map which shall be drawn at a scale of no less than 1 inch equals 200 feet and shall include the following:
 - a. Property Boundary (Parcel Lines). All property boundaries of the land(s) where the mine site is to be located shall be shown.
 - b. Mine Site Boundary. The boundaries of the mine site that will be permitted shall be shown. If the site is to be mined in phases, the boundaries of each phase shall also be shown.
 - c. Nonmetallic Mineral Deposit. The areal extent of the mineral deposit shall be shown.
 - d. Existing topography of affected lands at contour intervals no wider than ten (10) feet.
 - e. Location and names of all streams, lakes, other water features and roads on or within 300 feet of the project site.
 - f. Location of all man made features on or adjacent to the site and the purpose for which each man made feature and the adjoining land is used.
Areas of previous excavations, stockpiles, sediment basins, wash plants or other land previously affected by nonmetallic mining on the site.
 6. Reclamation Measures. All horizontal and vertical measurements shall be referenced to a permanent reference point. The reclamation plan, including maps, information about the site, a description of the proposed reclamation and post mine land use including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the nonmetallic mining site, including provisions for interim reclamation, shall be provided as follows:
 - a. Two printed or one electronic copy of a plan of the proposed reclamation, including erosion control practices necessary during reclamation, final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures including a description of anticipated topography, water impoundments, artificial lakes and anticipated post mining land use. Site specific engineering analysis performed by a registered professional engineer as provided in Section [21.201.01 \(E\)](#) of this Code may be required for slopes steeper than 3 foot horizontal: 1 foot vertical.
 - b. Description of the volume of topsoil or topsoil substitute and other earth materials that will be necessary to complete the proposed reclamation, and the methods for stripping, storage, stabilization, reapplication and conservation methods that will be used during replacement. If off-site material will be used in reclamation of the site, include a description of the source, nature and volume of material
 - c. Description of plans for disposition of manmade features and related facilities after cessation of mining unless they serve to support the post mine land use.
 - d. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
 - e. A seeding plan which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
 - f. A timetable of the commencement, duration, and cessation of reclamation activities.

- g. Quantifiable standards for revegetation adequate to show that a suitable stand of vegetation has been established which will support the post mine land use. Standards for revegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.
 - h. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.
7. Post-Mining Land Use.
- a. The reclamation plan shall specify a proposed post–mining land use for the nonmetallic mine site. The proposed post–mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post–mining land use shall also be consistent with any applicable state, local or federal laws in effect at the time the plan is submitted.
 - b. A statement from the applicable planning or zoning authority that the proposed post mine land use is consistent with zoning and land use plans in effect at the time the application is submitted, unless a change in the zoning or land use plan is proposed.
 - c. Land used for nonmetallic mineral extraction in areas zoned under a farmland preservation zoning ordinance pursuant to subchapter III Wis.Stats.91, shall be restored to agricultural use.
8. Criteria for Successful Reclamation. The reclamation plan shall contain criteria for assuring successful reclamation in accordance with Section [21.201.01 \(H\)](#) of this Code.
9. Alternate Requirements.
- a. Criteria. The Department may approve an alternate requirement to the reclamation standards established in this Code if the operator demonstrates and the Department finds that all of the following criteria are met:
 - 1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternate requirement.
 - 2) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternate requirement is approved.
 - 3) Reclamation in accordance with the proposed alternate requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.
 - b. Procedures.
 - 1) An operator who requests an alternate requirement shall submit the request in writing as required in this Section.
 - 2) The alternate requirement shall be approved or disapproved as provided in this Code. Approval or disapproval shall be in writing and shall contain documentation of the reasons why the alternate requirement was or was not approved.
 - 3) A request for an alternate requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.
 - 4) An opportunity for a public informational hearing pursuant to this Code prior to the Department’s action on a request for an alternate requirement may be provided.
10. Certification of Reclamation Plan.
The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation. The certification shall be binding on the land owner’s or operator’s heirs and assignees or the certification shall be recorded with the register of deeds to inform subsequent owners of the existence of the reclamation plan.
11. Other Information. The Department may require the submittal of such other information as may be necessary to determine the feasibility of the proposed reclamation.
12. Approval. The Department shall approve, approve conditionally, or deny the reclamation plan in writing.

Section 21.301.05 PERMIT CONDITIONS

A. Conditions Applied to All Permits.

1. Right of Access. The filing of an application shall grant the Department the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Code.
2. Lease. A signed copy of the lease or a letter signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Code. The expiration date of the lease or agreement shall clearly be indicated therein.
3. Boundary Staking. Prior to commencing nonmetallic mining operations on a site, the sites permitted boundary (s) shall be staked or otherwise marked. The operator shall notify the Department, a minimum of 2 working days prior to commencing operations, that the site is staked in accordance with this Section. Stakes shall be made of steel, fiberglass or other material acceptable to the Department. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with Department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
4. Conflicts with Other Regulations. The operator shall obtain all applicable local, state and federal permits and/or approvals and copies of these permits and/or approvals must be provided to the Department.
5. Compliance with Reclamation. The operator shall comply with contemporaneous and final reclamation plans for the site.
6. Notification of Completion of Reclamation. The operator shall notify the Department in writing that interim or final reclamation has been completed. The notice may include documentation that the quantifiable standard for revegetation contained in the reclamation plan has been met. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Department for approval of the reclamation before entering the next stage.
7. Solid and Hazardous Waste. Unless permitted under State and/or Federal authority, no solid or hazardous waste shall be stored, buried, or deposited in or on any nonmetallic mining site.
8. Other Conditions. The Department may apply such other requirements as are reasonably necessary to ensure progressive and final reclamation in a manner consistent with this Code and to limit environmental pollution including but not limited to the financial assurance provisions of this Code.

Section 21.301.06 PUBLIC NOTICE AND RIGHT OF HEARING

A. Public Notice.

1. The Department shall publish a public notice of application within 30 calendar days of the receipt of a complete application for a nonmetallic mine reclamation permit.
2. The notice shall be published as a Class 1 notice pursuant to Wis. Stats., 985.07 (1). The notice shall contain the following:
 - a. A description of the mining and reclamation planned at the proposed site.
 - b. The opportunity for a public hearing pursuant to this Section.
 - c. The location at which the public may review the application and all supporting materials including the reclamation plan.
3. Copies of the notice shall be forwarded by the Department to the county or applicable municipal zoning board, county and applicable local planning organization, the clerk of the municipality in which the proposed site is located, the land conservation officer and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the proposed site is located.

B. Public Hearing.

1. County Zoning. (Sites Located in Towns under County Zoning Jurisdiction) If a public hearing is required for a Conditional Use Permit under Chapter 17 of the General Code of Ordinances, an opportunity shall be provided to give testimony on reclamation related matters. The Department shall consider the reclamation related testimony in deciding on a permit application pursuant to this Code.
2. Reclamation Public Hearing. (Sites located in Towns or municipalities where there was not an opportunity for the Department to receive testimony on reclamation matters) If there was not an opportunity for the Department to take testimony under Section [21.301.05 \(B\) \(1\) \(a\)](#) above an

opportunity for a public informational hearing maybe provided as follows: Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of a parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The request must be made within 30 calendar days of the date of the public notice specified in Section [21.301.05 \(A\) \(1\)](#) of this Code. The hearing shall be held no sooner than 30 calendar days or later than 60 calendar days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The subject matter and testimony at this informational hearing, if it is held separately from any zoning related hearing, shall be limited to the reclamation of the proposed nonmetallic mine site.

Section 21.301.07 PERMIT DECISIONS AND APPEAL PROCESS

A. Notice to Clerk: Upon receipt of a complete permit application or appeal, the Department shall notify by mail the clerk of the town in which the operation is located.

B. Granting or Denial.

1. Permits shall be granted or denied no sooner than 30 calendar days nor later than 90 calendar days following receipt of a complete reclamation permit application and reclamation plan, unless a public hearing is held per Section [21.301.05 \(B\) \(1\)](#). If a public hearing is held, the Department shall issue the reclamation permit or deny the permit no later than 60 calendar days after completing the public hearing. Permits will be granted where the Department finds that the provisions of this Code and the relevant standards have been met, one copy of all plans will be stamped "Approved" and returned to the applicant at the time of permit issuance. Permits shall be denied where the provisions of this Code have not been met or if the applicant has failed or continues to fail to comply with the requirements as outlined in Wisconsin Administrative Code NR135.22.
2. Permits shall include general or site specific conditions if necessary, to comply with this Code. Any condition to a permit shall be limited to those items regulated by this Code. A condition of all permits issued for new mines will be that financial assurance will be obtained prior to beginning mining.

C. Expedited Permitting.

- a. Any person may request an expedited permit with the Department. The request shall state the need for the expedited review, the date by which the expedited review is requested and a payment of the fee under Section [21.401.01](#) of this Code.
- b. Any person may request an expedited review if the reclamation permit is to perform services under contract with a municipality. The request shall state the need for expedited review, include a copy of the applicable Sections of the contract, the date by which the expedited review is requested and a payment of the fee under Section [21.401.01](#) of this Code.
- c. Following receipt of a request under this Section, the Department shall inform the applicant of the estimated date for a decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid shall be returned. This review process may not waive the requirements of this Code for a public notice and hearing.
- d. The Department is not obligated to act upon a request for Expedited Permitting under this Section by a specific date.

