

Notice of Meeting of the Dodge County Board of Supervisors

There will be a meeting of the Dodge County Board of Supervisors on **Tuesday, March 19, 2013**, at **7:00 PM** in the County Board Room located on the fourth floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

The Agenda for the Meeting is as follows:

Call to Order by Russell Kottke, County Board Chairman

Pledge of Allegiance

Roll Call

Approve Minutes from January 15, 2013, County Board Session

Communications on File:

Special Orders of Business:

Confirm Appointments made by County Administrator

1. Re-appoint Robert Ballweg to the Loan Advisory Committee for a one year term commencing on March 17, 2013 to March 17, 2014, both inclusive.
2. Appoint Erin Bussian to replace Lorna Negan on the Community Options Planning Committee.
3. Appoint Edward Premo to fill the vacant alternate seat on the Board of Adjustment Committee. His term will expire on February 21, 2014.

Confirm Appointments made by County Board Chairman

1. Appoint William Kuter as a member of the Board of Directors for the Friends of Clearview Committee for a two year term commencing March 19, 2013 to March 19, 2015, both inclusive.

Resolutions on File:

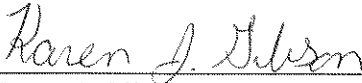
- 12-75 Approve Fee Schedule for Farmland Preservation Program – Land Conservation Committee
- 12-76 Amend Town of Lowell Zoning Ordinance – Daniel and Jeanette Cahoon Property – Supervisor Marsik
- 12-77 Amend Town of Lowell Zoning Ordinance – Vivian Hamann Property – Supervisor Marsik
- 12-78 Authorize the Finance Director to transfer \$33,500.00 from Sales and Use Tax Receipts to Buildings, Maintenance and Repair and approve and accept bid for the Administration Building Stone Restoration Project – Building Committee
- 12-79 Direct the Planning, Development and Parks Committee and its representatives to negotiate the terms and conditions of a loan to Northwoods Paper Converting, Inc. – Planning, Development and Parks Committee
- 12-80 Confirm appointment of Janet A. Wimmer to the full-time benefited position of Director of Human Services and Health – Human Services and Health Board
- 12-81 Approve Proposed Land Use Agreement – Highway Committee

Reports on File:

1. Annual County Board/Appointed Officials Compensation – Audit Committee
2. Ordinance No. 905 – Amend Land Use Code – David and Kari Prunty Property – Section 7, Town of Lomira - Planning, Development and Parks Committee

Set Next Meeting Date & Time

Recess



Karen J. Gibson, Dodge County Clerk

Any person wishing to attend who, because of a disability, requires special accommodation, should contact the Dodge County Clerk's Office at (920) 386-3600, at least 24 hours before the scheduled meeting time so appropriate arrangements can be made. The building entrance which is accessible by a person with a disability is located on the east side of the building off of Miller Street.

Any invocation that may be offered before the official start of the Board meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Board. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Board, and the Board does not endorse the religious beliefs or views of this, or any other speaker.

Dodge County Board of Supervisors
January 15, 2013 – 7:00 p.m.
Administration Building - Juneau, Wisconsin

The January session of the Dodge County Board of Supervisors was called to order by Chairman Russell Kottke at 7:00 p.m.

The Board rose to say the Pledge of Allegiance.

Roll call was taken by the Clerk with all Supervisors being in attendance with the exception of Supervisors David. Houchin, Johnson, and Layman, who had previously asked to be excused.

A motion was made by Supervisor Grebel and seconded by Supervisor Maly to approve the minutes of the December 18, 2012, session of the County Board meeting as recorded, and dispense with the reading of the minutes. The motion passed by acclamation with no negative votes cast, and was so ordered by the Chairman.

Communications:

The Clerk read a letter from the Watertown Public Library Board of Trustees thanking the board for their support. The Chairman ordered this to be placed on file.

Special Orders of Business:

The Chairman called for the First Special Order of Business: Chairman Kottke called upon Supervisor Nelson, Chairman, Land Conservation Committee. Supervisor Nelson introduced Marc Bethke, County Land Conservationist. Mr. Bethke gave a power point presentation on the Dodge County Land and Water Resource Management Plan. Mr. Bethke spoke about the resource issues affecting Dodge County and the goals to help resolve these issues. Questions by Supervisors Berres and Borchardt were answered by Mr. Bethke. Comment was made by Supervisor Grebel.

Chairman Kottke then called for the Second Special Order of Business: Chairman Kottke called upon Supervisor Frohling, Chairman, Finance Committee. Supervisor Frohling introduced John Hochkammer and Kyle Christianson from the Wisconsin Counties Association. Mr. Hochkammer and Mr. Christianson gave a power point presentation on the State Budget and its impact on Dodge County. Questions by Supervisors Berres, Marose, and Schmitt were answered by Mr. Hochkammer, Mr. Christianson and Chairman Kottke. Comments were made by Supervisors Marose, Schmitt, Frohling, Mr. Christianson, Mr. Hochkammer, and Chairman Kottke.

The following Resolutions, Report and Ordinance were read by the Clerk and acted upon by the Board:

Resolution No. 12-68 Approve Revised 10-year Land and Water Resource Management Plan – Land Conservation Committee. A motion for adoption was made by Supervisor Adelmeyer and seconded by Supervisor Nelson. Comment made by Supervisor Schmitt. The vote was cast with 28 ayes and 1 abstention, thereby adopting the Resolution.

Ayes: Pollesch, Kottke, Bobholz, Nelson, Marsik, Grebel, Greshay, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gohr, Gunderson, Bischoff, Caine, Behl, Berres, Frohling, Marose, Duchac, Hoelzel, Maly, Fabisch, Miller, Stousland, Ballweg, Mattson. Total 28.

Abstention: Schmitt. Total 1.

Absent: Johnson, Houchin, David, Layman. Total 4.

Resolution No. 12-69 Approve and Adopt Modifications to the Economic Development Revolving Loan Program Policies and Procedures Manual for Dodge County – Planning, Development and Parks Committee. A motion for adoption was made by Supervisor Grebel and seconded by Supervisor Behl. Question by Supervisor Marose was answered by Dean Perlick, Manager of Planning and Economic Development, Land Resources and Parks Department. The vote was cast with all voting in the affirmative, thereby adopting the Resolution.

Resolution No. 12-70 Approve Purchase of a New Radio Dispatch Console System – Law Enforcement Committee. The clerk read a report to Resolution No. 12-70 from the Finance Committee. A motion for adoption was made by Supervisor Miller and seconded by Supervisor Borchardt. Question by Supervisor Greshay was answered by Blaine Lauersdorf, Chief Deputy Sheriff. The vote was cast with all voting in the affirmative, thereby adopting the Resolution.

Resolution No. 12-71 Authorize Chairman Kottke to Act on Behalf of Dodge County, to Submit Application to the State of Wisconsin for Contractor Services under the WAM Program – Executive Committee. A motion for adoption was made by Supervisor Bischoff and seconded by Supervisor Frohling. Questions by Supervisors Mattson, Ballweg, and Schmitt were answered by Chairman Kottke, John Corey, Corporation Counsel, and James Mielke, County Administrator. Comments were made by Supervisors Mattson, Ballweg, Schmitt, Berres, Mr. Mielke, and Chairman Kottke. The vote was cast with 23 ayes and 6 noes, thereby adopting the Resolution.

Ayes: Pollesch, Kottke, Nelson, Marsik, Grebel, Greshay, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gohr, Gunderson, Bischoff, Behl, Berres, Frohling, Marose, Duchac, Maly, Fabisch, Miller, Stousland. Total 23.

Noes: Bobholz, Schmitt, Caine, Hoelzel, Ballweg, Mattson. Total 6.

Absent: Johnson, Houchin, David, Layman. Total 4.

Resolution No. 12-72 Authorize Repair of Roof at Fox Lake Sub Station – Law Enforcement and Finance Committees. A motion for adoption was made by Supervisor Borchardt and seconded by Supervisor Miller. Questions by Supervisors Hoelzel, Nelson, and Marose were answered by Chairman Kottke and John Corey, Corporation Counsel. Comments were made by Supervisors Berres, Schmitt, and Chairman Kottke. The vote was cast with all voting in the affirmative, thereby adopting the Resolution.

Resolution No. 12-73 Authorize the Finance Director to Transfer \$15,000.00 from Sales and Use Tax Receipts to Buildings Maintenance and Repair – Building Committee. The clerk read a report to Resolution No. 12-73 from the Finance Committee. A motion for adoption was made by Supervisor Mattson and seconded by Supervisor Hoelzel. The vote was cast with all voting in the affirmative, thereby adopting the Resolution.

Resolution No. 12-74 Award Contracts for the Clearview North Renovation Project – Clearview North Study Committee. A motion for adoption was made by Supervisor Stousland and seconded by Supervisor Maly. At this time, Supervisor Stousland made a motion “to amend Resolution 12-74 using the wording on the yellow sheet placed on the Supervisor’s desk”. The motion to amend was seconded by Supervisor Frohling. Chairman Kottke reviewed the proposed amendment with the Board. Questions by Supervisor Ballweg on the amendment were answered by Chairman Kottke. The vote was cast on the motion to amend with 26 ayes and 3 noes, thereby adopting the motion to amend the resolution.

Ayes: Pollesch, Kottke, Bobholz, Nelson, Schmitt, Marsik, Grebel, Greshay, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gunderson, Bischoff, Behl, Frohling, Marose, Duchac, Hoelzel, Maly, Fabisch, Miller, Stousland, Ballweg, Mattson. Total 26.

Noes: Gohr, Caine, Berres. Total 3.

Absent: Johnson, Houchin, David, Layman. Total 4.

Question by Supervisor Schmitt was answered by Chairman Kottke. The vote was then cast on the resolution as amended with 26 ayes and 3 noes, thereby adopting the resolution as amended.

Ayes: Pollesch, Kottke, Bobholz, Nelson, Schmitt, Marsik, Grebel, Greshay, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gunderson, Bischoff, Behl, Frohling, Marose, Duchac, Hoelzel, Maly, Fabisch, Miller, Stousland, Ballweg, Mattson. Total 26.

Noes: Gohr, Caine, Berres. Total 3.

Absent: Johnson, Houchin, David, Layman. Total 4.

Report No. 1 County Official's Bonds – Executive Committee. The Chairman ordered this to be placed on file.

Ordinance No. 904 An Ordinance Amending Chapter 9 – Peace and Order, to Create Section 9.08 – Trespassing on Railroad, and Amending Chapter 30 – Construction and Effect of Ordinances, to Amend Section 30.04(4)(b), Schedule of Deposits, to Set Forth a Deposit Schedule – Law Enforcement Committee. A motion for adoption was made by Supervisor Borchardt and seconded by Supervisor Miller. Questions by Supervisors Marose, Caine, Mattson, Marsik, Berres, Schmitt, and Muche were answered by Kurt Klomberg, District Attorney, John Corey, Corporation Counsel and Chairman Kottke. Comments were made by Supervisors Berres, Schmitt, Muche, Frohling, and Chairman Kottke. The vote was cast with 15 ayes and 14 noes, thereby adopting the Ordinance.

Ayes: Pollesch, Kottke, Grebel, Kriewald, Schaefer, Borchardt, Adelmeyer, Muche, Gunderson, Bischoff, Behl, Frohling, Marose, Fabisch, Miller. Total 15.

Noes: Bobholz, Nelson, Schmitt, Marsik, Greshay, Gohr, Caine, Berres, Duchac, Hoelzel, Maly, Stousland, Ballweg, Mattson. Total 14.

Absent: Johnson, Houchin, David, Layman. Total 4.

The Clerk noted no items had been placed on the Supervisor's desks.

Chairman Kottke introduced Ruth Otto, the new Information Technology Director.

At 9:45 p.m. Supervisor Frohling made a motion to recess until March 19, 2013 at 7:00 p.m., noting there would be no February meeting. Supervisor Maly seconded the motion. The motion passed by acclamation, with no negative votes cast, and was so ordered by the Chairman.

Disclaimer: The above minutes may be approved, amended or corrected at the next meeting.

RESOLUTION NO. 12-75

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,
MEMBERS,

WHEREAS, the Dodge County Land Conservation Department is charged with the administration of the land and water conservation standards of the Wisconsin Farmland Preservation Program (FPP) as outlined in Chapter 91, of the *Wisconsin Statutes*; and,

WHEREAS, the Land Conservation Department performs a variety of work activities to carry out this state-mandated work, including, but not limited to, the annual preparation, mailing, and recording of conservation compliance certification reports for each FPP participant; and,

WHEREAS, costs to Dodge County for performing the various work activities necessary to administer the land and water conservation standards of the FPP continue to increase each year while annual financial assistance from the Wisconsin Department of Agriculture, Trade and Consumer Protection continues to decline; and,

WHEREAS, landowners participating in the FPP currently receive FPP tax credits of \$7.50 for every acre that is zoned exclusive agriculture; and,

WHEREAS, Section 92.07(13), of the *Wisconsin Statutes*, authorizes county land conservation committees to charge fees for services provided by the county to landowners and other beneficiaries, including work activities deemed necessary to effectively administer the land and water conservation standards of the FPP; and,

WHEREAS, on January 22, 2013, the Land Conservation Committee determined that it is reasonable, equitable, and necessary, effective March 19, 2013, to:

1. Require each FPP participant to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, an annual administrative services fee of \$25.00 for services provided to each FPP participant by the Land Conservation Department in administering the land and water conservation standards of the FPP (annual administrative services fee of \$25.00);
2. Require each FPP participant who does not pay to the Land Conservation Department an annual administrative services fee of \$25.00, on or before the date to be established by the Land Conservation Committee, by which each FPP participant shall pay to the Land Conservation Department an annual administrative services fee of \$25.00, to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, a separate, additional, nonpayment services fee of \$50.00; and,
3. Require each FPP participant who submits to the Land Conservation Department a required annual conservation compliance certification report, after the date to be established by the Land Conservation Committee, by which each FPP participant shall submit to the Land Conservation Department a required annual conservation compliance certification report, to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, a separate, additional, late report filing services fee of \$50.00;

SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby ratifies the action which the Dodge County Land Conservation Committee performed on January 22, 2013, effective March 19, 2013, to:

1. Require each FPP participant to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, an annual administrative services fee of \$25.00 for services provided to each FPP participant by the Land Conservation Department in administering the land and water conservation standards of the FPP (annual administrative services fee of \$25.00);
2. Require each FPP participant who does not pay to the Land Conservation Department an annual administrative services fee of \$25.00, on or before the date to be established by the Land Conservation Committee, by which each FPP participant shall pay to the Land Conservation Department an annual administrative services fee of \$25.00, to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, a separate, additional, nonpayment services fee of \$50.00; and,
3. Require each FPP participant who submits to the Land Conservation Department a required annual conservation compliance certification report, after the date to be established by the Land Conservation Committee, by which each FPP participant shall submit to the Land Conservation Department a required annual conservation compliance certification report, to pay to the Land Conservation Department, by a date to be established by the Land Conservation Committee, a separate, additional, late report filing services fee of \$50.00; and,

BE IT FURTHER RESOLVED, that the Dodge County Board of Supervisors hereby authorizes the Land Conservation Committee to review the fees set forth in this Resolution and to make changes to them at any time in the exercise of the sole discretion of the Land Conservation Committee; and,

BE IT FINALLY RESOLVED, that the Dodge County Board of Supervisors hereby authorizes and directs the Land Conservation Committee to take all actions necessary to collect unpaid, overdue annual administrative services fees, nonpayment services fees, and late report filing services fees, including, but not limited to, commencement and prosecution of civil actions in the Dodge County Circuit Court.