D. Cooperative Issuance by Multiple Authorities.

If more than one regulatory authority has jurisdiction over a single nonmetallic mining site, the regulatory authorities shall cooperatively issue a single reclamation permit for the nonmetallic mining site.

E. Appeals of Permit Decisions or Administrative Decisions.

1. Any person who meets the requirements of Wis. Stats., 227.42 (1), may obtain a contested case hearing under Wis. Stats., 68.11, on a Department decision to issue, deny, or modify a nonmetallic mine reclamation permit with a request in writing within 30 calendar days of notice to such person of the Department's decision.
 - a. The Board of Adjustment as established under Section 17.801.03 of the General Code of Ordinances

for Marathon County shall serve as the impartial decision maker and shall conduct the hearing pursuant to Wis. Stats., 68.11 (2).

- b. The Board of Adjustment or a person delegated by the Board of Adjustment shall provide a record of the hearing pursuant to Wis. Stats., 68.11 (3).
- c. Within 20 calendar days of completion of a hearing conducted under a. and the filing of briefs, if any, the Board shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination.
- d. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 calendar days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- e. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the county and the person seeking review shall be provided a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

F. Permit Duration.

1. A nonmetallic mine reclamation permit issued under this Code shall last through the operation and reclamation as described in the approved reclamation plan of the mining site, unless suspended or revoked pursuant to Section [21.301.06 \(E\)](#).
2. If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to Section [21.301.06 \(G\)](#).

G. Permit Termination. When all final reclamation required by a reclamation plan conforming to Section [21.301.04](#) and required by this Code is certified as complete pursuant to Section [21.301.04 \(9\)](#), the Department shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

H. Permit Suspension and Revocation.

1. The Department may suspend or revoke a nonmetallic mining permit issued under this Code if the operator has failed to:
 - a. Submit satisfactory reclamation plan within the required timeframes.
 - b. Submit or maintain financial assurance as required.
 - c. Follow the approved reclamation plan on a repetitive or significant basis.
2. Suspension. If the Department makes any of the findings in Section [21.301.06 \(E\) \(1\)](#) of this Code, it may suspend a nonmetallic mining reclamation permit for up to 30 calendar days. During the time of suspension, the operator may not conduct nonmetallic mining at the site except for reclamation or measures to protect human health and the environment as ordered by the Department.
3. Revocation. If the Department makes any findings in Section [21.301.06 \(E\) \(1\)](#) of this Code, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided as required by this Code.

I. Permit Modification.

1. If nonmetallic mining reclamation permit is found by the Department that, due to changing conditions, the nonmetallic mining site no longer is in compliance with this Code it shall issue an order modifying the permit in accordance with Section [21.601.02](#) of this Code. This modifying order may require the operator to amend or submit new application information, financial assurance or other information to ensure compliance with this Code.
2. If operator of any nonmetallic mine that holds a reclamation permit issued under this Code desires to modify such permit or reclamation plan approved under this Code, it may request such modification by

submitting a written application for such modification to the Department. The application for permit or plan modification shall be acted on using the standards and procedures of this Code.

J. Permit Transfer. A nonmetallic mining permit may be transferred to a new operator upon submittal to the Department all of the following:

1. The new operator posts financial assurance pursuant to Section [21.501](#) of this Code. The previous operator shall maintain financial assurance until the new operator has received approval.
2. A written, witnessed certification by the new permit holder that all conditions of the permit will be complied with.

DRAFT

Title 4: FEES

Chapter 21.401

Fees

Section 21.401.01 ANNUAL FEE

- A. **Annual Fees.** Fees shall be assessed for all un-reclaimed acres of a nonmetallic mine site as follows:
1. An application for a permit shall be accompanied by a fee based on each acre that will be impacted by mining. On an annual basis, permitted mines, shall be assessed a fee for each un-reclaimed acre not released pursuant to Section [21.201.01](#) of this Code. Acres shall be rounded to the nearest whole number for calculating fees.
 2. Department of Natural Resources Fee. In addition to the fee listed in Section [21.401.01 \(A\) \(1\)](#) of this Code, the operator shall submit to the Department an annual fee which shall be paid to the DNR pursuant to Wisconsin Administrative Codes NR 135.39 (3) (b) Table 1. and NR 135.39 (6) (b).
 3. Fees shall be assessed pursuant to the Department fee schedule approved by the Environmental Resource Committee and in compliance with Wisconsin Administrative NR 135.39 (4).
 4. Fees for Local Transportation Projects Permitted Under Wisconsin Administrative Code NR135.23 shall be compliant with Wisconsin Administrative Code NR135.23(1) (g)
 5. Permit fees are not refundable after a permit has been issued.
 6. If the Department determines that areas within a mining site have been successfully reclaimed on an interim basis in accordance with the reclamation plan, the Department shall waive annual acreage fees for those areas.

Section 21.401.02 PUBLIC NOTICE AND HEARING FEES

All requests for a contested case hearing before the County Zoning Board of Adjustment shall be accompanied by a fee as set forth in Chapter 17 of the Marathon County General Code of Ordinances – Zoning Code. This fee is in addition to any other fee required by this Code

Title 5: FINANCIAL ASSURANCE

Chapter 21.501

Financial Assurance

Section 21.501.01 NOTIFICATION

Notification. Following approval of the permit, and as a condition of the permit, except for governmental units and local transportation projects permitted under Section [21.301.02](#) of this Code, the Department shall require proof of financial assurance to be filed with the Department equal to the estimated cost of fulfilling reclamation. The Department shall determine the required financial assurance amount of the project site and shall notify the applicant. Upon notification of the required financial assurance amount by the Department, but prior to commencing nonmetallic mining, the operator shall file with the Department said financial assurance conditioned on faithful performance of all requirements of this Code, and the permit. Upon notification by the Department of financial assurance receipt or deposit approval and conformance with permit conditions, the operator may commence nonmetallic mining and reclamation operations.

Section 21.501.02 METHODS OF FINANCIAL ASSURANCE

- A. **Form.** Financial assurance shall be provided by the operator and shall be by bond or an alternate financial assurance. Financial assurance shall be payable to Marathon County, Wisconsin. Nonmetallic mining shall be limited to the phases which have financial assurance approved for them.
- B. **Cancellation.** All financial assurance shall provide that the financial assurance shall not be canceled by the surety, except after not less than 90 day notice to the Department, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver to the Department a replacement form of financial assurance which in absence of all nonmetallic mining shall cease.
- C. **Acreage Covered.** Financial assurance may be provided to the Department but in no instance shall the financial assurance be for an area less than ½ acre. Nonmetallic mining shall be limited to the areas which have financial assurance approved for them.
- D. **Bonds.** Bonds shall be issued by a surety company licensed to do business in this state. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation in lieu of cash payment to the Department. The bond shall be payable to "Marathon County, Wisconsin".
- E. **Alternate Financial Assurance.** An operator may deposit cash, irrevocable letters of credit, irrevocable trusts, established escrow accounts, negotiable certificates of deposit, and negotiable government securities with the Department in lieu of a bond or may demonstrate financial responsibility by meeting net worth requirements as outlined in Wisconsin Administrative Code NR 135.40(13). Certificates of Deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Any interest earned by the financial assurance will be paid to the operator.
- F. **Re-evaluation.** The Department shall review periodically the amount of the mine site's financial assurance to assure it meets outstanding reclamation costs. Reclaimed acres may be released from the financial assurance and the amount of the financial assurance may be adjusted proportionately based upon the remaining un-reclaimed acres of the mine site.
- G. **Changing Methods of Financial Assurance.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to this Code. The operator shall give the Department at least 60 calendar day notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the Department.
- H. **Cancellation/Forfeiture.** Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 calendar day notice to the Department in writing by registered or certified mail. Not less than 30 calendar days prior to the expiration of the 90 calendar day notice of cancellation, the operator shall deliver to the Department a replacement financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect. Financial assurance shall be forfeited if the permit is revoked per this Section and the appeals process has

been completed or an operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

- I. **Bankruptcy Notification.** The operator of a nonmetallic mining site shall notify the Department by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy Code, 11 USC, et seq., naming the operator as a debtor, within 10 working days of commencement of the proceeding.
- J. **Financial Assurance Release.** The Department shall release the operator's financial assurance if it finds, after inspection of the project site and review of documentation provided by the operator, that the operator has fully carried out and completed reclamation of the project site in accordance with the reclamation plan, and has otherwise complied with this Code. Completion of reclamation shall be determined pursuant to the procedures listed in Section [21.301.04](#) of this Code. The Department shall notify the operator in writing within 60 calendar days after site inspection whether or not the reclamation is complete for all or part of the mine or if weather conditions or snow cover make a determination impractical.
- K. **Financial Assurance on Multiple Projects.** Any operator who obtains a permit from the Department for two or more project sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance on each site. Any financial assurance so posted shall be in an amount equal to the estimated cost to the County for reclaiming all sites the operator has under project permits. When an operator elects to post a single financial assurance in lieu of separate financial assurance previously posted on individual sites the separate financial assurance shall not be released until the new financial assurance has been accepted by the Department.
- L. **Multiple Jurisdictions.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities.
- M. **Net Worth Test.** An operator that meets the definition of "company" in Wis. Stats., 289.41 (1) (b) may use the new worth method of providing financial assurance. The operator shall submit information to the Department in satisfaction of the net worth requirements of Wis. Stats., 289.41 (4). The criteria in Wis. Stats., 289.41 (6) (b) (d) (e) (f) (g) (h) and (i) shall apply.
 - 1. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with Wis. Stats., 289.41 (6)
 - 2. The Department's determination of the net worth test shall be in accordance with Wis. Stats., 289.41 (5).
 - 3. The operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this ordinance.
- N. **Interim Reclamation Waiver.** If the Department determines that areas within a mining site have been successfully reclaimed on an interim basis in accordance with the reclamation plan, the Department may reduce/waive financial assurance requirements for those areas.

Title 6: ADMINISTRATION AND ENFORCEMENT

Chapter 21.601

Administration

Section 21.601.01 INSPECTIONS

- A. The Department administrator or designee may enter the premises of a nonmetallic mining site in the performance of their official duties or pursuant to a special inspection warrant issued under Wis. Stats., 66.0119, in order to inspect those premises and to ascertain compliance with this Code and permit or to investigate an alleged violation.
- B. Each active project site shall be inspected by Department personnel at least once annually to ensure that the site is in conformance with the operator's permit and shall make a report of the inspection. The report of the inspection may contain a map or diagram which illustrates the area that has been affected by nonmetallic mining, the area that has been reclaimed and the un-reclaimed area and shall document any activity that is inconsistent with the terms of the permit for the site. The operator shall be provided a copy of the information obtained during the inspection. The Department may, at its discretion, substitute the information obtained in this inspection for the annual operator reporting requirement contained in Section [21.602.01](#) of this Code provided the operator submits the certification specified in Section [21.602.01 \(A\)](#) of this Code to the Department within 30 days of receipt of the inspection report.
- C. The Department shall retain the inspection reports for a period of ten years after a permitted nonmetallic mining site has been determined to be closed and shall make the information available to the Department of Natural Resources upon request.
- D. The Department shall inspect a nonmetallic mining site for which an operator has submitted a report under Section [21.201.02 \(A\) \(6\)](#) of this Code, of the completion of reclamation or interim reclamation within 60 calendar days of receipt of the report and make a determination in writing. If it is determined that interim or final reclamation is complete, including revegetation meeting the quantifiable standard as specified in the reclamation plan approved under Section [21.301.04](#) of this Code, the Department shall issue the mine operator a written certification of completion.

Section 21.601.02 ENFORCEMENT

- A. **Enforcement Orders.** The Department may issue orders as set forth in Wis. Stats., 295.19 (1) (a), to enforce Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR135, this Code, a permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) of this Code. A violation of this Code, an order or permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) of this Code, shall be considered a violation of Subchapter I of Wis. Stats., 295 and Wisconsin Administrative Code NR135.
- B. **Special Orders.** The Department may issue a special order as set forth in Wis. Stats., 295.19(1)(b) and (c), suspending or revoking a nonmetallic mining reclamation permit issued pursuant to Section [21.301](#) of this Code, or directing an operator to immediately cease an activity regulated under Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135 or this Code until the necessary plan approval is obtained.
- C. **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant to this Section shall have the right to review the order in a contested case hearing under Wis. Stats., 68.11, notwithstanding the provisions of Wis. Stats., 68.01, 68.03 (8) and (9), 68.06 and 68.10 (1) (b).
- D. **Citations.** Marathon County may issue a citation under Wis. Stats., 66.119 and Section [21.601](#) of this Code to collect forfeitures to enforce Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135. A permit issued pursuant to this Code or a reclamation plan required by Section [21.301](#) and a permit issued under this Code. The issuance of a citation under this Section shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Section.

Section 21.601.03 PENALTIES

Any person, firm or corporation who fails to comply with Subchapter I of Wis. Stats., 295, Wisconsin Administrative Code NR 135, and/or this Chapter shall be subject to the penalty provisions contained in Section 25.04 of the Marathon County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

Section 21.601.04 GOVERNMENTAL IMMUNITY

In carrying out any of the provisions of this Code or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the Department, its agents and employees.

Chapter 21.602

Reporting

Section 21.602.01 ANNUAL OPERATOR REPORTING

Operators shall submit an annual report for every nonmetallic mine site with a reclamation permit to the Department annually.

- A. The annual report shall cover the activities on unreclaimed acreage for the previous calendar year, and shall include the following:
1. The name and mailing address of the operator.
 2. The parcel identification number of the nonmetallic mining site.
 3. The Nonmetallic Mine Reclamation Permit number assigned by Marathon County.
 4. The acreage currently affected by nonmetallic mining and not yet reclaimed.
 5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
 6. A plan, map or diagram, drawn to scale, accurately showing the acreage described in this Section.
 7. The following certification signed by the operator:

“I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mine reclamation permit and Wisconsin Administrative Code NR 135”.
- B. Annual operator reports shall be submitted to the Department by the operator for all active and intermittent mining sites until nonmetallic mining reclamation at the site is certified complete pursuant to Section [21.301](#) of this Code.

Title 7: DEFINITIONS

Chapter 21.701

General

Section 21.701.01 DEFINITIONS

Alternate Requirement. Means an alternative to the reclamation standards of this Chapter.

Applicable Reclamation Ordinance. Means a nonmetallic mining reclamation ordinance, including this Code that applies to a particular nonmetallic mining site and complies with the requirements of this Code, Wisconsin Administrative Code NR 135 and subchapter I of Wis. Stats., 295, unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (20) (c) If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Wisconsin Administrative Code NR 135.

Board of Adjustment. The Body established under Wis. Stats., 59.694.

Borrow Site. Means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

Contemporaneous Reclamation. Means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

Department. Marathon County Conservation, Planning, and Zoning Department.

Enlargement. Any vertical or horizontal increase beyond dimensions of the original application for the project site.

Environmental Pollution. The meaning in Wis. Stats., 295.11 (2).

Financial Assurance. A commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in Section [21.501](#) of this Code and is sufficient to pay for reclamation activities required by this Code.

Highwall. A vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.

Landowner. Means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

Licensed Professional Geologist. A person who is licensed as a professional geologist pursuant to Wis. Stats., 470.

Licensed Professional Hydrologist. A person who is licensed as a professional hydrologist pursuant to Wis. Stats. 470.

Modification. Any vertical or horizontal decrease within the dimensions of the original application for the project site.

Municipality. Has the meaning as defined in Wis. Stats., 299.01 (8).

Nonmetallic Mineral. A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

Nonmetallic Mining (NMM). Operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals for sale or use by the operator; including the use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading, and dredging. Also includes processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals including but not limited to stockpiling materials, blending mineral aggregates, blasting, grading, crushing, screening, scalping and dewatering.

Does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

Nonmetallic Mining Reclamation or Reclamation. The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mine refuse, grading of the nonmetallic mine site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

Nonmetallic Mining Refuse. Waste soil, rock, mineral, and other natural site waste material resulting from a nonmetallic mine operation. Does not include marketable by-products resulting directly from or displaced by the nonmetallic mine operation.

Nonmetallic Mining Site, Project Site, or Site. All contiguous areas where a nonmetallic mining operation is proposed, present or conducted including all areas from which minerals are stored or processed that are in or contiguous to areas excavated for nonmetallic mining, areas where nonmetallic mining refuse is deposited, and areas affected by activities such as construction or improvement of private roads or haulage ways, areas where grading or regrading is necessary, areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion, are located. Does not include previously mined areas that were not used for nonmetallic mineral extraction after April 1, 1989 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads and areas previously mined but used after April 1, 1989 for non-mining activities such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

Operator. Any person or business entity engaged in or who has applied for a permit to engage in nonmetallic mining whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

Person. An individual owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

Registered Professional Engineer. A person who is registered as a professional engineer pursuant to Wis. Stats. 443.04.

Regulatory Authority. Means of the following:

(a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under Wis. Stats., 295.13, except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).

(b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under Wis. Stats., 295.14.

(c) The Department of Natural Resources, in cases where a county mining reclamation program is no longer in effect under Wis. Stats., 295.14, but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.

Replacement of Topsoil. The replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post mining land use and as required by the reclamation plan.

Solid Waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from

community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stats., or source material, special nuclear material or by-product material, as defined in Wis. Stats., 254.31 (1).

Topsoil. The surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

Topsoil Substitute. Soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

Unreclaimed Acre or Unreclaimed Acres. Those unreclaimed areas in which nonmetallic mining has occurred after April 1, 1989 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under Section [21.201](#) Section [21.201.01\(H\)](#) of this Code and Wisconsin Administrative Code NR135.40 (7). Does not include: areas where reclamation has been completed and certified as reclaimed under Wisconsin Administrative Code NR 135.40 (7); areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after April 1, 1989; areas included in the approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining, and areas previously mined but used after April 1, 1989 for non-mining activity, such as stockpiling of materials used for industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining. .