All of which is respectfully submitted this 19th day of March, 2013.


Dodge County Land Conservation Committee:



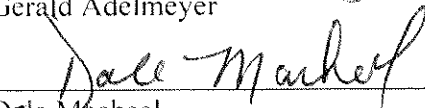
Ed Nelson



Howard Kriewald



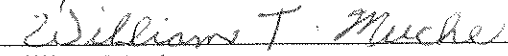
Gerald Adelmeyer



Dale Macheel



MaryAnn Miller



William Muche

Bob Roell

RESOLUTION # 12-76

TO THE HONORABLE BOARD OF SUPERVISORS
OF DODGE COUNTY, WISCONSIN

WHEREAS, Dodge County, a corporate body under the laws of the State of Wisconsin, has adopted a Comprehensive Zoning Code which is full force and effect; and

WHEREAS, the Town Board of the Town of Lowell has amended the Town of Lowell Zoning Code, the power to adopt and amend the Zoning Code having been granted pursuant to Section 60.62, Wisconsin Statutes, which grants Towns authorized to exercise village powers the ability to adopt and amend a Zoning Code under Section 61.35 and Section 62.23, Wisconsin Statutes; and

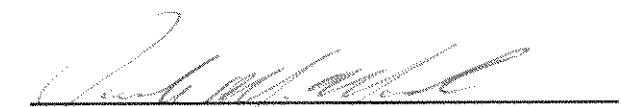
WHEREAS, pursuant to Section 60.62(3), Wisconsin Statutes, the amendment of a Town Zoning Code by a Town Board is subject to approval of the County Board in counties having a Comprehensive Zoning Code in full force and effect; and

WHEREAS, a public hearing of the proposed amendment to the Town of Lowell Zoning Code was held before the Lowell Plan Commission and Town Board on December 4, 2012; and

WHEREAS, the proposed amendment to the Town of Lowell Zoning Code was adopted by Ordinance by the Lowell Town Board on December 11, 2012, as set forth and attached hereto as "Exhibit A";

THEREFORE, BE IT RESOLVED, that the amendment to the Town of Lowell Zoning Code as represented by "Exhibit A" attached hereto and made a part of this Resolution be and hereby are APPROVED, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 19th day of March, 2013.



Joseph Marsik, County Supervisor

REPORT to Res. 12-76

TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS


We the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of Daniel and Jeanette Cahoon requesting amendment of the Zoning Ordinance, Town of Lowell, Dodge County, Wisconsin, to rezone approximately 25-acres of land from an AG1 General Agriculture Zoning District to an RC1 Rural Cluster Residential Zoning District in part of the SW ¼, Section 09, T09N, R14E, Town of Lowell for the purpose of creating a non-farm residential lot and recommend approval of the resolution submitted by the Town of Lowell for this rezoning petition.

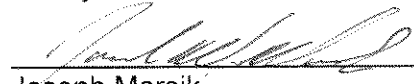
The committee has reviewed the rezoning petition in accord with s. 60.62(3) Wisconsin Statutes and finds the Town has followed the proper procedures outlined in their Zoning Ordinance in order to approve the rezoning request

Respectfully submitted this 19th day of March, 2013


Tom Schaefer


Allen Behl


Randy Grebel


Joseph Marsik


William Muche

Planning, Development and Parks
Committee

EXHIBIT "A"

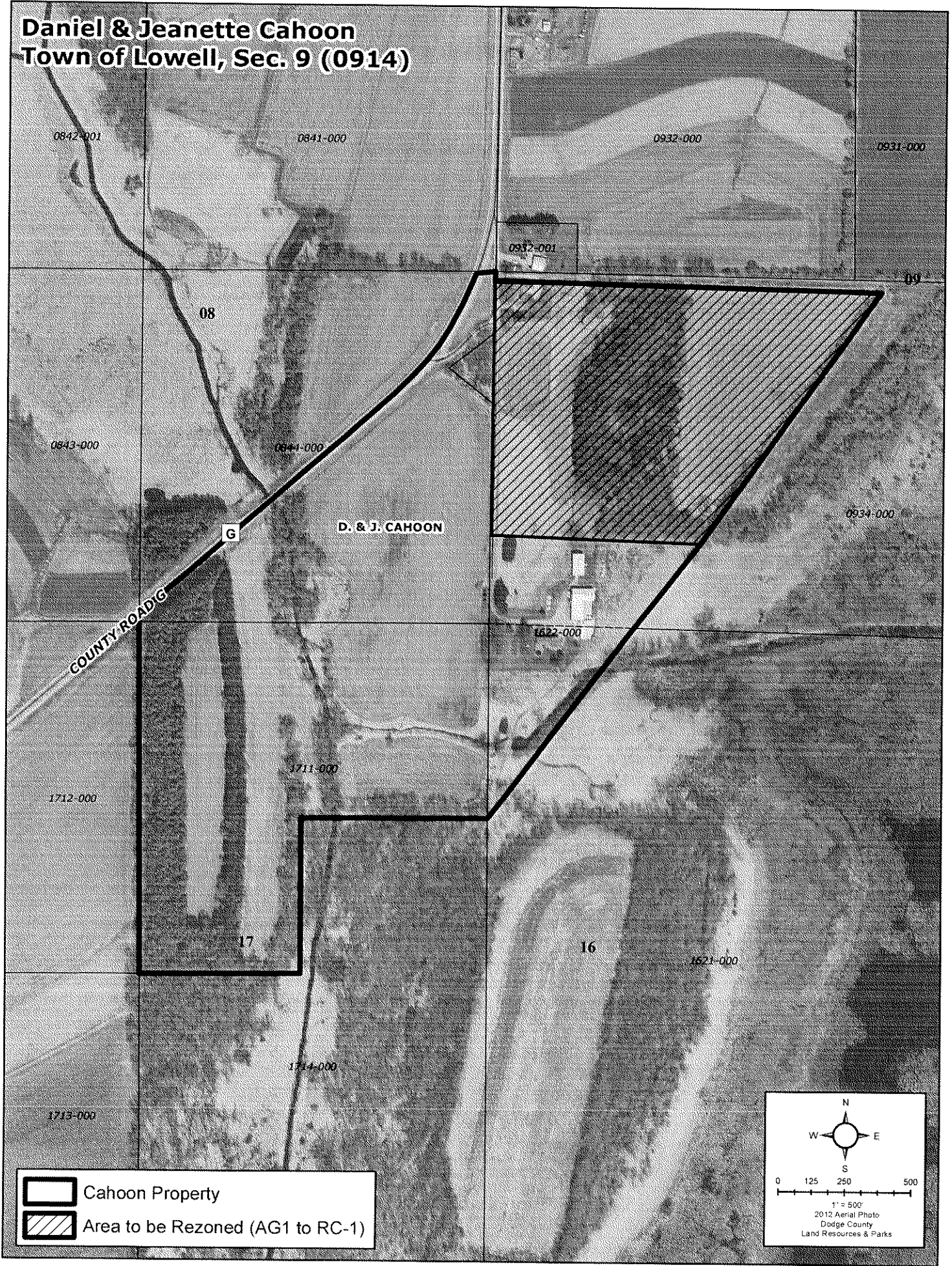
Legal Description
Daniel & Jeanette Cahoon (Property Owners)


LANDS BEING PART OF THE SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 9, T09N, R14E TOWN OF LOWELL, DODGE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING at the SW corner of said Section 9; thence N00°41'07"E., 307.57 feet along the West line of said SW $\frac{1}{4}$ and the centerline of Cahoon Road to the POINT OF BEGINNING; thence continuing N00°41'07"E., 981.55 feet along said West line and said centerline; thence S89°02'42"E., 1,450.96 feet along a line lying 33.00 feet South of and parallel to the North line of the SW $\frac{1}{4}$ of said SW $\frac{1}{4}$; thence S35°25'22"W., 1,183.53 feet; thence N89°28'18"W., 776.55 feet to the POINT OF BEGINNING.

Said parcel contains 1,089,000 sq.ft. or 25.000 acres more or less.

Daniel & Jeanette Cahoon Town of Lowell, Sec. 9 (0914)



 Cahoon Property

 Area to be Rezoned (AG1 to RC-1)

N
W E
S

0 125 250 500

1" = 500'
2012 Aerial Photo
Dodge County
Land Resources & Parks

RESOLUTION # 12-77

TO THE HONORABLE BOARD OF SUPERVISORS
OF DODGE COUNTY, WISCONSIN

WHEREAS, Dodge County, a corporate body under the laws of the State of Wisconsin, has adopted a Comprehensive Zoning Code which is full force and effect; and

WHEREAS, the Town Board of the Town of Lowell has amended the Town of Lowell Zoning Code, the power to adopt and amend the Zoning Code having been granted pursuant to Section 60.62, Wisconsin Statutes, which grants Towns authorized to exercise village powers the ability to adopt and amend a Zoning Code under Section 61.35 and Section 62.23, Wisconsin Statutes; and

WHEREAS, pursuant to Section 60.62(3), Wisconsin Statutes, the amendment of a Town Zoning Code by a Town Board is subject to approval of the County Board in counties having a Comprehensive Zoning Code in full force and effect; and

WHEREAS, a public hearing of the proposed amendment to the Town of Lowell Zoning Code was held before the Lowell Plan Commission and Town Board on November 8, 2012; and

WHEREAS, the proposed amendment to the Town of Lowell Zoning Code was adopted by Ordinance by the Lowell Town Board on November 13, 2012, as set forth and attached hereto as "Exhibit A";

THEREFORE, BE IT RESOLVED, that the amendment to the Town of Lowell Zoning Code as represented by "Exhibit A" attached hereto and made a part of this Resolution be and hereby are APPROVED, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 19th day of March, 2013.



Joseph Marsik, County Supervisor

REPORT to Res. 12-77


TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS

We the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of Vivian Hamann requesting amendment of the Zoning Ordinance, Town of Lowell, Dodge County, Wisconsin, to rezone approximately 25-acres of land from an AG1 General Agriculture Zoning District to an RC1 Rural Cluster Residential Zoning District in part of the SE ¼, Section 18, T09N, R14E, Town of Lowell for the purpose of creating a non-farm residential lot and recommend approval of the resolution submitted by the Town of Lowell for this rezoning petition.


The committee has reviewed the rezoning petition in accord with s. 60.62(3) Wisconsin Statutes and finds that the Town has followed the proper procedures in order to approve the rezoning petition.


Respectfully submitted this 19th day of March, 2013


Tom Schaefer


Allen Behl


Randy Grebel


Joseph Marsik


William Muehe

Planning, Development and Parks
Committee

EXHIBIT "A"

Legal Description
Vivian F. Hamann (Property Owner)


BEING A PART OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, THE NW $\frac{1}{4}$ QUARTER OF THE SE $\frac{1}{4}$, THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 18, TOWN 9 NORTH, RANGE 14 EAST, TOWN OF LOWELL, DODGE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:


Commencing at the east quarter corner of said Section 18; thence S $89^{\circ}48'05''$ West along the north line of the SE $\frac{1}{4}$ of said Section 18, 1,297.58 feet to the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18 and the point of beginning; thence S $01^{\circ}19'52''$ East along the east line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18, 1,237.07 feet; thence S $69^{\circ}41'11''$ East, 5.28 feet; thence S $00^{\circ}05'38''$ West, 197.36 feet to a point in the east line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18; thence S $01^{\circ}19'52''$ East along the east line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18, 54.45 feet to a point in the center line of County Trunk Highway G; thence S $54^{\circ}24'30''$ West along the center line of County Trunk Highway G, 768.67 feet; thence N $01^{\circ}19'52''$ West, 1,936.04 feet to a point in the north line of the SE $\frac{1}{4}$ of said Section 18; thence N $89^{\circ}48'05''$ East along the north line of the SE $\frac{1}{4}$ of said Section 18, 635.42 feet to the point of beginning.

Containing 1,089,000 square feet (25.00 acres) more or less.