DRAFT

RESOLUTION #R- 4 -24

Approval of Town of Wausau Local Zoning Ordinance Amendment

WHEREAS, to §60.62(3) Wis. Stats provides that any Zoning Ordinance and/or map adopted by a Town Board and any amendment thereof shall be subject to the approval of the County Board in counties having a county zoning ordinance, and

WHEREAS, the Town Board of the Town of Wausau has amended their zoning as shown on the attached report, and

WHEREAS, the Marathon County Environmental Resources Committee, having considered the request to review amendments of the Town Zoning Ordinance filed by the Clerk of the Town of Wausau and duly advised action by the Town, hereby recommends that the County Board approves this amendment as attached.

NOW, THEREFORE BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves the amendment to the Town of Wausau Zoning Ordinance and/or Zoning map as attached and made part of this record, all of which to be filed with the Marathon County Clerk.

Dated this 5th day of March, 2024

ENVIRONMENTAL RESOURCES COMMITTEE



Jacob Langenhahn, Chair



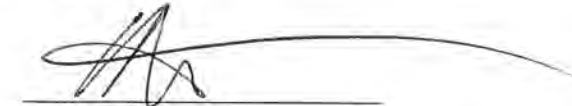
Allen Drabek, Vice Chair



Rick Seefeldt



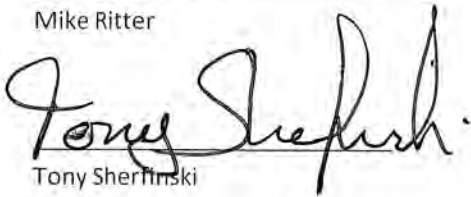
David Oberbeck



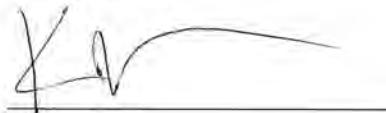
Mike Ritter



Andrew Venzke



Tony Sherfinski



Kim Ungerer

STATE OF WISCONSIN)
COUNTY OF MARATHON) SS
TOWN OF WAUSAU)

RESOLUTION: R-2-2023

WHEREAS, the Town Board of Supervisors of the Town of Wausau has heretofore been petitioned to amend the Town Zoning Ordinance, and

WHEREAS, the Town on due notice conducted a public hearing on the proposed amendment(s), and

WHEREAS, the proposed amendments(s) has been given due consideration by the Town Board in open session,

NOW, THEREFORE, pursuant to §60.62(3) Wis. Stats., the Town Board of Supervisors of the Town of Wausau does hereby request review by the County Zoning Committee and subsequent recommendation for County Board approval of the attached Zoning Ordinance (and accompanying Zoning Map).

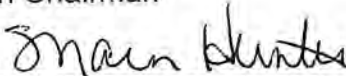
Dated this 15th day of November, 2023



Town Chairman



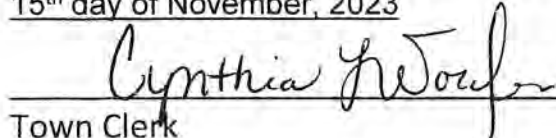
Town Supervisor



Town Supervisor

CERTIFICATION

I, Cynthia L Worden, Clerk of the Town of Wausau, Marathon County, State of Wisconsin of hereby certify that the attached is a true and correct copy of a Zoning Resolution adopted by a majority vote of the Town Board of the Town of Wausau on 15th day of November, 2023



Town Clerk

11/15/2023
Date

PROOF OF PUBLICATION

Wausau Town Of
5203 N 69Th St
Wausau WI 54403-9507

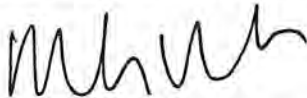
STATE OF WISCONSIN, COUNTY OF BROWN

I being duly sworn, doth depose and say that I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, has been published in said newspaper in the issues dated:

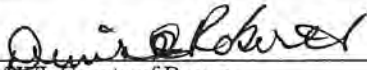
10/30/2023, 11/06/2023

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 11/06/2023



Legal Clerk



Notary, State of WI, County of Brown

46-27

My commission expires

Publication Cost: \$74.67
Order No: 9443944 # of Copies:
Customer No: 1012789 -1
PO #: LWIX0029890

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

DENISE ROBERTS
Notary Public
State of Wisconsin

TOWN OF WAUSAU
NOTICE OF PUBLIC HEARING
Town of Wausau Zoning Code of
Ordinances

Chapter 17 Amendment

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING will be held before the Town of Wausau Planning Commission on Wednesday, the 15th day of November 2023 at 7 p.m. at the Town of Wausau Municipal Building located at 161484 County Road Z, Wausau, WI. 54403.

Sec.17.44. AT-1/40 agricultural transition district.

3 c. Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year, provided that approval is granted by the Town Board or a duly appointed deputy if the use is to exceed thirty (30) days.

New wording:

Sec.17.44. AT-1/40 agricultural transition district.

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Dated this 25th day of October, 2023
Cynthia L Worden, Town of Wausau
Clerk.

WNAXLP

October 30, November 6 2023

LWIX0029890

Town of Wausau Public Hearing – Chapter 17 Amendment

Town of Wausau Municipal Center

161484 Cty Rd Z

Wausau, WI 54403

Wednesday, November 15, 2023

Planning Commission Members Present: Steve Schlei, Darrin Damrow, Mary Ninneman, Sharon Hunter

Absent: Terry Peterson

Chairman Baer called the meeting to order and read the publication to amend Chapter 17 of the Town of Wausau Zoning Code of Ordinance. Section 17.44 AT 1/40 Ag transition District.

The current Town of Wausau Zoning Ordinance reads: **Sec.17.44. AT-1/40 agricultural transition district.**

3 c. Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year, provided that approval is granted by the Town Board or a duly appointed deputy if the use is to exceed thirty (30) days.

The proposed Town of Wausau Zoning Ordinance would read as follows: **Sec.17.44. AT-1/40 agricultural transition district.**

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Comments made during the hearing were that the camper ordinance should be included in zoning district-residential and agricultural. There was concern that only lots under two acres in the ag district should be restricted to the proposed wording. The concern was that with areas with lots under two acres parked campers could infringe on the neighbors' property.

Steve Schlei made a motion and Darrin Damrow seconded to adjourn. Motion passed.

Town of Wausau Planning Commission Meeting

Town of Wausau Municipal Center

161484 Cy Rd Z, Wausau WI 54403

Wednesday, November 15, 2023

Planning Commission Members Present: Steve Schlei, Darrin Damrow, Mary Ninneman, Sharon Hunter

Absent: Terry Peterson

Chairman Baer called the meeting to order.

Steve Schlei made a motion and Darrin Damrow seconded to approve the 10/2/23 minutes. Motion passed.

A CSM for Pete Gutowski was reviewed. The CSM is to readjust the lot line, so the well is located on the same lot as the home. Steve Schlei made a motion to accept the CSM and Mary Ninneman seconded. Motion passed.

Discussion was held on the conditional use request by LLC Telecom to erect a 115-foot tower. Steve Schlei made a motion to approve the 115-foot tower as constructed in the plan presented by LLC Telecom Services. Mary Ninneman seconded. Motion passed.

Discussion was held on the proposed Chapter 17 Amendment - Sec.17.44. AT-1/40 agricultural transition district regarding the storage of campers.

Steve Schlei made a motion to amend Section 17.44 in AT-1/40 agricultural transition district as published. ~~In addition, list the amended wording in the R-1/20 residential district and A-1/80 agricultural district for property under two acres contingent on consulting with the Town Attorney recommendation.~~ Mary Ninneman seconded. Motion passed.

Steve Schlei made a motion and Darrin Damrow seconded to adjourn. Motion passed.

TOWN OF WAUSAU BOARD MEETING 11-15-2023
161484 County Road Z
Wausau, WI 54403

Chairman Baer called the Town of Wausau Board meeting to order following two hearings and a meeting for the town planning commission which all began at 6:30 p.m. at the Town of Wausau Municipal Building.

All elected officials were present.

The first order of business was to review the recommendation of the town planning commission for approval of a certified survey map for Pete Gutowski to adjust his property line with the adjoining property owner to allow for his well to be located on his property rather than the neighboring parcel. A motion was made and seconded to accept the recommendation of the town planning commission and approve a certified survey map for Pete Gutowski in Section 17, Town of Wausau. Hunter/Buntin

A motion was made and seconded to approve the recommendation of the planning commission to approve a conditional use permit for a cell tower for LCC Telecom in Section 32 with the specifications listed on the plan that was submitted and noted on planning commission meeting minutes. Hunter/Buntin

A motion was made and seconded to approve the recommendation of the planning commission to amend wording in the Town of Wausau Zoning Code of Ordinances Section 17.44 3 (c) AT-1/40 agricultural transition district pertaining to the storage of campers/camping trailers. ~~It was also included in the motion that if allowable, the section would be added to the Residential District and also in Ag-1/80 District for property that is 2 acres or less.~~ Hunter/Buntin

3 c. Campers or camping trailers may be stored or parked indefinitely on a property owner's property providing the unit is parked on some type of surface such as cement blacktop, or gravel and does not interfere with the vision clearance triangle. The unit when parked must meet all the setbacks of the zoning district. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed sixty (60) days in a calendar year. Approval by the Town Board or its designee is required if the use is to exceed thirty (30) days.

Board members discussed any update from notifying property owner Jodi Bouchard of 230420 Colonial Rd. on the illegal placement of mailbox. To date there has been no response for a letter sent on October 16, 2023. A motion was made and seconded to send another letter stating that the mailbox will be

removed December 1, 2023, at owner's expense and the town will not be held responsible for any damage done to it during removal. Baer/Buntin

Eric Breitenfeldt 231262 Spur Lane was present to respond to a complaint and letter sent to him about violating the junk car ordinance on his property. He has cleaned it all up to comply.

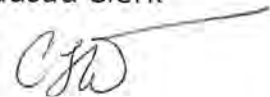
Supervisor Buntin shared information and need to purchase tablet computers for Board members. The clerk should put each meeting material into a file for Board members to have access to before meetings such as previous meeting minutes, invoices, applications for different licenses, or information for other topics. This would also allow Board members to go back and review material easily from past meetings. A proposal from Advanced IT Solutions for 3 Microsoft Surface Pros comes to \$2,099.97 along with a new HP ProBook for the treasurer at a cost of \$849.99. It was pointed out that Jim Borelli uses his personal computer for filling out road grant applications and reporting road ratings to the state. Supervisor Buntin made a motion to purchase 4 Microsoft Pros and 1 HP ProBook along with a dock for the treasurer and allow some expense for training using funds found in budget line R58 (refunds) specifically using the \$5000 that was refunded from the Wausau School District for overcharging the town for Wellborn blacktop costs dating back to when the new Wausau East High School was built. Chairman Baer seconded. Motion so carried.

Jim Borelli led discussion on purchasing a new tractor. He stated that any new John Deere tractor would take 9-12 months. A Case would take 9 months. A New Holland would take about 90 days. The McCormick tractor needs to be replaced. It has been broken down more than running. Parts cannot be gotten anymore. A motion was made and seconded to purchase a new New Holland 145 HP tractor with a Tiger brush head for a cost of \$205,720 from Swiderski Equipment using the remainder of ARPA funds along with future equipment funds in the budget. Baer/Buntin

A motion was made and seconded to purchase a 7-year extended warranty plan for the tractor at a cost of \$15,756 taking the funds also out of the future equipment fund. Baer/Buntin

A motion was made to adjourn. Baer/Buntin

Minutes taken and recorded by Cynthia L Worden, Town of Wausau Clerk



MARATHON COUNTY, WISCONSIN

RESOLUTION #R-5-24

**RESOLUTION TO APPROVE
PUBLIC FINANCE AUTHORITY AS CONDUIT ISSUER
FOR NOT TO EXCEED \$25,000,000 EXEMPT FACILITY
REVENUE BOND FINANCING TO BENEFIT
BUCKHORN RNG, LLC PROJECT**

WHEREAS, the Public Finance Authority (the “Authority”) intends to issue its revenue bonds in an amount not to exceed \$25,000,000 (the “Bonds”) to finance a project on behalf of Buckhorn RNG, LLC, a Delaware limited liability company (or an affiliate thereof, the “Borrower”), consisting of the engineering, construction, installation, improvement, equipping, and operations of a dairy renewable natural gas (“RNG”) production facility comprised of one 2.5 million gallon anaerobic digester, gas upgrading equipment and other related equipment where it will process dairy manure biogas into pipeline quality RNG (collectively, the “Project”), which Project will be owned and operated by the Borrower and co-located with the Lynn Farms Dairy at or in the immediate vicinity of B4595 River Avenue, Unity, Wisconsin (mailing address) located in the Town of Brighton, Wisconsin; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest-ranking executive or administrator of the political jurisdiction within whose boundaries the Project is to be located; and

WHEREAS, the Borrower has requested that Marathon County, Wisconsin (“Marathon County”) approve the financing of the Project and the issuance of the Bonds in order to satisfy the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Exercise Agreement”), and Section 66.0304(11)(a) of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Marathon County, as follows:

1. The County Board hereby approves the issuance of the Bonds by the Public Finance Authority to finance the Project.
2. It is the purpose and intent of the County Board that this Resolution constitutes approval of the issuance of the Bonds by Marathon County, which is a governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Dated: March 19, 2024

Approved as to Form:

Corporation Counsel

Finance Director

County Administrator

I, the undersigned, the duly appointed and qualified Clerk of Marathon County, Wisconsin do hereby certify that the foregoing resolution was duly adopted by the Board of Supervisors at a meeting of said County held in open session in accordance with the requirements of Subchapter V of Chapter 19 of the Wisconsin Statutes on March 19, 2024.

Kim Trueblood, County Clerk



Taxpayers and PFA: All reward, no risk
Public Finance Authority celebrates 10 years of success

By Local Government, for Local Government

- The Public Finance Authority ("PFA") was established by 2009 Wis. Act 205, which the Wisconsin Legislature unanimously approved in 2010.
- Ten years ago, in the midst of the Great Recession, **the effort to create PFA was driven by its sponsor organizations – the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities.**

PFA's Governance

- PFA's sponsor organizations – the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities – continue to play a large role in PFA's governance and operations.
- PFA's Board is comprised entirely of current or former local government officials – **people who have dedicated their careers to the needs of local governments and their communities.**

Giving Local Governments a Voice and Vote

With no risk to taxpayers

- **PFA was established by local governments, for local governments** in order for public and private entities to gain access to **financing that presents no risk to the taxpayer or state and local governments while creating jobs and growing the economy.**
 - As noted in [66.0304\(9\)](#), these bonds are not public debt and the statutes are clear that **state and local governments are not liable for these conduit bonds. In other words, neither a state, any local government nor any taxpayer is responsible for repayment of any bonds PFA issues.**
 - This means that for PFA financed projects, the State of Wisconsin, Wisconsin local governments, and other local governments across the country are taking on **no risk in a PFA transaction.**
 - These bonds are payable solely from the funds pledged for their payment, and the state and local governments would not be required to levy any tax or make any appropriation for payment of the bonds.
- **It has been a cornerstone of PFA's mission to ensure appropriate local approval is obtained for all capital improvement projects in which PFA is involved.** In fact:
 - PFA is required by its enabling statute (see Wis. Stat. § 66.0304(11)(a)) and pursuant to its own founding Joint Exercise of Powers Agreement to obtain approval from

- the local government where the project is located.
- o If a local government “opposes” a project or determines not to grant approval for any reason whatsoever, PFA cannot provide financing.
 - o This differs from most state conduit issuers that typically conduct all necessary public approvals within the confines of their state capitol without regard to project location or local community input.

PFA is a Regulated Entity

- **PFA’s bond issues are also subject to a variety of regulations** relating to the issuance, marketing and sale of municipal securities, and **a wide array of financial professionals advise on these transactions.**

PFA’s 10 Years of Success And Just Getting Started

- PFA assists in financing public benefit projects that **provide local economic development, produce state and local tax base** and otherwise **fill a need where state or local issuing authorities may not be able to serve eligible borrowers.**
 - o **PFA offers a reliable alternative in the market** that project participants and local governments can choose to work with – it’s not mandated or imposed upon them, **they choose it because it’s right for them.**
 - o These public benefit projects:
 - **Create temporary and permanent jobs**
 - **Build affordable housing**
 - **Invest in infrastructure** to improve our communities
 - **Provide financing for nonprofit projects** within a wide range of industries from healthcare to education to community service organizations
- While the interest earned on the bonds PFA issues is exempt from federal taxation, the interest is subject to state and/or local taxation. Therefore, **these projects provide economic and social benefits to local communities while also contributing to state and local government treasuries.**
- PFA projects in Wisconsin and across the country have **contributed to the social and economic growth** of our communities. Economic benefits include:
 - o **Producing** thousands of **construction-related jobs**
 - o **Creating or preserving** thousands of **permanent jobs**
 - o Financing projects that **generate new tax revenue** for the State and a wide range of municipalities, counties, school districts, and other local governments
- As our nation’s small businesses and nonprofit community begin to climb out of the economic havoc brought about by the COVID-19 pandemic, **PFA will continue to provide an additional tool in local government economic development toolboxes.**
 - o As local governments work to create jobs and opportunity, **PFA stands ready to provide qualified projects serving a public benefit with access to the financial markets.**



"By local government, for local government"
Public Finance Authority celebrates 10 years of success

By Local Government, for Local Government

- The Public Finance Authority ("PFA") was established by 2009 Wis. Act 205, which the Wisconsin Legislature unanimously approved in 2010.
- Ten years ago, in the midst of the Great Recession, **the effort to create PFA was driven by its sponsor organizations – the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities.**
- **PFA was established by local governments, for local governments,** in order to provide local governments and eligible private entities with access to low-cost, tax-exempt and other financing for projects that are important to the community and present **no risk to the taxpayer or any state or local government.**

PFA's Governance

- PFA's sponsor organizations – the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities – continue to play a large role in PFA's governance and operations.
- PFA's Board is comprised entirely of current or former local government officials – **people who have dedicated their careers to the needs of local governments and their communities.**

Giving Local Governments a Voice and Vote

- **It has been a cornerstone of PFA's mission to ensure appropriate local approval is obtained for all capital improvement projects in which PFA is involved.** In fact:
 - PFA is required by its enabling statute (see Wis. Stat. § 66.0304(11)(a)) and pursuant to its own founding Joint Exercise of Powers Agreement to obtain approval from the local government where the project is located.
 - If a local government "opposes" a project or determines not to grant approval for any reason whatsoever, PFA cannot provide financing.
 - This differs from most state conduit issuers that typically conduct all necessary public approvals within the confines of their state capitol without regard to project location or local community input.