Vivian Hamann Town of Lowell, Sec. 18 (0914)



 Hamann Property

 Area to be Rezoned (AG1 to RC1)

N
W E
S

0 100 200 400

1" = 400'
2012 Aerial Photo
Dodge County
Land Resources & Parks

RESOLUTION NO. 12-78

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

WHEREAS, the Dodge County Building Committee has considered the maintenance needs of the Dodge County Administration Building and has determined that it is necessary to remove, replace, and repair exterior stones and to tuckpoint and caulk joints on the north side and the west side of the Administration Building (maintenance project); and,

WHEREAS, the Building Committee has solicited and received bids for the maintenance project; and,

WHEREAS, the lowest responsive bid for the maintenance project was submitted by Statz Restoration And Engineering Company, Inc., in the amount of \$158,500; and,

WHEREAS, the budget for the maintenance project is set forth below:

• Base Contract	\$158,500
• Fees and Expenses for Consultant	\$ 15,000
• Project Contingency	<u>\$ 35,000</u>
• TOTAL PROJECT BUDGET	\$208,500

WHEREAS, \$175,000 for the maintenance project was included in the 2013 Physical Facilities Department Budget in Business Unit 1901, County Buildings, Account No. .5247, Buildings Maintenance and Repair; However, a Project Contingency of \$35,000 has been included in the Total Project Budget because it is reasonably anticipated that the total cost of the maintenance project will exceed the original budget by \$33,500; and,

WHEREAS, there are Sales and Use Tax Receipts accounted for in Business Unit 1491, Taxes, Taxes Interest and Penalty, in the amount of \$33,500, available for transfer and sufficient to pay for the maintenance project; and,

WHEREAS, the Building Committee recommends that the Dodge County Board of Supervisors:

1. Authorize and direct the Building Committee to proceed forthwith to take all actions necessary to undertake and complete the maintenance project;
2. Approve and accept the bid from Statz Restoration And Engineering Company, Inc., as set forth above; and,
3. Authorize and direct the Dodge County Finance Director to transfer Sales and Use Tax Receipts accounted for in Business Unit 1491, Taxes, Taxes Interest and Penalty, in the amount of \$33,500, to Business Unit 1901, County Buildings, Account No.

.5247, Buildings Maintenance and Repair, to be used to pay part of the cost of the maintenance project;

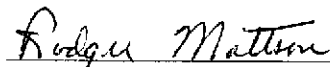
SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby:

1. Authorizes and directs the Building Committee to proceed forthwith to take all actions necessary to undertake and complete the removal, replacement, and repair of exterior stones and the tuckpointing and caulking of joints on the north side and the west side of the Administration Building (maintenance project);
2. Approves and accepts the bid for the completion of the maintenance project which was submitted by Statz Restoration And Engineering Company, Inc., in the amount of \$158,500; and,
3. Authorizes and directs the Dodge County Finance Director to transfer Sales and Use Tax Receipts accounted for in Business Unit 1491, Taxes, Taxes Interest and Penalty, in the amount of \$33,500, to Business Unit 1901, County Buildings, Account No. .5247, Buildings Maintenance and Repair, to be used to pay part of the cost of the maintenance project; and,


BE IT FINALLY RESOLVED, that upon presentation to the Dodge County Clerk of invoices properly approved by the Dodge County Administrator in a total amount not to exceed \$208,500, representing the costs of completion of the maintenance project by Statz Restoration And Engineering Company, Inc., the County Clerk is authorized to issue orders upon the Dodge County Treasurer for payment of such invoices and that funds for payment of such invoices shall be taken from Business Unit 1901, County Buildings, Account No. .5247, Buildings Maintenance and Repair.

All of which is respectfully submitted this 19th day of March, 2013.

Dodge County Building Committee:


Rodger Mattson

Paul Marose


Ed Nelson

Chester Caine


Clem Hoelzel

FINANCE COMMITTEE REPORT

REGARDING RESOLUTION NO. 12-78- Sales and Use Tax Fund Transfer - \$33,500 to Undertake the Removal and Replacement of Exterior Stones and Tuckpointing and Caulking of Joints on the Administration Building

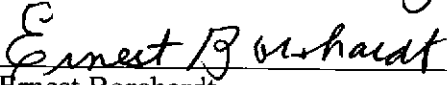
The Finance Committee reports that:

1. There are, are not sufficient funds available from the source described in the resolution;
2. The expenditure of funds in the amount and from the source described in the resolution will, will not impair either the short-term or the long-term financial condition of Dodge County;
3. In making this report, the Finance Committee makes no implication to the County Board that the Finance Committee is either in favor of or opposed to the expenditure of funds in the amount, for the purpose, and from the source, described in the resolution; and,
4. In making this report, the Finance Committee does not want the County Board to make any inference that the Finance Committee is either in favor of or opposed to the expenditure of funds in the amount, for the purpose, and from the source, described in the resolution.

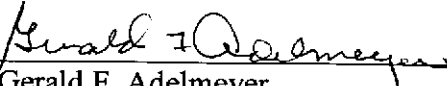
Dated this 12th day of March, 2013.



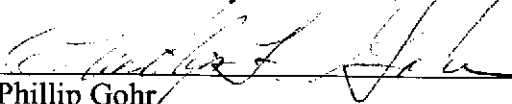
David Frohling



Ernest Borchardt



Gerald F. Adelmeyer



Phillip Gohr



Thomas J. Schaefer

DODGE COUNTY FINANCE COMMITTEE

RESOLUTION 12-79

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

WHEREAS, the request of Northwoods Paper Converting Inc. for a \$150,000 loan through the Dodge County Revolving Loan Fund has been recommended by the Dodge County Revolving Loan Advisory Committee, and

WHEREAS, the proceeds of said loan would be used to help purchase equipment that would result in the expansion of their operations in the City of Beaver Dam, and

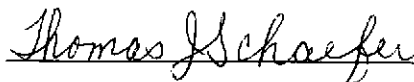
WHEREAS, the proposed project is substantially in conformance with criteria established for the review of loan applications, and

WHEREAS, the City of Beaver Dam and Dodge County would benefit from the addition of at least 8 full-time jobs, and

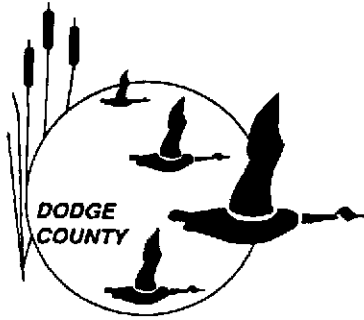
WHEREAS, the Land Resources and Parks Department and the Revolving Loan Advisory Committee have reviewed the proposal with the applicant and their financial representatives;

SO, NOW, THEREFORE BE IT RESOLVED that the Planning, Development and Parks Committee and its representatives are hereby directed to negotiate the terms and conditions of a \$150,000 loan to the partners in Northwoods Paper Converting Inc.

All of which is respectfully submitted this 19th day of March, 2013.



DODGE COUNTY PLANNING
DEVELOPMENT AND PARKS COMMITTEE



ADMINISTRATION DEPARTMENT

JAMES MIELKE, COUNTY ADMINISTRATOR

127 East Oak Street, Juneau, Wisconsin, 53039 (920) 386-4251

To: County Board Supervisors
From: Jim Mielke JM
Date: March 12, 2013

Re: Appointment - Human Service & Health Director

I am requesting your approval of the appointment of Janet A. Wimmer to the position of Dodge County Human Service & Health Director effective April 15, 2013.

Janet A. Wimmer: Janet is currently the Director of Adams County Health and Human Services. Adams County provides similar programs and services as those offered in Dodge County. Prior to beginning her responsibilities in Adams County, Ms. Wimmer was the Administrator of Behavioral Health Services for Wisconsin Community Services located in Milwaukee. She has also held the position of Program Supervisor for Lutheran Social Services Incorporated, located in Milwaukee.

Ms. Wimmer holds a Bachelor and Master's Degree in Social Work from UW-Milwaukee. She is currently a PhD candidate at Cardinal Stritch University in Leadership.

Ms. Wimmer is currently a resident of the City of Fox Lake.

Selection Process: First round interviews were held on February 27, 2013. The interview panel consisted of: Human Service Board Chair Glenn Stousland; Human Service Board member Clem Hoelzel; Human Resource Director Joe Rains and I.

Two candidates were invited back for a second interview which was held on Wednesday March 6th. In addition to the interview panel, an informal "meet and greet" was held prior to the regular monthly meeting of the Human Service Board. Members of the Human Service Board, various Human Service managers and supervisors along with Russ Kottke and Dave Frohling participated in the meet and greet opportunity.

It should be noted that Human Service Board members Jeff Schmitt and Phil Gohr were unable to attend the March 6th meeting.

RESOLUTION NO. 12-80

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS:

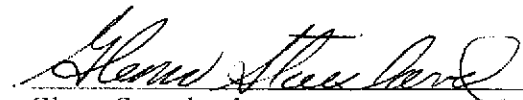
WHEREAS, on March 7, 2013, James E. Mielke, Dodge County Administrator, appointed Janet A. Wimmer to the full-time, benefited position of *Director of Human Services and Health*, effective April 15, 2013, at Step 1 of Labor Grade 16 of the Dodge County Wage Schedule at a beginning annual salary equivalent to \$44.57 per hour, and, in addition, fringe benefits as approved by the Dodge County Human Resources and Labor Negotiations Committee, including 15 days of paid vacation immediately upon employment; and,

WHEREAS, James E. Mielke and the Dodge County Human Services and Health Board request the Dodge County Board of Supervisors to confirm this appointment;

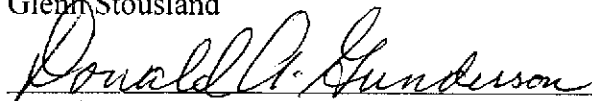
SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby confirms the appointment of Janet A. Wimmer to the full-time, benefited position of *Director of Human Services and Health*, effective April 15, 2013, at Step 1 of Labor Grade 16 of the Dodge County Wage Schedule at a beginning annual salary equivalent to \$44.57 per hour, and, in addition, fringe benefits as approved by the Dodge County Human Resources and Labor Negotiations Committee, including 15 days of paid vacation immediately upon employment.

All of which is respectfully submitted this 19th day of March, 2013.

Dodge County Human Services and Health Board:



Glenn Stousland



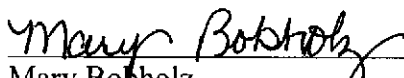
Donald Gunderson



Clem Hoelzel

Jeff Schmitt

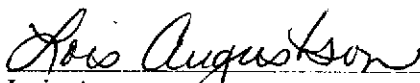
Phillip Gohr



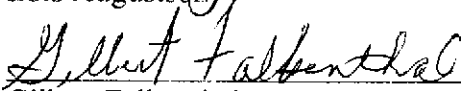
Mary Bobholz



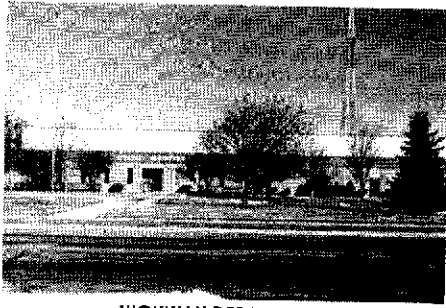
David Godshall



Lois Augustson



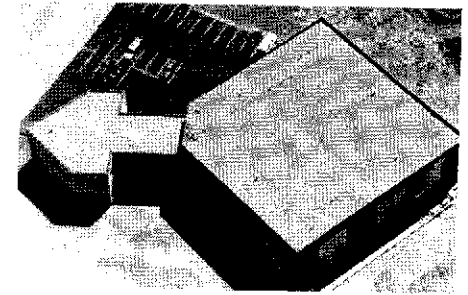
Gilbert Falkenthal



HIGHWAY DEPARTMENT

DODGE COUNTY HIGHWAY COMMISSION

211 East Center Street
Juneau WI 53039-1309
(920) 386-3650 (phone)
(920) 386-3525 (fax)



AIRPORT TERMINAL BUILDING

MEMORANDUM

To: County Board Supervisors
From: Harold Johnson / Brian Field
Date: March 12, 2013

Re: Resolution: Land Use Agreement – City of Mayville / M-6 Holdings / Schmid Pipeline Construction Incorporated and Dodge County

The attached Resolution and Land Use Agreement is the final component required to move ahead with acquisition by Dodge County of a parcel of real estate owned by M-6 Holdings LLC for the relocation of the Mayville satellite highway facility. M-6 Holdings LLC is the parent corporation of Schmid Pipeline located at 850 Mallard Drive in Mayville. The closing for the property acquisition is tentatively scheduled for Tuesday March 26th.

A brief summary of the events leading to the Land Use Agreement follows:

Mid July 2011: Mayville Mayor Jerry Moede contacted Brian Field to discuss the potential interest by the City in relocating their public works operations – potentially to the existing Dodge County Highway facility located at 853 Horicon Street. Mayor Moede also inquired whether the County would consider relocating within the City of Mayville. Mayor Moede informed Brian that City Engineer Don Neitzel of Kunkel Engineering would provide the County potential sites within the City for consideration.

July 28, 2011: Mr. Neitzel via email provided site information within the River Knoll Industrial Park. The email also noted an existing building operated by Schmid Pipeline located in the industrial park may also be available.

August 18, 2011: City Engineer Neitzel and two Mayville City Council members tour the Dodge County Mayville Highway Facility.

September 30, 2011: Russ Kottke and Brian Field meet with Mayor Moede and City Engineer Neitzel to discuss the County facility and the County's interest in the Schmid Pipeline property.

October 12, 2011: M-6 Holdings accepts the Dodge County offer for the Schmid Pipeline property under the following terms: Purchase Price \$1.7 million. Office lease for Schmid Pipeline payable to Dodge County – 10 year term at \$20,000 annually for years 1 -3 with a 3% escalator in years 4 – 10. Option to renew after year 10. The offer is accepted with the understanding by M-6 Holdings that the purchase is subject to funding authorized by the Dodge County Board of Supervisors in conjunction with the 2012 Dodge County Budget.