PFA's 10 Years of Success And Just Getting Started

- PFA assists in financing public benefit projects that **provide local economic development, produce state and local tax base** and otherwise **fill a need where state or local issuing authorities may not be able to serve eligible borrowers.**
 - **PFA offers a reliable alternative in the market** that project participants and local governments can choose to work with – it's not mandated or imposed upon them, **they choose it because it's right for them.**
 - These public benefit projects:
 - **Create temporary and permanent jobs**
 - **Build affordable housing**
 - Invest in infrastructure to improve our communities
 - **Provide financing for nonprofit projects** within a wide range of industries from healthcare to education to community service organizations
- PFA projects in Wisconsin and across the country have **contributed to the social and economic growth** of our communities. Economic benefits include:
 - **Producing** thousands of **construction-related jobs**
 - **Creating or preserving** thousands of **permanent jobs**
 - Financing projects that **generate new tax revenue** for the State and a wide range of municipalities, counties, school districts, and other local governments
- As our nation's small businesses and nonprofit community begin to climb out of the economic havoc brought about by the COVID-19 pandemic, **PFA will continue to provide an additional tool in local government economic development toolboxes.**
 - As local governments work to create jobs and opportunity, **PFA stands ready to provide qualified projects serving a public benefit with access to the financial markets.**

Resolution #R-6-24

ADOPT THE 2024 ADMINISTRATION WORK PLAN

WHEREAS, the Marathon County Board Rules call for the formal adoption of a work plan of the County Administrator; and

WHEREAS, the work plan clarifies priorities of work for the year; and

WHEREAS, the Marathon County Executive Committee has received a series of updates on the progress relative to the 2024 Work Plan to better determine work priorities for the County Administrator for 2024; and

WHEREAS, at their March meeting, the Executive Committee approved the work plan as attached and moved to recommend the plan for adoption by the County Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves and adopts the attached County Administration 2024 Plan of Work and requests that the Administrator work to further determine timelines for completion based on the Board's action today.

Dated this 19th day of March, 2024.

EXECUTIVE COMMITTEE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Fiscal Impact: No fiscal impact. This resolution will formally adopt the Administrator's work plan for 2024 but will not directly affect the budget.

Point total from all Supervisors Rankings

2024 DRAFT ADMINISTRATION WORK PLAN

1. Facilities-related Projects

- 14 A. Complete approved Lake View Campus renovation projects and relocate designated departments to the Lake View Drive Campus.
- 11 B. Deliver Revised Master Summary Facilities Plan to county board based on projects approved in 2024 Annual Budget
- 3 C. Present County Board with theoretical financial and operational plan for new Highway Department Shop Construction
- 11 D. Oversee Regional Forensic Science Center construction and prepare for commencement of operations
- E. Assist County Board in evaluating Ice Arena Feasibility Study and move forward as directed
- 3 F. Assist HRFC in its effort to develop a Policy/Process relative to the divestment of County-owned facilities and properties (**non-tax deed**)
- G. Provide proposed updates to §7.07 of the County ordinances (Parking at Courthouse Complex, River Drive complex, and Social Services building)

2. Budget-related Projects

- 15 A. Improve Budget process as requested by the County Board and HRFC
- 7 B. Enhance 5-year Capital Improvement PPlan
- 11 C. Develop a countywide vehicle fleet program
- 6 D. Report to Public Safety on the utilization relative to Alcohol Treatment Court, including alternative proposals if appropriate.
- 1 E. Develop a Proposal for consideration for the creation of a Procurement/Purchasing Agent position
- F. Report to Executive Committee on Program Budgeting options

3. Financial Related Projects

- 2 A. Negotiate Conduit Bonding agreement based on direction from EEED, HRF, and ER Committees
- 8 B. Review Fund Balance policies and update as directed by the Board and implement necessary operational changes
- 11 C. Deliver Quarterly financial reports to Standing Committees for departments under their jurisdiction referenced in Board rules, beginning in May 2024 (develop monthly reports for HR, Finance & Property Committee)
- 6 D. Continued Implementation of Workday ERP System to replace Cayenta financial system and develop a plan to centralize finance staff (see also HR-related project)
- 5 E. Provide staff support for Board in American Rescue Plan Act funding deployment
- 2 F. Provide staff support for continued deployment of Opioid Settlement funding
- 3 G. Develop a proposal for Parks, Recreation, & Forestry revenue and Leased-Property

revenue set aside to contribute to funding future capital projects

5 H. Assist HRFC in addressing Tax Delinquent Parcel backlog

4. Human Resource Related Projects

13 A. Continue Implementation of Workday ERP System (our first HCM system), including Learning Management System

16 B. Evaluate Health Care Insurance Delivery methodology (fully insured vs. self-funded) through budget process

13 C. Deliver proposed update to Human Resources policies to HR Finance & Property Committee for consideration

5. Intergovernmental Partner/ miscellaneous work

19 A. North Central Health Care – continue to provide oversight and work to enhance financial performance and service quality

4 B. City/County Information Technology Commission – serve as the CCITC Chair and work to ensure Marathon County receives necessary IT support, while we control our IT spending.

2 C. Marathon County Public Library - Review and revise agreements relative to facility, legal, HR, and financial services provided by Marathon County governments.

5 D. Criminal Justice Coordinating Council – continue to lead the system budgeting discussions with stakeholders to enhance resource allocation decisions.

6 E. Develop a Countywide Dashboard, displaying data regarding Department-based and Program-based performance measures to aid in department and program assessment

 F. Deliver proposed updates to §12.04 developed by Assemblies Workgroup for consideration by the Board.

5 G. Confer with local municipalities and other stakeholders to evaluate opportunities to aid in improving service delivery to unhoused persons (including Community On Call system)

H. Evaluation of zoning options regarding marijuana cultivation

Projects to be Addressed in future year Work Plans, or current year Work Plan upon Board approval:

8 A. Secure an external forensic audit resource to conduct periodic reviews of departmental budgets to assess compliance with existing Marathon County ordinances and best practices.

6 B. Conduct Needs Assessment and Feasibility Study relative to delivery of Emergency Medical Services through countywide system

6 C. Engage Library Board to identify appropriate use for 3rd Floor and corresponding CIP plan

 D. Secure a Telecommunications Audit

12 E. Assist the Board in clarifying the long-term relationship with UWSP – Wausau and identifying a sustainable funding strategy for capital improvement projects on the campus

 F. Aid in the Comprehensive Review of Marathon County Ordinances

___7___ G. Aid the Board in Updating existing Comprehensive Plan and conducting New Strategic Plan

___3___ H. Conduct RFP for General Liability Insurance – WMMIC/County Mutual Insurance

Points were awarded in reverse order with highest of the 3 receiving 3 points next 2 and 3rd choice received 1 point

RESOLUTION #R-7-24

Establish Salaries For County Clerk, Treasurer and Register of Deeds Elected
Department Heads for Their Upcoming Term of Office

WHEREAS, pursuant to Wis. Stat. § 59.22(1), the Board must establish the annual compensation for services to be paid to certain county elected prior to the earliest time for filing nomination papers for county elective offices; and

WHEREAS, it is the recommendation of the Human Resources, Finance and Property Committee that the compensation for the County Clerk, Treasurer, and Register of Deeds be set consistent with the internal compensation system adopted in 2022, while also considering local comparable positions reviewed by the Committee in March 2024, thereby ensuring individuals in these positions are fairly compensated for their duties while also ensuring that we continue to retain and attract high-quality individuals to run for these important elected offices; and

WHEREAS, the Human Resources, Finance and Property Committee at their March 13, 2024 meeting has recommended the base salaries for the Clerk, Treasurer, and Register of Deeds be set at 10% range penetration point in the respective position grades, set forth in the table below, for the first year of the respective 4-year term (2025); and

WHEREAS, the total salaries for each position would increase by 3% over the preceding year throughout the remainder of the respective 4-year term (2026, 2027, and 2028), resulting in the total salaries provided in the table below, before the base salary referenced above would be re-evaluated for the 2029-2032 term based on any modifications to the position classification grading system:

			Initial				
	Grade	Current	Increase	2025	2026	2027	2028
Clerk	S	\$83,422	12.4%	\$93,733	\$96,545	\$99,441	\$102,425
Treasurer	P	\$73,351	4.3%	\$76,511	\$78,806	\$81,170	\$83,605
Register of Deeds	P	\$68,772	11.3%	\$76,511	\$78,806	\$81,170	\$83,605
Annual Increase					3%	3%	3%

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does ordain the following:

- (1) To announce the following annual salaries for elected department head positions with the intent to provide the positions with the salaries set forth in the table below:

	Grade	2025	2026	2027	2028
Clerk	S	\$93,733	\$96,545	\$99,441	\$102,425
Treasurer	P	\$76,511	\$78,806	\$81,170	\$83,605
Register of Deeds	P	\$76,511	\$78,806	\$81,170	\$83,605

- (2) Authorize the County Clerk to issue checks pursuant to this resolution and the County Treasurer to honor said checks.