November 11, 2011: Mayor Moede sends correspondence to Dodge County requesting if the County would acquire the Schmid Pipeline property an agreement for a "Payment in Lieu of Taxes" be reached to compensate the loss of tax revenue if the property is considered tax exempt.

November 15, 2011: County Board Meeting – Mayor Moede's letter is read into the record. County Board Supervisors consider funding the purchase of the Schmid Pipeline property as part of the 2012 budget. The budget contains \$2.0 million for the acquisition comprised of \$1.0 million in sales tax revenues and \$1.0 million of tax levy. County Board adopts the 2012 budget containing \$2.0 million for the Schmid pipeline property acquisition. The \$2.0 million dollars funds the purchase, construction of a salt storage structure, and miscellaneous site paving.

(Over)

COMMISSIONER

Brian Field
bfield@co.dodge.wi.us

DODGE COUNTY HIGHWAY COMMITTEE

Harold J. Johnson,
Chairperson
Jeff Berres
Chester Caine
Randy Grebel
Jeffrey C. Schmitt

ASSISTANT

COMMISSIONER

Peter L. Thompson
pthompson@co.dodge.wi.us

PATROL

SUPERINTENDENTS

Randy Franks
rfranks@co.dodge.wi.us

Joseph Lechner

jlechner@co.dodge.wi.us

SHOP

SUPERINTENDENT

John Hoase
jhoase@co.dodge.wi.us

OPERATIONS

SUPERINTENDENT

Steve Pelt
spelt@co.dodge.wi.us

OFFICE MANAGER

Mary Kehmeyer
mkehmeyer@co.dodge.wi.us

December 13, 2011: Correspondence received from City Engineer Neitzel stating the City Council is no longer interested in the County Highway facility. Mr. Neitzel also states the proposed purchase of Schmid Pipeline would require a rezoning of the parcel from M-2 General Manufacturing to I-1 Institutional (governmental).

December 29, 2011: County seeks reconsideration of the zoning interpretation – believes the proposed use as a highway shop facility meets the M-2 zoning code.

January 23, 2012: Engineer Neitzel denies reconsideration of zoning, indicates I-1 is appropriate.

February 12, 2012: M-6 files for rezoning of parcel from M-2 to I-1.

March 1, 2012: M-6 rezoning request is rejected by City of Mayville as M-6 is not a government entity.

March – April 2012: Continued discussion with M-6 / City of Mayville / Dodge County related to zoning.

May 11, 2012: M-6 Holdings offers a voluntary Payment in Lieu of Tax payment proposal to City of Mayville of \$386,743.42 for tax years 2012 -2020. (remaining years of the Tax Incremental Finance District).

June 27, 2012: City of Mayville Plan Commission meeting – Preliminary review of rezone request from M-2 to I-1.

July 25, 2012: City of Mayville Plan Commission recommends denial of rezone request.

August 30, 2012: County Board Bus Tour of the Schmid Pipeline Building located at 850 Mallard Drive.

August 31, 2012: Request to withdraw rezone request submitted to City of Mayville.

September 18, 2012: County Board adopts Resolution 12-42 regarding the purchase of the Schmid Pipeline parcel.

October 2012 – January 2013: Continued discussion regarding zoning, Payment in Lieu of Tax Payment; M-6 / City of Mayville / Dodge County.

November 13, 2012: County Board adopts the 2013 budget, contains carryover of \$2.0 million for the property acquisition of the Schmid Pipeline parcel.

January 29, 2013: Special City of Mayville Council meeting – Closed Session regarding potential agreement between M-6 and the City of Mayville and the County related to the purchase of the Schmid Pipeline parcel.

February 2013: Continued discussions regarding sale and proposed Land Use Agreement.

March 7, 2013: City of Mayville Plan Commission meeting. Unanimous approval to forward recommendations to the City Council for:

- Issuance of Occupancy Permit for Dodge County's Proposed Uses of the property
- Interprets Ordinance 430-45 as permitting Dodge County's Proposed Uses of the property
- Approves construction of a salt storage facility on the property

March 11, 2013: Mayville City Council unanimously approves terms of Land Use Agreement through the adoption of Resolution 4672-2013.

RESOLUTION NO. 12-81

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

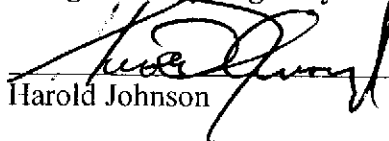
WHEREAS, the Dodge County Highway Committee has considered and approved a proposed *Land Use Agreement*, a copy of which has been marked for identification as Exhibit "A" and has been attached hereto; and,

WHEREAS, the Highway Committee recommends that the Dodge County Board of Supervisors approve the proposed *Land Use Agreement* and authorize and direct the Dodge County Clerk to sign and date the proposed *Land Use Agreement* on behalf of Dodge County;

SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby approves the proposed *Land Use Agreement*, a copy of which has been marked for identification as Exhibit "A" and has been attached hereto, and hereby authorizes and directs the Dodge County Clerk to sign and date the proposed *Land Use Agreement* on behalf of Dodge County.


All of which is respectfully submitted this 19th day of March, 2013.

Dodge County Highway Committee:

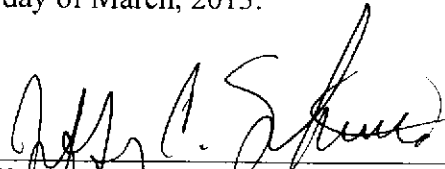


Harold Johnson

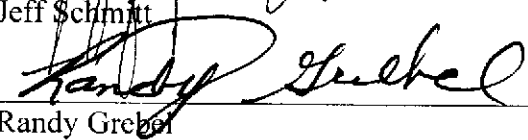
Chester Caine



Jeff Berres



Jeff Schmitt



Randy Greber

LAND USE AGREEMENT

This Land Use Agreement ("Agreement") is by and between the City of Mayville ("Mayville"), M-6 Holdings, LLC, a Michigan limited liability company ("M-6"), Schmid Pipeline Construction, Inc., a Wisconsin corporation ("Schmid"), and Dodge County. The Agreement is effective as of the last date upon which a party has executed this Agreement.

RECITALS

- A. Mayville has developed certain property within its municipal boundaries as an industrial park, generally known as the River Knoll Industrial Park.
- B. M-6 is the owner of a certain parcel of land, located within the River Knoll Industrial Park and improved with structures and other improvements, which is generally described as 850 Mallard Drive ("M-6 Property").
- C. Schmid is a tenant of M-6 and occupies the M-6 Property as its business offices and a construction service facility.
- D. Dodge County and M-6 have entered into a Real Estate Purchase Agreement by which Dodge County intends to purchase the M-6 Property from M-6.
- E. Dodge County intends to occupy and use the M-6 Property as a highway maintenance facility, operations center, and storage facility.
- F. Dodge County further intends to lease to tenants, including, but not limited to Schmid, portions of the M-6 Property to be occupied and used as business offices.
- G. M-6, Schmid and Dodge County have applied to Mayville's building inspector for an occupancy permit, seeking confirmation that Dodge County's intended use of the M-6 Property is permitted under Mayville's ordinances. The occupancy permit application was denied.

- H. M-6, Schmid and Dodge County have submitted to Mayville's Board of Zoning Appeals: an appeal of the occupancy permit denial; a request for an interpretation of a Mayville ordinance; and, a request for a determination of unclassified and unspecified uses.
- I. M-6, Schmid and Dodge County have submitted to Mayville's Plan Commission: a request for approval of Dodge County's proposed use of the M-6 Property; a request that the Plan Commission consider and make a recommendation as to the request for interpretation and the request for determination of unclassified and unspecified uses that was submitted to the Board of Zoning Appeals; and, a request for approval of a proposed salt storage facility to be constructed by Dodge County on the M-6 Property.
- J. The submissions of M-6, Schmid and Dodge County were, in part, pursuant to reservations of rights and, in some cases, requested relief in the alternative. All submissions of M-6, Schmid and Dodge County to Mayville dated December 10, 2012 are attached hereto as Exhibit A and incorporated herein by this reference (collectively, the "Submissions").
- K. The Submissions include Dodge County's description of its proposed, but not exclusive, uses and occupancy of the M-6 Property (collectively, the "Proposed Uses").
- L. Prior to consideration of the Submissions, Mayville entered into negotiations and discussions with M-6, Schmid and Dodge County in an attempt to resolve the land use disputes described in the Submissions, as well as other issues arising from M-6's proposed sale of the M-6 Property to Dodge County and Dodge County's proposed use of the M-6 Property.
- M. Mayville's Plan Commission, at its meeting of March 7, 2013, considered the Submissions and determined that Dodge County's Proposed Uses and occupancy of the

M-6 Property are such as to be entitled to the issuance of an occupancy permit and are permitted as a matter of right under Mayville's zoning ordinances. Mayville's Plan Commission approved the proposed salt shed, under both Mayville's zoning ordinances and the Declaration of Covenants, Conditions and Restrictions - River Knoll Industrial Park ("DCCR"), at the revised location that was described at the March 7, 2013 Plan Commission meeting and as shall be approved by the City Engineer.

- N. Mayville's Common Council, at its meeting of March 11, 2013, considered the Submissions and the recommendations of the Mayville Plan Commission and determined that Dodge County's Proposed Uses and occupancy of the M-6 Property are permitted as a matter of right and are approved. Mayville's Common Council further considered the Submissions and the recommendations of the Mayville Plan Commission and determined that Dodge County's proposed construction of the salt shed, at the location approved by the City Engineer and indicated on the attached Exhibit B, is permitted and duly approved.
- O. M-6 has agreed to make a certain payment in lieu of taxes to Mayville.
- P. Mayville, M-6, Schmid, and Dodge County seek to document and memorialize the approvals and agreements in this Agreement, intending to be fully bound by this Agreement's terms and conditions.
- Q. Mayville's Plan Commission and Common Council have duly considered the Submissions, Mayville's ordinances, and the argument and comments of the parties, city staff, and the members of the Plan Commission and Common Council. In furtherance of their quasi-legislative and legislative functions, the Plan Commission and Common Council have each passed motions or resolutions approving the terms and the execution

of this Agreement on behalf of Mayville and its constituent bodies, commissions and boards, intending that this Agreement carry the force and effect of a legislative enactment.

R. Dodge County's Highway Committee and County Board of Supervisors have considered the terms and conditions of this Agreement and each has passed a motion or resolution approving the execution of this Agreement on behalf of Dodge County.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein and incorporating the preceding recitals, the parties agree as follows.

1. Payment in Lieu of Taxes

a. Acknowledgement of Benefits

M-6 and Schmid acknowledge that (i) Mayville invested significant resources in the creation of the River Knoll Industrial Park, including the establishment of a Tax Increment District to finance certain public improvements; (ii) Mayville provided a substantial benefit in 2009 when it sold land in the River Knoll Industrial Park to Schmid at a subsidized rate, (iii) upon transfer of the M-6 Property to Dodge County, the M-6 Property is expected to become exempt from real estate taxes; and (iv) Schmid, who will remain as a tenant of the M-6 Property after its sale to Dodge County, will continue to benefit from being located in the River Knoll Industrial Park.

b. Payment

In recognition of the benefits described in the preceding paragraph, Schmid will make a one-time, lump-sum payment in lieu of taxes to Mayville in the amount of Four Hundred Sixty-

five Thousand and no/100 Dollars (\$465,000.00) upon the closing of the sale of the M-6 Property to Dodge County. Of this amount, Two Hundred Ninety-six Thousand Six Hundred Seventy-four and 94/100 Dollars (\$296,674.94) will be allocated to the Tax Increment District and the remaining One Hundred Sixty-eight Thousand Three Hundred Twenty-five and 06/100 Dollars (\$168,325.06) will be allocated to Mayville's general fund for Mayville's future lost taxes.

2. Land Use Approvals

a. Certificate of Occupancy

Having considered the Proposed Uses and the terms of the Mayville Ordinances, Mayville determines that a valid zoning permit exists or should exist for the M-6 Property and that Dodge County's Proposed Uses and proposed occupancy of the M-6 Property are consistent with the use and occupancy upon which such zoning permit was or should have been issued. Accordingly, Mayville finds and concludes that Dodge County's Proposed Uses are approved uses in the M-2 General Manufacturing District, the zoning district in which the M-6 Property is located, and the Mayville Building Inspector shall issue an occupancy permit based on Dodge County's application for such permit and the Submissions.

b. Interpretation of Mayville Ordinance Section 430-45

Having considered the Proposed Uses and the terms of Mayville Ordinance Section 430-45, Mayville finds and concludes that Dodge County's Proposed Uses and proposed occupancy of the M-6 Property are consistent with and permitted as matter of right under the Principal Uses and Permitted Accessory Uses of the M-2 General Manufacturing District, within which the M-6 Property is located. Mayville specifically finds and concludes that the occupancy and use of portions of the M-6 Property for offices and storage by Schmid or any other tenant, pursuant to a

lease by which Schmid or any other tenant is the tenant and Dodge County (or its successor) is the landlord, is a permitted accessory use, auxiliary to the principal industrial operations conducted and permitted to be conducted by Dodge County.

Having considered the terms of Mayville Ordinance section 430-45 H, Mayville further finds and concludes that a site plan need not be submitted by Dodge County or Schmid for the Proposed Uses and occupancy of the structures and improvements currently on the M-6 Property.

In recognition of the findings and determinations made in the preceding paragraphs, Mayville further finds and concludes that the Proposed Uses comply with all applicable standards, if any, set forth in Mayville Ordinance section 430-45 B(2) and, accordingly, any and all approvals required thereby are granted to Dodge County.

c. Salt Shed

The request of Dodge County to construct a salt storage facility on the M-6 Property, as contained in the Submissions, and with the salt shed location having been revised at the request of Mayville, has been reviewed and considered by Mayville in accord with Mayville Ordinance section 430-45H, as well as the DCCR. Mayville acknowledges that Dodge County has made this request pursuant to a reservation of rights, arguing that this ordinance section does not require Plan Commission approval prior to construction, use and occupancy of the salt storage facility. Without prejudice to Dodge County's reservation of rights, Mayville finds and concludes that the proposed salt storage facility is consistent with the principal and permitted accessory uses applicable to the M-6 Property, as well as the standards set forth in Article III of the DCCR and is, therefore, fully approved and permitted, at the approximate location set forth on Exhibit B attached hereto, subject only to the issuance of the applicable building permit.

d. Fully Approved Uses

It is the intention of Mayville that the preceding paragraphs be interpreted to recognize and grant full approval and authority for Dodge County to occupy the M-6 Property, to construct the proposed salt shed at the revised location, and to conduct the Proposed Uses as permitted and accessory uses as a matter of right. It is further the intent of the parties that this Agreement shall resolve all disputes evinced and issues raised in the Submissions. Upon full execution of this Agreement, no further action shall be required with regard to the Submissions.

3. Reasonable Reliance

The parties acknowledge that M-6 and Dodge County will complete the sale and purchase of the M-6 Property, and thereby incur significant financial liabilities and obligations, in reasonable reliance upon this Agreement and the approvals, permission and consents granted by Mayville as described herein.

4. Miscellaneous Provisions

a. Entire Agreement, Modifications and Waiver

This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties. Notwithstanding the foregoing, M-6 and Dodge County acknowledge the existence and continued validity of the Real Estate Purchase Agreement, by and between M-6 and Dodge County, dated March 28, 2012 as amended, pertaining to the M-6 Property. There are no warranties, representations or agreements among the parties in connection with the subject matter hereof, except as set forth or referred to herein. No supplement, modification or waiver or termination of this Agreement or any provision hereof shall be binding unless executed in writing by the parties to be bound. No waiver of any of the provisions of this

Agreement shall constitute a waiver of any other provision, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.

b. Section Headings

Section and subsection headings are not to be considered part of this Agreement and are included solely for convenience and not intended to be full or accurate descriptions of the content thereof.

c. Construction

This Agreement has been drafted with the input and contribution of all of the parties and their counsel. All of the parties have been represented by counsel who have actively participated in the drafting of this Agreement. This document is the product of multiple draftsmen and the rule of construing ambiguities against the drafter shall not be applied to this Agreement.

d. Successors and Assigns

No party may assign this Agreement without the consent of all other parties, which consent shall not be unreasonably withheld. All of the terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective transferees, successors and assigns. The approvals, permissions and consents set forth herein are intended to be appurtenant to and shall run with the M-6 Property.

e. Governing Law

This Agreement shall be governed by the laws of the State of Wisconsin.

f. Parties in Interest

Nothing in this Agreement is intended to confer upon any person other than the parties hereto and their respective successors and assigns any rights or remedies under or by reason of this Agreement.

g. Counterparts and Electronic Copies

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Documents transmitted by e-mail or other electronic means shall be deemed an original.

h. Consent to Agreement

Each of the parties, by their execution hereof, states that this Agreement has been approved by the appropriate legislative or corporate action of the party, that the party agrees to each and every provision hereof, and hereby acknowledges receipt of a copy of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date above their signature.

Dated this ____ day of March, 2013
"MAYVILLE"
City of Mayville
By: _____
Its: _____

Dated this ____ day of March, 2013
"M-6"
M-6 Holdings, LLC
By: _____
Its: _____

Dated this ____ day of March, 2013
"DODGE COUNTY"
Dodge County
By: _____
Its: _____

Dated this ____ day of March, 2013
"SCHMID"
Schmid Pipeline Construction, Inc.
By: _____
Its: _____

Exhibit A
The "Submissions"



Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
Waukesha, WI 53187-2265

N16 W23250 Stone Ridge Drive
Suite 1
Waukesha, WI 53188

Telephone: 262-951-4500
Fax: 262-951-4690
Toll Free: 800-928-5529
reinhartlaw.com

December 10, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

DELIVERED BY FEDEX

Ms. Deanna Boldrey, WCMC/CMC
City Clerk
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Boldrey:

Re: Submissions of Dodge County
850 Mallard Drive
River Knoll Subdivision

On behalf of my client, Dodge County, I submit to you for filing the following three separate items.

1. Request for the City of Mayville Zoning Board of Appeals to consider an appeal of a decision of the building inspector, issue an interpretation, and consider an unclassified use.

I enclose our firm's check for the \$200 filing fee associated with this request. I note that your ordinances require plan commission review and recommendation of the requests for interpretation and unclassified uses. Accordingly, I ask that this request be scheduled for consideration by the plan commission at its December 26, 2012 meeting.

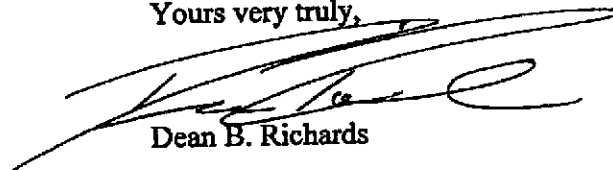
2. Request for City of Mayville Plan Commission approval of a proposed use of the above captioned property, under reservation of rights.
3. Request for City of Mayville Plan Commission approval of a proposed salt storage facility at the above captioned property, under reservation of rights.

Please process these requests for inclusion on the December 26, 2012 plan commission agenda. The items included in this submission are based on my reading of your zoning code and your advice as to your filing requirements. If any additional items are required to complete our applications, please let me know.

Ms. Deanna Boldrey, WCMC/CMC
December 10, 2012
Page 2

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read "Dean B. Richards", written over a horizontal line.

Dean B. Richards

9270110

Encs.

cc Mr. John F. Corey, Esq.
Mr. Daniel A. O'Callaghan, Esq.
Ms. Lori M. Lubinsky Esq.



Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
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December 10, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

Ms. Deanna Boldrey, WCMC/CMC
City Clerk
City of Mayville
P.O. Box 273
Mayville, WI 53050

Ms. Mary Kay Vogel
Building Administrator/Zoning Administrator
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Boldrey and Ms. Vogel:

Re: Dodge County
M-6 Holdings, LLC
850 Mallard Drive
River Knoll Industrial Park

Please accept this correspondence as a joint appeal of a decision of the City of Mayville building inspector/zoning administrator (the "Officer"), dated November 16, 2012 and enclosed herewith (the "Vogel Letter"). The appeal concerns the property generally located at 850 Mallard Drive in the City of Mayville's River Knoll Industrial Park (the "Property"). This appeal is filed on behalf of M-6 Holdings, LLC ("M-6"), as owner of the Property, Schmid Pipeline, as current and prospective occupant of the Property, and my client, Dodge County, who has contracted to purchase the Property from M-6. The appeal is filed pursuant to section 430-136 of the City of Mayville zoning ordinance¹ and Wisconsin Statutes section 62.23(7)(e)4. This correspondence is also submitted as Dodge County's application, as alternative relief², for an interpretation pursuant to section 430-135B and an approval of an unclassified use pursuant to section 430-135C. The names and addresses of the applicants and the abutting and opposite property owners are set forth at the end of this correspondence. Enclosed with this application is the original submission made to the Officer on behalf of M-6, Schmid Pipeline, and Dodge

¹ All further references to section 430-, *et. seq.*, are references to the City of Mayville zoning ordinance.

² The relief requested in the alternative is requested only if the preceding request(s) for relief are denied or ruled upon contrary to the position of M-6, Schmid Pipeline and Dodge County.

Ms. Deanna Boldrey, WCMC/CMC
Ms. Mary Kay Vogel
December 10, 2012
Page 2

County by correspondence dated November 1, 2012 (the "Richards Letter") and the Officer's decision dated November 16, 2012 (the "Vogel Letter").

Appeal pursuant to section 430-136.

M-6, as the Property's owner, and Schmid Pipeline and Dodge County, as the aggrieved parties, appeal the decision of the Officer as set forth in the Vogel Letter. The basis of this appeal is as follows:

- A. The Officer erred in determining: (1) that "the occupancy ordinance only contemplates occupancy permits for vacant land use and buildings that are moved into or relocated within the City"; and, (2) that "the (certificate of occupancy) ordinance is not designed to be a vehicle for permission for a future owner to use the property in a certain manner."**

As a prospective land owner within the City of Mayville, Dodge County wishes to comply with all applicable zoning ordinances and regulations. As read by Dodge County, section 430-142 seems to require a certificate of occupancy before a structure is "moved into" by an occupant. In addition, the last sentence of this ordinance differentiates between "use" and "occupancy", leading to the possible conclusion that a change in occupancy requires a certificate of occupancy.

Section 430-142A prohibits land being "used or occupied" and a building being "occupied or used *until* a certificate of occupancy shall have been issued by the Building Inspector (emphasis added)." The ordinance also refers to the "*proposed* use (emphasis added)". Clearly, this section of the zoning ordinance contemplates the issuance of a certificate of occupancy before use or occupancy commences. This leads to one of two conclusions: either the certificate of occupancy issued for the Schmid Pipeline facility continues in effect and governs the use and occupancy of the facility by Dodge County or the Officer has erred by finding that a certificate of occupancy cannot be issued to a prospective owner.

Dodge County is willing to accept the conclusion that a certificate of occupancy is not needed by Dodge County. However, M-6 Holdings, Schmid Pipeline and Dodge County seek confirmation of this conclusion of the Officer.

B. The Officer erred in determining that section 430-45B(2) requires "...that the Plan Commission must approve the proposed location of any use under the M-2 Manufacturing Zoning District."

Section 430-45B(2) does not state that plan commission approval of the proposed location of any use is required. Instead, this ordinance section sets forth the standards by which the commission should base a decision on a location request. This language of the ordinance refers to how the plan commission would make its decision, not that the plan commission must make a decision. For instance, the two pertinent sentences of the ordinance section, cited by the Officer in the Vogel Letter, state: "...the Plan Commission, approving or disapproving proposed locations for uses under this section, shall give due consideration..." and "[t]he Plan Commission shall also base its decision on such evidence...". There is no language requiring the plan commission to make a decision as to a use's location.

However, section 430-45H does set forth circumstances under which the plan commission must review a site plan. In that section of the ordinance, a builder "...of any building hereafter erected or structurally altered for manufacturing use..." must present detailed site plans to the City Plan Commission. This section does not apply to the Dodge County acquisition of the Schmid Pipeline facility. First, Dodge County's request does not seek approval of a building proposed to be erected or structurally altered. Secondly, the Dodge County use is for storage and perhaps processing. It does not constitute a manufacturing use. Finally, the use contemplated by Dodge County is consistent with and substantially similar to the use of the facility by Schmid Pipeline. Accordingly, there is no change in use. Prior approvals for Schmid Pipeline by the City of Mayville remain applicable to Dodge County's use. It is an error for the Officer to determine that plan commission approval of Dodge County's use is required.

C. The Officer erred in concluding "...that Dodge County's proposed use of the property falls within the I-1 Institutional Zoning District given the language in §§ 430-35 and 430-46."

Upon application for a certificate of occupancy, section 430-142 requires the Officer to determine if the building, land and use thereof "are in conformity with the provisions of (the zoning ordinance)." The Officer decided that Dodge County's proposed use "fell within I-1 zoning, not M-2 zoning". The question before the Officer is not whether one zoning district is a better fit than another, nor if the City prefers one zoning district to another. The question is whether the proposed use falls within the standards set forth for the designated zoning district. The Property lies within the M-2 zoning district. The applicant's submission, specifically the Richards Letter, describes the manner in which Dodge County's prospective use of the Property satisfies the standards of M-2 zoning. If the proposed use complies with the current zoning, the proposed use must be acknowledged as permitted and must be approved. If current zoning is

Ms. Deanna Boldrey, WCMC/CMC
Ms. Mary Kay Vogel
December 10, 2012
Page 4

satisfied, the Officer cannot demand that the applicant pursue a legislative change of the zoning district.

Request for interpretation pursuant to section 430-135B.

As alternative relief to the appeal stated above, Dodge County requests an interpretation of the zoning regulations as follows.

- A. Dodge County asks the Zoning Board of Appeals to interpret section 430-142A and answer the question: Is Dodge County required to obtain a certificate of occupancy before commencing the use described in the Richards Letter?
- B. Dodge County asks the Zoning Board of Appeals to interpret section 430-45 and answer the question: Does the use proposed by Dodge County in the Richards Letter qualify as a Principal Use under section 430-45B and Permitted Accessory Uses under section 430-45C?

Request for a determination of unclassified and unspecified uses pursuant to section 430-135C.

As alternative relief to the appeal and request for interpretation stated above, Dodge County requests a determination that the use described in the Richards Letter is "substantially similar in character to the principal uses permitted" in the M-2 zoning district. Dodge County refers to the Richards Letter as setting forth its explanation of the proposed use and the relation of such use to the principal and accessory uses described for the M-2 zoning district. In the event that the proposed use is not found to qualify as a Principal Use under section 430-45B and Permitted Accessory Uses under section 430-45C, then such use should be found to be substantially similar to the uses described in the zoning code.

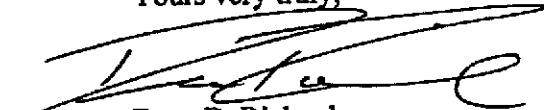
Thank you for your advice that no specific form is needed to process this application. I enclose our firm's check payable to the City of Mayville in the amount of \$200.00 for the Zoning Board of Appeals filing fee.

I am mindful that the relief requested in this application, pursuant to sections 430-135B and C, requires that the plan commission make a review and recommendation to the Zoning Board of Appeals. Accordingly, I request that this request be placed on the December 26 plan commission agenda, together with the request for review by the plan commission which I submitted under separate correspondence to Ms. Boldrey.