DATE: March 19, 2024

Human Resources, Finance and Property Committee

FISCAL IMPACT STATEMENT:

The cumulative fiscal impact during the 2025-2028 term of office over the 2021-2024 term of office is set forth below:

Clerk	\$58,456
Treasurer	\$26,688
Register of Deeds	\$45,004
Total	\$130,149

RESOLUTION #R-7-24

Establish Salaries For County Clerk, Treasurer and Register of Deeds Elected Department Heads for Their Upcoming Term of Office

WHEREAS, pursuant to Wis. Stat. § 59.22(1), the Board must establish the annual compensation for services to be paid to certain county elected prior to the earliest time for filing nomination papers for county elective offices; and

WHEREAS, it is the recommendation of the County Board of Supervisors that the compensation for the County Clerk, Treasurer, and Register of Deeds be set based upon a comparison to state and national elected salaries for similar positions instead of using an internal comparison method; and

WHEREAS, the County Board of Supervisors recommends that the total salaries for each position increase by 3% over the preceding year throughout the remainder of the respective 4-year terms (2026, 2027, and 2028) for each position, resulting in the total salaries provided in the table below:

	Current	Initial Increase	2025	2026	2027	2028
Clerk	\$83,422	7.0%	\$90,930	\$93,658	\$96,468	\$99,362
Treasurer	\$73,351	10.0%	\$83,351	\$85,852	\$88,428	\$91,081
Register of Deeds	\$68,772	21.0%	\$83,351	\$85,852	\$88,428	\$91,081
Annual Increase				3%	3%	3%

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does ordain the following:

- (1) To announce the following annual salaries for elected department head positions with the intent to provide the positions with the salaries set forth in the table below:

	2025	2026	2027	2028
Clerk	\$90,930	\$93,658	\$96,468	\$99,362
Treasurer	\$83,351	\$85,852	\$88,428	\$91,081
Register of Deeds	\$83,351	\$85,852	\$88,428	\$91,081

- (2) Authorize the County Clerk to issue checks pursuant to this resolution and the County Treasurer to honor said checks.

DATE: March 19, 2024

Fiscal Impact: The cumulative fiscal impact during the 2025-2028 term of office over the 2021-2024 term of office is set forth below:

Clerk	\$46,730
Treasurer	\$55,308
Register of Deeds	\$73,553
Total	\$175,591

RESOLUTION # R-8-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING LEAD-IN-WATER GRANT

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, the Marathon County Health Department is the recipient of a grant from the State of Wisconsin Department of Health Services in the amount of up to \$48,000 through the Lead-in-Water Testing and Remediation Initiative to implement a water sampling program in Marathon County childcare centers and coordinate remediation measures for the Wisconsin Lead-in-Water Testing and Remediation Initiative; and

WHEREAS, the grant funds would support and enhance the Health Department’s required lead abatement activities, activities that are required to be performed by local health departments pursuant to Wisconsin Administrative Code DHS 254; and

WHEREAS, on March 6,2024, the Health and Human Services Committee voted to recommend acceptance of the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Health Department budget for use in lead investigation, intervention, and abatement activities; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Health Department budget for use in lead investigation, intervention, and abatement activities.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund Lead-In-Water Grant
Transfer to:	Grant Fund Health Department operating cost center
Amount:	\$48,000
Re:	Wisconsin Lead-in-Water testing and remediation initiative revenue

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

HEALTH AND HUMAN SERVICES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Fiscal Note: This resolution modifies the revenues and expenditures for health department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

RESOLUTION # R-9-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING INCREASE IN GRANT FUNDS

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, in March of 2023, the Marathon County Board of Supervisors approved the acceptance of \$63,079 in grant funds as the fiscal agent to the Nicotine Prevention Alliance of Central Wisconsin, a tri-county prevention alliance that serves Marathon, Wood, and Portage counties. Funds allocated are being used to implement strategies that prevent and address harm caused by Electronic Nicotine Delivery Systems to Marathon County residents under the age of 24; and

WHEREAS, in 2024, additional funds under the same grant became available to the Marathon County Health Department. Marathon County may now receive up to \$63,079 per contract year in 2024 and 2025 as the fiscal agent to the Nicotine Prevention Alliance of Central Wisconsin, a tri-county prevention alliance that serves Marathon, Wood, and Portage counties. Funds allocated are being used to implement strategies that prevent and address harm caused by Electronic Nicotine Delivery Systems to Marathon County residents under the age of 24; and

WHEREAS, the grant funds would support and enhance the Health Department's activities aimed at addressing risk and protective factors to prevent vaping by youth and to develop and implement effective strategies and policies to reduce the impact of vaping products and to support non-punitive disciplinary processes; and

WHEREAS, on March 6, 2024, the Health and Human Services Committee voted to recommend acceptance of the increased grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Health Department budget for use in implementing strategies that prevent and address harm caused by Electronic Nicotine Delivery Systems to Marathon County residents under the age of 24; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Health Department budget for use in implementing strategies that prevent and address harm caused by Electronic Nicotine Delivery Systems to Marathon County residents under the age of 24.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund Nicotine Prevention Grant revenue
Transfer to:	Grant Fund Health Department operating cost center
Amount:	\$63,079
Re:	Nicotine Prevention Alliance of Central Wisconsin Electronic Nicotine Delivery Grant

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

HEALTH AND HUMAN SERVICES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Fiscal **Note:** This resolution modifies the revenues and expenditures for health department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

RESOLUTION # R-10-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING WDNR SURFACE WATER GRANT

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, Marathon County is eligible to receive up to \$99,760.00 from the Wisconsin Department of Natural Resources Surface Water Grant. Funds allocated are being used to fund the aerator replacement project at the Big Eau Pleine; and

WHEREAS, the grant funds would support the Big Eau Pleine aerator project, which has previously been approved by the Marathon County Board, supplementing the cost of replacing the aerators and allowing for monitoring of fish and water health quality; and

WHEREAS, on March 5, 2024, the Environmental Resources Committee voted to recommend acceptance of the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in supplementing the cost of the Big Eau Pleine aerator project; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in supplementing the cost of the Big Eau Pleine aerator project.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund WNR Surface Water Grant Award
Transfer to:	Grant Fund Conservation, Planning and Zoning operating cost center equipment expense
Amount:	\$99,070
Re:	WDNR Surface Water Grant

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

ENVIRONMENTAL RESOURCES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Fiscal **Note:** This resolution modifies the revenues and expenditures for the CPZ department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

RESOLUTION # R-11-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING NATURE CONSERVANCY GRANT

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, Marathon County is eligible to receive up to \$10,000.00 from Nature Conservancy. Funds would be utilized to implement conservation practices within the Big Eau Pleine watershed; and

WHEREAS, the grant funds would be utilized for direct payments to landowners who implement conservation practices to improve water quality in the Eau Pleine watershed; and

WHEREAS, on March 5, 2024, the Environmental Resources Committee voted to recommend acceptance of the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing conservation practices to improve water quality in the Eau Pleine watershed; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing conservation practices to improve water quality in the Eau Pleine watershed.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund Nature Conservancy Grant
Transfer to:	Grant Fund Conservation, Planning and Zoning operating cost center
Amount:	\$10,000.00
Re:	Nature Conservancy Grant Award

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

ENVIRONMENTAL RESOURCES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Fiscal Note: This resolution modifies the revenues and expenditures for CPZ department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

RESOLUTION # R-12-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING DATCP NUTRIENT PEST
MANAGEMENT IMPLEMENTATION GRANT

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, Marathon County is eligible to receive up to \$1,350.00 from the Wisconsin Department of Agriculture, Trade and Consumer Protection. Funds would be utilized to implement nutrient management plans on farms; and

WHEREAS, the grant funds would fund six farmer stipends and three agronomist stipends to allow farmers to work with County staff and agronomists to review nutrient plans and discuss and implement best management practices; and

WHEREAS, on March 5, 2024, the Environmental Resources Committee voted to recommend acceptance of the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing nutrient management plans; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing nutrient management plans.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund DATCP grant revenue
Transfer to:	Grant Fund Conservation, Planning and Zoning operating cost center direct payments
Amount:	\$1,350.00
Re:	DATCP Nutrient Pest Management Implementation Grant

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

ENVIRONMENTAL RESOURCES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Fiscal **Note:** This resolution modifies the revenues and expenditures for the CPZ department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

RESOLUTION # R-13-24
APPROVE AMENDMENT TO 2024 BUDGET ACCEPTING
MISSISSIPPI STATE UNIVERSITY GOOD IDEA MINI GRANT

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and

WHEREAS, Marathon County is eligible to receive up to \$8,000.00 from Mississippi State University's Good Idea Mini Grant. Funds would be utilized to implement and monitor phosphorus-reducing filter strips, including perennial hay, pollinator planting, and wildlife enhancement strips; and

WHEREAS, the grant funds would permit monitoring and educational videos to encourage similar conservation practices; and

WHEREAS, on March 5, 2024, the Environmental Resources Committee voted to recommend acceptance of the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing and monitoring phosphorus-reducing filter strips, including perennial hay, pollinator planting, and wildlife enhancement strips; and

WHEREAS, on March 13, 2024, the Human Resources, Finance and Property Committee accepted the grant funds and recommended the Marathon County Board of Supervisors transfer the grant funds into the Conservation, Planning and Zoning Department budget for use in implementing and monitoring phosphorus-reducing filter strips, including perennial hay, pollinator planting, and wildlife enhancement strips.