Ms. Deanna Boldrey, WCMC/CMC
Ms. Mary Kay Vogel
December 10, 2012
Page 5

Thank you for your assistance.

Yours very truly,



Dean B. Richards

This application is joined in by and on behalf of M-6 Holdings, LLC, as current owner of the Property and Schmid Pipeline, as current and proposed occupant of the Property.

Michael Best & Friedrich LLP
Attorneys for M-6 Holdings, LLC &
Schmid Pipeline



By: Dan O'Callaghan

9248189v2

Encs.

cc Mr. John F. Corey, Esq.
Mr. Daniel A. O'Callaghan, Esq.
Ms. Lori M. Lubinsky Esq.

Ms. Deanna Boldrey, WCMC/CMC
Ms. Mary Kay Vogel
December 10, 2012
Page 6

APPLICANTS

M-6 Holdings, LLC
Schmid Pipeline
c/o Atty. Dan O'Callaghan
Michael, Best & Friedrich, LLP
P.O. Box 1806
Madison, WI 53701-1806

Dodge County
c/o Atty. Dean Richards
Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
Waukesha, WI 53187-2265

ABUTTING AND OPPOSITE PROPERTY OWNERS OF RECORD

048-1216-1414-000
Georgene Gentz
Neal R. Gentz
N8761 County Road V
Mayville, WI 53050

251-1216-1414-003
Mayville Land Investments
901 Metalcraft Drive
P.O. Box 226
Mayville, WI 53050-0226

251-1216-1414-004
Maerdot Enterprises, LLC
P.O. Box 269
Mayville, WI 53050-0269

251-1216-1413-002
Steel Masters, LLC
P.O. Box 207
Mayville, WI 53050-0207

Ms. Deanna Boldrey, WCMC/CMC
Ms. Mary Kay Vogel
December 10, 2012
Page 7

251-1216-1413-001; 1412-003; 1411-004; 1411-005
City of Mayville
15 S. School Street
P.O. Box 273
Mayville, WI 53050-0273

251-1216-1442-004
State of Wisconsin DOT
c/o State of Wisconsin DOT Railroads & Harbors
4802 Sheboygan Avenue
P.O. Box 7914
Madison, WI 53707-7914

251-1216-1414-007
Todd W. Hepner
Susan D. Hepner
234 Pheasant Lane
West Bend, WI 53090



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November 1, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

Ms. Mary Kay Vogel
Building Inspector
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Vogel:

Re: 850 Mallard Drive
River Knoll Industrial Park

I serve as counsel to Dodge County for matters relating to their intended acquisition and use of the property generally known as 850 Mallard Drive, located in the River Knoll Industrial Park within the City of Mayville (the "Property"). This property is currently owned by M-6 Holdings, LLC and is occupied by Schmid Pipeline. Dodge County and M-6 Holdings have entered into a real estate purchase agreement by which Dodge County may acquire this property. Please accept this correspondence as the joint application of Dodge County, M-6 Holdings, LLC and Schmid Pipeline for the issuance of a certificate of occupancy for the Property. This certificate is requested in anticipation of the purchase and occupancy of the Property by Dodge County and the continued occupancy of Schmid Pipeline.

Proposed Uses

The property is zoned M-2 General Manufacturing District. Dodge County intends to use the Property for the following primary purposes:

1. county highway department garage and maintenance facility, including, without limitation the following uses:
 - a. dispatching, parking, maintenance, repair, and operation of county highway department vehicles and equipment;
 - b. storage, loading and unloading of equipment, supplies and material used for highway department maintenance, repair and construction functions;

- c. processing and repair of materials and equipment used for highway department maintenance and construction functions;
 - d. gathering of county highway department personnel including employee work, parking, storage, and meeting places; and,
 - e. employee and staff offices, administrative facilities, highway department dispatch centers and communication devices and equipment;
2. erection and use of fixed location, bulk storage structure(s) for road salt, sand and deicing materials; and,
 3. general office uses of Schmid Pipeline, as a tenant of Dodge County.

We believe these uses are permitted under § 430-45 of the City of Mayville ordinances as the proposed uses qualify under the following principal and permitted accessory uses.

§ 430-45B(2) Principal Uses - processing and/or storage of:

- Communication equipment
- Concrete and concrete products
- Construction, mining and materials handling machinery and equipment
- Hand tools and general hardware
- Electrical distribution equipment
- Electric lighting and wiring equipment
- Electronic components and accessories
- Engines
- Farm machinery and equipment
- Inflammable gases and liquids
- Metal products, including fabricated structural products

- Motor vehicles and motor vehicle equipment
- Service industry machines
- Signaling and fire control equipment
- Warehousing
- Fabricated wire products

§ 430-45C - Permitted accessory uses

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry
- (2) Off-street parking and loading areas
- (3) Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations.

Please note that the occupancy proposed by Dodge County is consistent with and substantially similar to the occupancy and use of the Property currently approved for Schmid Pipeline. Dodge County acknowledges that prior to construction of the bulk storage structure(s), building permits will be applied for and the location of the structure(s) will comply with the dimensional requirements of the Mayville zoning ordinances.

Prior Request

Dodge County further acknowledges that a request for a certificate of occupancy was previously submitted by M-6 Holdings and rejected by you. This application is submitted on behalf of Dodge County, as the anticipated owner/occupant of the property and is joined in by M-6 Holdings and Schmid Pipeline.

You have taken the position that certificates of occupancy under § 430-142 of your code are issued only for the initial development of land and not for changes in use. It is our concern that the § 430-142A phrase "...no building hereafter moved into..." may be interpreted to apply to a new owner moving into a building and, thus, triggering the necessity of a certificate of occupancy. We also note that the last sentence of § 430-142A may be read to suggest that a change in occupancy triggers the necessity of obtaining a certificate of occupancy. For these reasons, we are submitting this request for a certificate of occupancy.

Ms. Mary Kay Vogel
November 1, 2012
Page 4

We note that your October 2, 2012 correspondence to Atty. Dan O'Callaghan rejects M-6's application because it is based on a contemplated future use by another, prospective property owner. This application is submitted on behalf of the anticipated owner and occupant, the current owner, and the current occupant. Your suggestion that an application can only be submitted by a current owner with a current use creates an undesirable anomaly. Under your suggested scenario, an owner or occupant must first occupy and commence a use before they can obtain a certificate of occupancy allowing the use. Certainly, your ordinances would not require that an owner/occupant risk a violation by commencing an occupancy or use before they can obtain a certificate. We ask you to recognize that a prospective owner of property in the City of Mayville must be given the opportunity to secure permits and approvals prior to occupancy of the property.

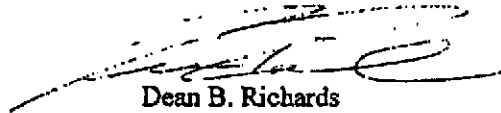
Finally, we recognize that you believe the Plan Commission "must approve the proposed location of any use under the M-2 Manufacturing Zoning District." However, we have not been able to locate a code section setting forth this requirement. Admittedly, the code refers to the standards the Plan Commission may apply when considering the approval or disapproval of proposed locations, but there is no language in your code requiring such approval for a new occupancy or use in existing buildings. We further note that § 430-45H requires site plan approval by the Plan Commission for new construction, but then only for manufacturing uses. The uses anticipated by Dodge County are not manufacturing in nature, but rather storage, and perhaps processing. The bulk material storage structures, although new construction, are also not of a manufacturing use. If we have misread your code, we would appreciate being directed to the code section which requires Plan Commission approval of a proposed location for processing or storage uses under this section. It seems inconsistent to have one listing of principal uses in a zoning district which you believe would require Plan Commission approval, and then another separate list of conditional uses for which Plan Commission approval is also required.

In the event that the City of Mayville insists upon Plan Commission review of this application, we ask that you forward our request to the clerk for placement on the Plan Commission's agenda. Our appearance before the Plan Commission will be subject to a reservation of all rights by Dodge County as we do not believe the Plan Commission has jurisdiction over this request. Once again, we specifically ask that we be provided with an explanation and citations to the zoning code establishing the Plan Commission's jurisdiction over this matter.

I enclose a check payable to the City of Mayville for your \$100.00 zoning request fee. I thank you for your consideration of this request.

Ms. Mary Kay Vogel
November 1, 2012
Page 5

Yours very truly,



Dean B. Richards

This application is joined in by and on behalf of M-6 Holdings, LLC, as current owner of the Property and Schmid Pipeline, as current and proposed occupant of the Property.

Michael Best & Friedrich LLP
Attorneys for M-6 Holdings, LLC &
Schmid Pipeline



By: Dan O'Callaghan

Reinhart\9144877v2DBR

cc Atty. John Corey
Atty. Dan O'Callaghan
Atty. Lori Lubinsky



15 South School Street, PO Box 273, Mayville WI 53050

Phone: 920.387.7900 Fax: 920.387.7919
Website: www.mayvillecity.com

November 16, 2012

Atty. Dean B. Richards
Reinhart Boerner Van Deuren S.C.
N16W23250 Stone Ridge Dr., Suite 1
P.O. Box 2265
Waukesha, WI 53187-2265

Re: M-6 Holdings, LLC

Dear Attorney Richards:

The purpose of this letter is to respond to your November 1, 2012, correspondence whereby you requested an occupancy certificate for the "intended acquisition" by your client, Dodge County, of the property owned by M-6 Holdings, LLC, located at 850 Mallard Drive, River Knoll Industrial Park. Upon review and consideration of your request, on behalf of the City of Mayville I am denying the occupancy certificate for the following reasons.

First, the occupancy ordinance only contemplates occupancy permits for vacant land and for buildings that are moved into or relocated within the City. The property Dodge County intends to acquire is not vacant land. The building on the property is not being moved into or relocated within the City. The plain language of the ordinance demonstrates that it was not designed or intended to give permission for a change in use to an existing building. Rather, permission for a change in use is given by the Planning Commission under the zoning code, as noted below.

Second, even if the occupancy ordinance were to apply to your client's request, the request is for contemplated future uses of the property by another property owner other than the current owner. The ordinance is not designed to be a vehicle for permission for a future owner to use the property in a certain manner.

Third, even if the occupancy ordinance were to apply to your client's request, neither Dodge County nor M-6 has obtained the proper approvals necessary for such an occupancy certificate to be issued. Section 430-45 B(2) of the City of Mayville Zoning Ordinance provides that the Plan Commission must approve the proposed location of any use under the M-2 Manufacturing Zoning District. Neither Dodge County nor M-6 has received such an approval for the uses

requested in your November 1, 2012, letter. Pursuant to Section 430-142 of the City's Zoning Code, the building inspector can only issue an occupancy certificate when the proposed use of land conforms with all of the requirements of the Zoning Ordinance. Dodge County's proposed uses do not conform to all of the requirements of the Zoning Ordinance. Specifically, as noted above, Dodge County has not obtained the necessary approval from the Plan Commission.

Finally, pursuant to Section 430-142 of the City's Zoning Code, the building inspector can only issue an occupancy permit if the building or land and the proposed use thereof conform to all of the requirements of Zoning Ordinance. I have concluded that Dodge County's proposed use of the building and land does not comply with the Zoning Ordinance. Specifically, I have concluded that Dodge County's proposed use of the property falls with the I-1 Institutional Zoning District given the language in §§ 430-35 and 430-46. I understand that prior to my tenure as the City Building Inspector, M-6 applied to rezoning the property from M-2 to I-1, apparently recognizing that Dodge County's intended use fell within I-1 zoning, not M-2 zoning. I agree that Dodge County's intended use of the property falls with I-1 zoning, not M-2 zoning. Accordingly, I cannot issue the occupancy permit for the additional reason that Dodge County's proposed use does not comply with all requirements of Zoning Ordinance.

If you do not agree with this determination, you may file an appeal with the Zoning Board of Appeals. If you choose to file such an appeal, that appeal must be filed with the City Clerk within thirty (30) days of the date of this written decision and as provided by Section 430-136 of the Zoning Ordinance.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Mary Kay Vogel
City of Mayville Building Inspector/Zoning Administrator

6976

REINHART BOERNER VAN DEUREN s.c.
P.O. BOX 2018
MADISON, WI 53701-2018

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www.Chase.com
12-1-750

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December 10, 2012

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ORDER OF City of Mayville

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Security Features. Details on back.



MEMO 01010:027375:0001
ZBA Filing Fee



AUTHORIZED SIGNATURE

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547388499⑈



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Facsimile: 262-951-4690
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December 10, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

Ms. Deanna Boldrey, WCMC/CMC
City Clerk
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Boldrey:

Re: Dodge County Highway Dept. Facility
Salt Storage Facility
850 Mallard Drive
River Knoll Industrial Park

On behalf of Dodge County, I submit this letter as a request for the City of Mayville Plan Commission, at its December 26, 2012 meeting, to consider the request of Dodge County to construct and utilize a salt storage facility ("Facility") at the above-captioned property. Dodge County has entered into a contract with M-6 Holdings, LLC to purchase the property located at 850 Mallard Drive in the City of Mayville's River Knoll Industrial Park (the "Property"). The Property would be used as a Dodge County Highway Department garage (Please see the separate submission to the plan commission dated December 10, 2012.). Subsequent to purchase, Dodge County wishes to construct the Facility on the Property.

The Facility is consistent with the current use of the Property by Schmid Pipeline and the intended use of the Property by Dodge County. Accordingly, we believe that no further approval of the use or of the Facility is required. Nonetheless, this request is submitted pursuant to section 430-45H of the City of Mayville Zoning Ordinance (the "Ordinance"), based upon our knowledge of prior positions being taken by the City of Mayville as to the applicability of section 430-45 of the Ordinance. We offer the following information in support of our request.

- A. The Facility will be used for the storage of road deicing salt. The Facility may also be used for the storage/garaging of machinery or equipment used to load and unload the material. The sole use of the Facility is storage.
- B. The Facility is proposed to be 72 feet wide and 70 feet deep, with a height of 29 feet.
- C. The Facility will be located at the portion of the Property marked with an "X" on the attached site plan.

- D. The Facility is a combination of a concrete base and a fabric-covered steel structure over the base. Two photographs of structures that are comparable to the Facility, and which have been constructed in Juneau, are attached. The first photo shows the rear elevation of a completed structure, with a second structure under construction to its right. In the second photo, the front elevation of the two completed structures can be seen to the left of the structure being razed.
- E. Diagrams of the steel structure of the Juneau structures, comparable to the Facility, are attached.
- F. The Facility will be constructed so as to comply with all dimensional requirements of the applicable zoning code.
- G. The Facility will be constructed so as to comply with all regulations and permitting required of a salt storage facility.
- H. The Facility is substantially distant from neighboring structures and adjacent properties so as to not impair an adequate supply of light and air to the adjacent properties and to not substantially increase the danger of fire to neighboring structures.
- I. The Facility is an ancillary or accessory structure, which is used in conjunction with the proposed highway garage on the Property. In and of itself, the Facility generates no new traffic. Instead, the traffic associated with the Property and its intended use includes the transit of trucks delivering material to and taking material from the Facility. Because the Facility is used primarily for winter operations, its use is seasonal. In addition, during the periods when the Facility is being loaded with material, anticipated truck traffic is less than that associated with a typical warehousing or delivery operation, such as that for the permitted M-2 uses of concrete or concrete products plant, ready-mix plant, warehousing or bulk storage of inflammable gases or liquids. In all other respects, the Facility is consistent with the uses and structures within the River Knoll Industrial Park and will not impair public health, safety, or property values.

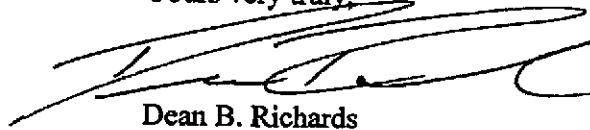
This request for consideration by the plan commission and our appearance at the plan commission meeting is subject to Dodge County reserving all rights to object to the jurisdiction of the plan commission hearing this matter. It is the position of Dodge County that the Facility is not subject to plan commission approval. Section 430-45H of the Ordinance applies only to, "...any building hereafter erected or structurally altered for manufacturing use...". Because the Facility will be used solely for storage purposes, no plan commission approval for the Facility is

Ms. Deanna Boldrey, WCMC/CMC
December 10, 2012
Page 3

required. We ask that the City of Mayville confirm that the Facility may be constructed, subject to the issuance of the applicable building permits.

Thank you for your assistance in scheduling this request before the plan commission.

Yours very truly,

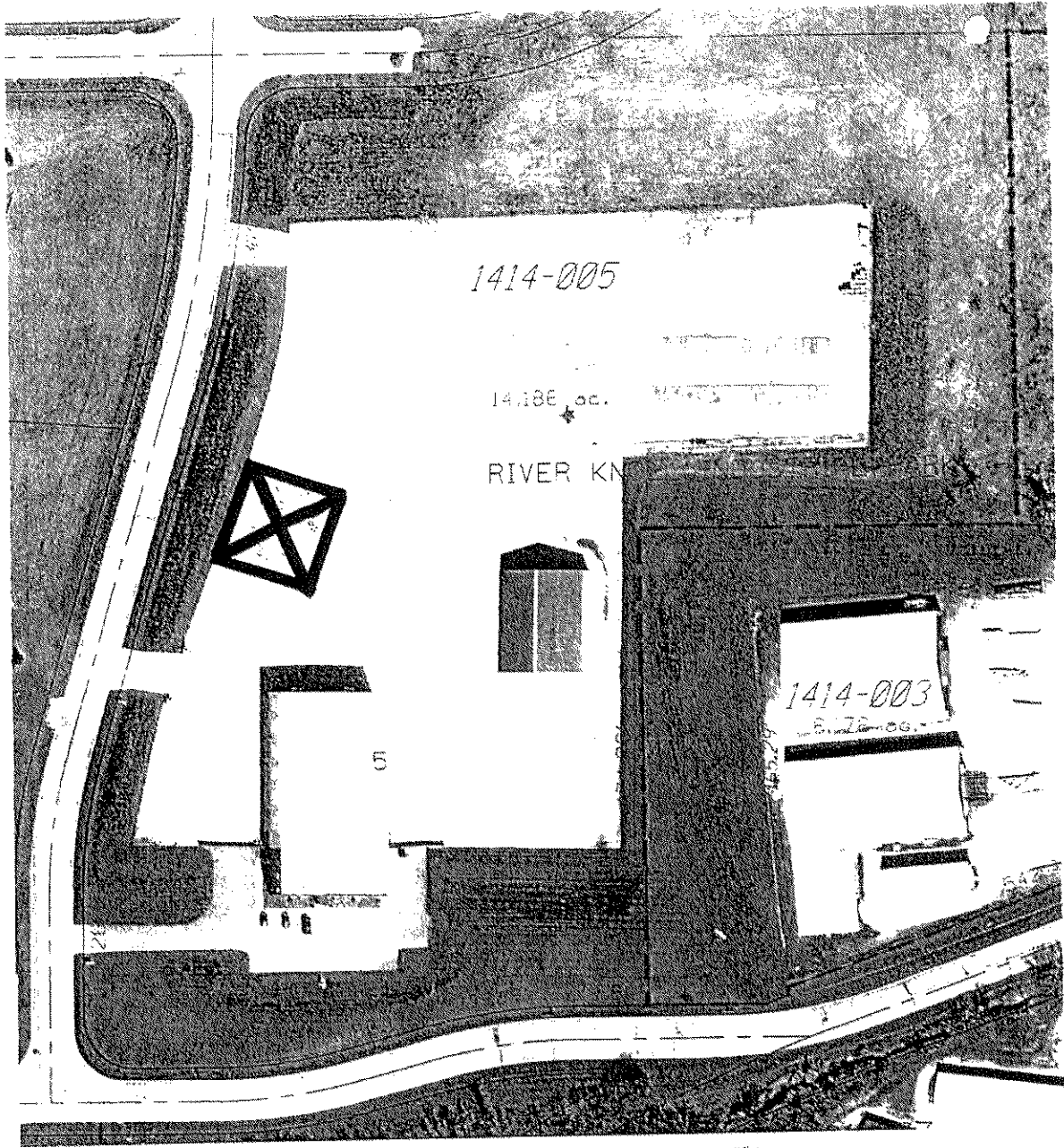
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Dean B. Richards

9270091v2

Encs.

cc Mr. John F. Corey, Esq.
Mr. Daniel A. O'Callaghan, Esq.
Ms. Lori M. Lubinsky Esq.



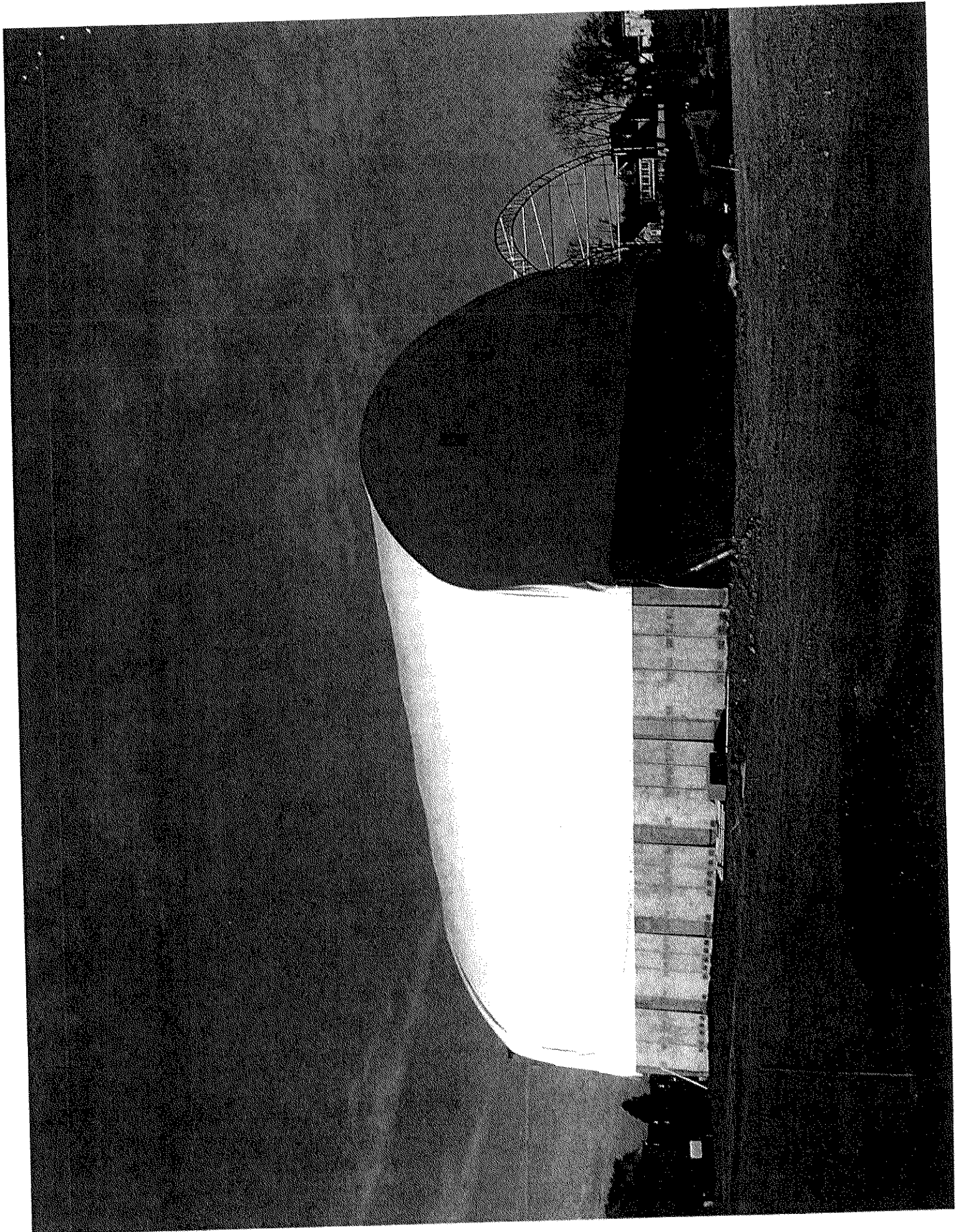
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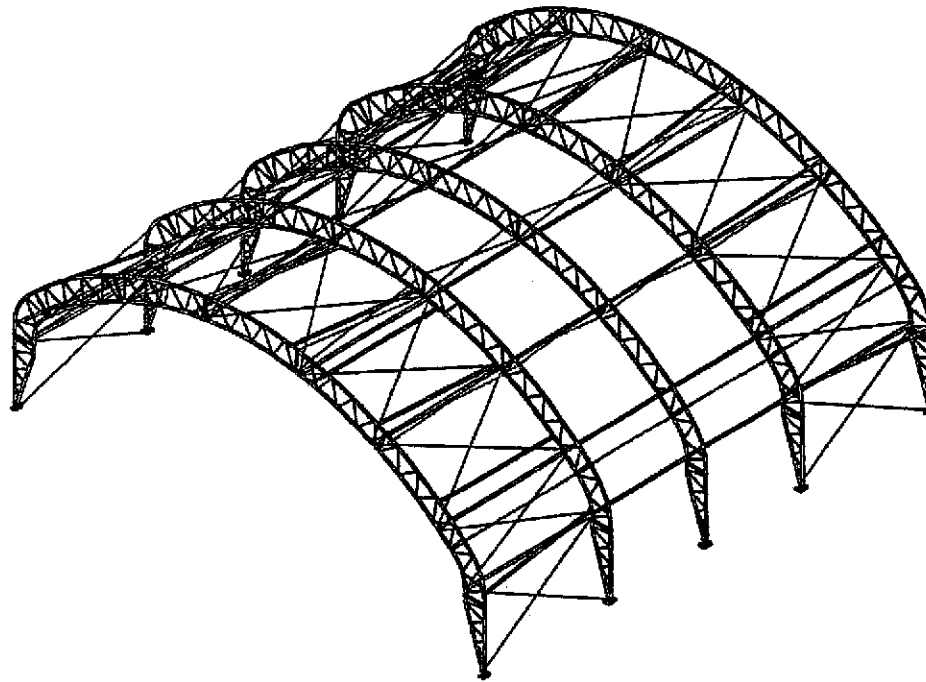




**** NOTE **: ALL DOORS MUST BE CLOSED AND SECURED DURING HIGH WIND EVENTS (WIND SPEEDS > 70 MPH).**

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 ClearSpan
 A Division of ClearSpan Structures & Products, Inc.
 10000 ClearSpan Drive
 Houston, TX 77036
 Phone: 281-291-8800
 Fax: 281-291-8801
 Office Number: 4432135
 Customer Number: 6028604



Content Guide:

- [A1-1.0]COVER PAGE
- [B1-1.0]GENERAL NOTES
- [C1-1.0]MATERIAL SPECIFICATIONS
- [D1-1.0]FRONT PROFILE (GRID)
- [D2-1.0]FRONT PROFILE (FRONT - END RAFTER)
- [D2-2.0]FRONT PROFILE (BACK - END RAFTER)
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- [E1-1.0]SIDE PROFILE
- [F1-1.0]TOP PROFILE
- [G1-1.0]DETAIL LOCATION CALL-OUTS
- [G2-1.0]CONNECTION DETAILS
- [G3-1.0]CONNECTION DETAILS
- [G4-1.0]BASE CONNECTION DETAILS
- [G5-1.0]CABLE DETAILS
- [G6-1.0]CABLE LENGTH DETAILS
- [G7-1.0]SWAY CABLE DETAILS
- [H1-1.0]FOUNDATION DETAILS (BASE PLATES)
- [H2-1.0]FOUNDATION DETAILS (ANCHOR HOLES)
- IOMITTED FOR CLARITY
- [J1-1.0]PROTOTYPICAL REACTIONS
- [K1-1.0]ADDITIONAL INFORMATION