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorizes and direct the budget amendment as listed below for 2024:

Transfer from:	Grant Fund-MU Good Idea Grant
Transfer to:	Grant Fund-Conservation, Planning and Zoning Cost Center Supplies and Expense
Amount:	\$8,000.00
Re:	Good Idea Mini Grant Award

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a Class 1 Notice of this transaction shall be published within (10) days of its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

Respectfully submitted this 19th day of March, 2024.

ENVIRONMENTAL RESOURCES COMMITTEE

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

_____	_____
_____	_____
_____	_____

Fiscal **Note:** This resolution modifies the revenues and expenditures for the CPZ department funds by including accepted grant funds into the operational budget. There is no additional County tax levy appropriated in this resolution.

Resolution # R-14-24

RESOLUTION AMENDING THE 2024 CAPITAL IMPROVEMENT PROGRAM BUDGET FOR CTH "U" ARTUS CREEK BOX CULVERT PROJECT AND APPROVING A BUDGET TRANSFER IN THE AMOUNT OF \$125,000 FROM HIGHWAY DEPARTMENT RESERVE FUND

- WHEREAS,** The Board of Supervisors of Marathon County previously approved the 2024 Capital Improvement Program (CIP) and Budget; and
- WHEREAS,** the Capital Improvement Program is a dynamic process and subject, pursuant to Resolution R-89-91, to periodic review and/or amendment; and
- WHEREAS,** there is a newly discovered need to amend the 2024 CIP to identify and prioritize funding for a new bridge to replace the existing structure in the 2024 CIP; and
- WHEREAS,** the total amount required for the project will be \$125,000; and
- WHEREAS,** the Highway Commissioner is also applying for federal bridge aid funds relative to this issue, but any awarding of these funds would not occur in time to address the immediate need; and
- WHEREAS,** there is a request to use Highway Reserve funds in the amount of \$125,000 to cover the costs of the CTH U, Artus Creek Box Culvert Project; and
- WHEREAS,** the Infrastructure Committee has reviewed the request and has recommended approval of the use of Highway Reserve funds in the amount of \$125,000; and
- WHEREAS,** the Human Resources and Finance and Property Committee has reviewed the request and has recommended approval to amend the 2024 CIP for the CTH U, Artus Creek Box Culvert Project; and
- WHEREAS,** the Infrastructure Committee and the Human Resources and Finance and Property Committee of the Board of Supervisors of Marathon County recommends transferring funds from the Highway Department's Reserve Fund in the amount of \$125,000.00 to fund the CTH U, Artus Creek Box Culvert Project.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Marathon does hereby resolve and ordain to amend the 2024 Capital Improvement Project Budget to add the following project:

CTH U, Artus Creek Box Culvert Project

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the funding for this project shall be in the amount of \$125,000.00 and shall be transferred from the Marathon County Highway Department Reserve Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Marathon does hereby approve a budget amendment and budget transfer of \$125,000.00 from the Highway Department Reserve Fund to the Highway Department Operations budget to fund the work on the CTH U Artus Creek Box Culvert Project.

Dated this 19th day of March 2024.

INFRASTRUCTURE COMMITTEE
March 7th, 2024

/s/ Craig McEwen, Chair

/s/ Tom Seubert

/s/ Chris Dickinson, Vice Chair

/s/ Joel Straub

/s/ John Robinson

/s/ Gary Gisselman

/s/ Jasper Hartinger

HUMAN RESOURCES AND FINANCE AND PROPERTY COMMITTEE
March 13th, 2024

/s/ John Robinson, Chair

/s/ Kody Hart

/s/ Alyson Leahy, Vice Chair

/s/ Ann Lemmer

/s/ Kurt Gibbs

/s/ Yee Leng Xiong

/s/ Gayle Marshall

Fiscal Impact: This resolution funds the CTH U, Artus Creek Box Culvert Project with the Highway Department Reserve Fund.

Legal Note: As a resolution approving a budget amendment, this resolution requires a 2/3 majority vote.

RESOLUTION #R-15-24

**RESOLUTION APPROVING CONNECTION TO CONTROLLED ACCESS HIGHWAY
(COUNTY HIGHWAY R)**

WHEREAS, Marathon County has established County Highway R as a controlled access highway pursuant to Wis. Stat. § 83.027(1); and

WHEREAS, pursuant to Wis. Stat. § 83.027(4), the County Board must approve of the connection of any street, highway, or private driveway to a controlled access highway, which approval shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given; and

WHEREAS, on March 7, 2024, the Marathon County Infrastructure Committee considered a request to connect a portion of Swallow Lane in the Village of Rib Mountain to a controlled access portion of County Highway R as outlined in the attached planning exhibit. The Infrastructure Committee found that approval of such a connection would serve the public interest and recommended that the Marathon County Board of Supervisors approve such a connection.: and

WHEREAS, any and all cost for required turn lanes and or exit gates shall be the cost of the developer:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby approve the connection of a portion of Swallow Lane in the Village of Rib Mountain, Marathon County, to the controlled access portion of County Highway R as outlined in the attached planning exhibit, which is incorporated into this resolution by reference. The County Board finds that this connection would serve the public interest and directs that the approval be conditioned upon the connection being consistent with the connection as described in the attached planning exhibit.

Dated this 19th day of March, 2024.

INFRASTRUCTURE COMMITTEE

Fiscal Impact: None.

RESOLUTION #R-16-24

RESOLUTION DESIGNATING THE WEEK OF APRIL 15 THROUGH APRIL 19, 2024, AS
“WORK ZONE AWARENESS WEEK” IN MARATHON COUNTY

WHEREAS, in 1999, the Federal Highway Administration partnered with the American Association of State Highway Officials and more recently the American Traffic Safety Services Association to create the National Work Zone Safety Awareness campaign which is held annually in April prior to construction season in much of the nation; and

WHEREAS, the Wisconsin County Highway Association is asking all seventy-two counties in the state to unite and kick off “Work Zone Safety Awareness Week” with a resolution and campaign to raise awareness for its workers, the traveling public, public safety workers, and those of various highway contractors performing work for the counties; and

WHEREAS, construction and maintenance activities on our streets and highways periodically require that work zones be established; and

WHEREAS, there have been over 2,000 work zone crashes in Wisconsin in each of the last three years; and

WHEREAS, in 2022, there were 857 fatalities in 774 work zone crashes in the United States; and

WHEREAS, in 2017, Wisconsin suffered from were nearly 2,700 crashes in road construction and maintenance zones, resulting in over 1,000 injuries and six fatalities; and

WHEREAS, between 2012 and 2017, there were 55 fatalities recorded as a result of crashes in Wisconsin work zones including three Wisconsin County Highway workers who were killed in work zones in 2015; with another recent fatality of a County Highway Worker in Milwaukee County in 2023; and;

WHEREAS, in 2022, there were 513 crashes reported in Marathon County of which 8 occurred within a Work Zone and resulted in three injuries; and

WHEREAS, through their enforcement activities and other participation, the Marathon County Sheriff’s Office, Wisconsin State Patrol, and Marathon County Highway Department are committed to working together in 2024 to make Work Zone Awareness Week a success; and

WHEREAS, the Federal Highway Administration has designated April 15 through April 19, 2024 as National Work Zone Awareness Week. The theme or slogan for 2024’s event is “Work Zones are temporary. Action behind the wheel can last forever.”

NOW, THEREFORE, BE IT RESOLVED, by the Marathon County Board of Supervisors that the week of April 15 through April 19, 2024 be designated as Work Zone Awareness Week in Marathon County, with the theme or slogan for 2024’s event as “Work Zones are temporary. Action behind the wheel can last forever.”.

DATED THIS 19th DAY OF MARCH 2024.

INFRASTRUCTURE COMMITTEE
March 7th, 2024

/s/ Craig McEwen, Chair

/s/ Tom Seubert

/s/ Chris Dickinson, Vice Chair

/s/ Joel Straub

/s/ John Robinson

/s/ Gary Gisselman

/s/ Jasper Hartinger