Project No.:	T072RDS021070WF
Customer:	BOJCE COUNTY HIGHWAY DEPT 211 W. STATE ST. DALLAS, TX 75201-3811
Customer Contact:	BRIAN FIELD
Customer Contact Phone:	503-386-3856
Structure Size:	72' W X 70'-0" L X 29'-0" H
Structure Orientation:	72X70 RD TRS 12FR WHT 20'15'OC GF
Page No.:	COVER PAGE

Project Name:		
Drawings:		
Drawn By:	Checked/Date:	
CSG	07/20/15	
Revisions:		
No.	By	Revision Desc.
1	JLR	07/20/15
2	TS	07/20/15
3	SLP	07/20/15
Sheet:		
A1-1.0		

CUSTOMER DESIGN APPROVAL

APPROVED
By Daniel P. Shea at ClearSpan, Sep 09, 2016

Customer Signature _____ Date _____

Cover Color WHITE Sample Approved (Check Box)
 Weight of Material 12.5 OZ.
 Fire Retardant (F) or Standard Material (N) F CSO APPROVAL CSO
 Termination at Bottom 2'-0" GROUND FLAP W/ POUND IN STRIP

GENERAL NOTES

SITE LOCATION AND BUILDING DESCRIPTION:

SITE LOCATION: 211 EAST CENTER ST.
JUNEAU, WI 53039
DODGE COUNTY

BUILDING SIZE: 72' x 70'; 5,040 SQUARE FEET
BUILDING TYPE: PRE-ENGINEERED FABRIC STRUCTURE
CONSTRUCTION TYPE: TYPE IIB
FABRIC: FIRE-RATED

GENERAL NOTES:

1. DESIGNED IN CONFORMANCE WITH THE STRUCTURAL PROVISIONS OF THE INTERNATIONAL BUILDING CODE, 2006 EDITION.

2. DESIGN LOADS:

- A. FLOOR LIVE LOAD: N/A
- B. ROOF LIVE LOAD: 3 PSF (FABRIC ROOF)
- C. ROOF SNOW LOADS:

P_g (GROUND SNOW LOAD) = 30 PSF (ASSUMED)
 C_e (SNOW EXPOSURE FACTOR) = 1.0 (PARTIALLY EXPOSED TERRAIN CATEGORY C)
 C_t (THERMAL FACTOR) = 1.2 (COLD ROOF)
 I_s (SNOW IMPORTANCE FACTOR) = 0.8 (CATEGORY I)
 P_f (FLAT ROOF SNOW LOAD) = 20.2 PSF
 P_s (SLOPED ROOF SNOW LOAD) = $C_s P_f$
 C_s (SLOPE FACTOR) = AS DETERMINED FOR GABLE OR ARCHED ROOF PER ASCE 7 (BALANCED AND UNBALANCED LOADING CONDITIONS CONSIDERED).

SNOW DRIFTING FROM ADJACENT BUILDINGS, STRUCTURES, OR ANY OTHER HORIZONTAL SURFACES HAS NOT BEEN CONSIDERED.

D. WIND DESIGN DATA: (METHOD 2, ANALYTICAL PROCEDURE)

V (BASIC WIND SPEED) = 80 MPH (ASSUMED)
 K_d (WIND DIRECTIONALITY FACTOR) = 0.85
 I_w (WIND IMPORTANCE FACTOR) = 0.87 (CATEGORY I)
 C (EXPOSURE CATEGORY) = C (ASSUMED)
 GCF (INT. PRES. COEFF.) = +0.18 (ENCLOSED)
 C_p (EXT. PRES. COEFF.) = AS DETERMINED FOR GABLE OR ARCHED ROOF COMPONENTS AND CLADDING WIND PRESSURE: N/A

WIND SPEED-UP EFFECTS AT ISOLATED HILLS, RIDGES, AND ESCARPMENTS CONSTITUTING ABRUPT CHANGES IN THE GENERAL TOPOGRAPHY, HAVE NOT BEEN CONSIDERED

E. EARTHQUAKE DESIGN DATA: WIND LOAD CONTROLS DESIGN

3. THE TRUSSES ARE DESIGNED TO ACCOMMODATE LIMITED ADDITIONAL WEIGHT. ADDITIONAL LOADS, SUCH AS FOR LIGHTING, HEATING, AND VENTILATING EQUIPMENT, SHALL NOT EXCEED 400 LBS. PER ASSEMBLED TRUSS, WITHOUT THE WRITTEN APPROVAL OF THE DESIGN ENGINEER. LOADS SHALL BE APPLIED AT PANEL POINTS (POINTS OF CONTACT BETWEEN TRUSS WEB AND CHORD), AND SHALL BE DISTRIBUTED SO THAT NO MORE THAN 150 LBS. IS SUSPENDED FROM ANY SINGLE LOCATION.

FOUNDATION:

1. FOUNDATION SHALL BE ENGINEERED AND APPROVED BY A LOCALLY LICENSED STRUCTURAL ENGINEER TO ACCOUNT FOR THE PROTOTYPICAL REACTIONS SHOWN ON PAGE [J1-1.0].

GENERAL ABBREVIATIONS
TOS TOP OF STEEL / TSL TOP OF SLAB / GALV. GALVANIZED /
FND FOUNDATION / EL ELEVATION / RND. ROUND /
GA GAUGE / DIA DIAMETER / TYP. TYPICAL

SITE ADAPTATION/ENGINEERING VERIFICATION:

1. PRIOR TO COMMENCING FABRICATION FOR A SPECIFIC SITE, VERIFY IF ANY MODIFICATIONS TO THE STRUCTURE AND/OR FOUNDATION CONNECTIONS ARE REQUIRED BY THE SITE ADAPTATION ENGINEER.

2. THIS IS A PROTOTYPICAL DESIGN AND DOCUMENT SET. THE DESIGN AND DEPICTED FABRICATION, ERECTION, AND FOUNDATION DRAWINGS ARE ONLY VALID FOR THE EXACT DESIGN PARAMETERS AND COMBINATIONS OF PARAMETERS DOCUMENTED. THE DESIGN MUST BE SITE ADAPTED TO SPECIFIC SITES. ANY USE OF THIS DESIGN AND DOCUMENT FOR A SPECIFIC SITE REQUIRES:

A. DESIGN PARAMETER VERIFICATION BY A REGISTERED PROFESSIONAL ENGINEER, EXPERIENCED IN STRUCTURAL ENGINEERING, VERIFY THAT LOADING CONDITIONS AND THE REQUIREMENTS OF THIS SITE ARE EQUAL TO OR LESS THAN THE DOCUMENTED DESIGN PARAMETERS AND/OR COMBINATIONS OF THE DOCUMENTED DESIGN PARAMETERS

B. VERIFICATION OF SPECIFIC SITE SOIL CONDITIONS. FIELD VERIFY THAT THE EXISTING SITE SOIL CONDITIONS ARE EQUAL TO OR GREATER THAN THE DOCUMENTED DESIGN PARAMETERS AND/OR COMBINATIONS OF DOCUMENTED DESIGN PARAMETERS.

C. ANY SITE SPECIFIC CONDITIONS FAILING A OR B WILL REQUIRE RE-ANALYSIS OF THE STRUCTURE AND/OR FOUNDATION BY A CERTIFIED DESIGN PROFESSIONAL. FAILURE TO VERIFY THE VALIDITY OF THIS DESIGN FOR A SPECIFIC SITE, FOLLOWED BY ANY NECESSARY SITE ADAPTATION MODIFICATION CAN RESULT IN A DANGEROUS SITUATION.

STEEL:

1. ALL STRUCTURAL STEEL TUBING SHALL BE GALVANIZED, MIN. YIELD STRENGTH 60 KSI. SECTION PROPERTIES, DESIGN VALUES, AND GALVANIZING PROTECTION SHALL MEET OR EXCEED STANDARDS BY ALLIED TUBE AND CONDUIT - HARVEY, ILLINOIS.

2. STEEL PLATES SHALL COMPLY WITH ASTM A572 GRADE 60 OR EQUAL STRUCTURAL STEEL IS TO BE SHOP PRIME-COATED WITH COLD GALVANIZING COMPOUND, APPLY SHOP PRIME COAT TO OBTAIN A UNIFORM DRY FILM THICKNESS OF NOT LESS THAN 2-MILS.

3. ALL BOLTED CONNECTIONS SHALL USE A325 BOLTS WITH COMPATIBLE WASHERS AND NUTS OF DIAMETERS INDICATED ON PLANS. BOLTS NEED ONLY BE TIGHTENED TO THE SNUG-TIGHT CONDITION. THE SNUG-TIGHT CONDITION IS DEFINED AS THE TIGHTNESS ATTAINED BY A FEW IMPACTS OF AN IMPACT WRENCH OR THE FULL EFFORT OF A MAN USING AN ORDINARY SPUD WRENCH

4. ALL STRUCTURAL STEEL IS TO BE FABRICATED IN ACCORDANCE WITH THE LATEST EDITION OF AISC SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS.

CABLES AND HARDWARE:

1. ALL CABLE SHALL BE GALVANIZED STEEL, MULTIPURPOSE, 7 X 7 (5/16" DIA.) OR 7 X 10 (9/16" & 3/8" DIA.) OR 8 X 25 (1/2" DIA.) CLASS STRAND CORE COMMERCIAL GRADE, OF DIAMETER INDICATED, UNLESS OTHERWISE NOTED.

2. CABLE SLEEVES SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.

CABLES AND HARDWARE (CONT.):

3. USE THIMBLES WITH CABLE SLEEVES IN ALL LOOP-END APPLICATIONS.

4. TENSION CABLES AT TURNBUCKLE TO TAUT CONDITION (STRAIGHT AND NOT SLACK OR LOOSE).

5. TIGHTEN CABLES SEQUENTIALLY TO AVOID TWISTING OR DEFORMING STRUCTURAL ELEMENTS DURING ERECTION. RECHECK PREVIOUSLY TIGHTENED CABLES UNTIL ALL CABLES ACHIEVE TAUT CONDITION.

WELDING:

1. REFER TO "WELDING GUIDELINES" PUBLISHED BY ALLIED TUBE AND CONDUIT, HARVEY, ILLINOIS, FOR RECOMMENDED PROCESSES AND PRACTICES FOR WELDING GALVANIZED STEEL TUBING.

A. TO DEVELOP THE FULL STRENGTH AT PIPE JOINT, THE ALL AROUND FILLET WELDS SHALL BE SIZED AS FOLLOWS:

THICKNESS OF THE TUBE - MINIMUM FILLET WELD SIZE	
Gage 14	1/8"
Gage 13 & 12	5/32"
Gage 11 & 10	3/16"
Gage 9 & 8	7/32"
Gage 7	1/4"

(PLEASE NOTE: WHEN TUBES OF TWO DIFFERENT WALL THICKNESSES ARE JOINED, THE MINIMUM FILLET WELD SIZE SHALL BE BASED ON THE THINNER OF THE TWO MEMBERS).

2. WELDS SHALL SHOW UNIFORM SECTION, SMOOTHNESS OF WELD METAL, FREEDOM FROM POROSITY AND CLUNKERS, AND ADEQUATE STRENGTH AND DURABILITY.

3. ALL WELDS NOT OTHERWISE IDENTIFIED SHALL BE CONTINUOUS.

4. ALL SHOP WELDING IS TO BE DONE BY CERTIFIED OPERATORS (TEST POSITION 4F AND 5F WITH PIPE IS MINIMUM REQUIRED CERTIFICATION).

5. ALL WELDING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF AWS D1.1 AND D1.3

PAINTING AND TOUCH UP:

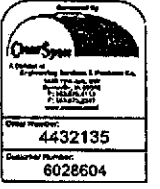
1. AFTER SHOP FABRICATION, TOUCH-UP ALL WELDS, ABRADED AREAS AND SCRATCHES WITH COLD GALVANIZING COMPOUND CONSISTENT WITH GALVANIZED TUBE MANUFACTURER'S RECOMMENDATIONS FOR COLOR AND COMPOSITION. PRIOR TO TOUCH-UP, CLEAN WELDED AND ABRADED AREAS WITH A WIRE BRUSH TO REMOVE SLAG AND LOOSE PARTICLES. SURFACES MUST BE CLEAN AND OIL FREE.

2. AFTER FIELD INSTALLATION, TOUCH-UP ALL ABRADED AREAS, SCRATCHES, FIELD WELDS, BOLTED CONNECTIONS AND ATTACHMENTS WITH COLD GALVANIZING COMPOUND OF THE SAME COMPOSITION AND COLOR USED FOR SHOP COATING.

ERECTION AND FIELD QUALITY CONTROL:

1. THE ERECTOR IS RESPONSIBLE FOR DESIGNING AND FURNISHING ALL TEMPORARY BRACING, SHORING, AND/OR SUPPORT THAT MAY BE REQUIRED AS THE RESULT OF ERECTOR'S CONSTRUCTION METHODS AND/OR SEQUENCES. THE STRUCTURE IS DESIGNED TO FUNCTION AS A UNIT UPON COMPLETION. THE STRUCTURAL ENGINEER ASSUMES NO LIABILITY FOR THE STRUCTURE DURING ERECTION.

2. NO OPENING (OTHER THAN THOSE SHOWN ON THE DRAWINGS) SHALL BE MADE IN ANY STRUCTURAL MEMBER, AND NO MODIFICATION OR ALTERATION SHALL BE MADE TO ANY STRUCTURAL MEMBER OR CONNECTION WITHOUT THE WRITTEN APPROVAL OF THE DESIGN ENGINEER.



ClearSpan
 A Division of
 ClearSpan Structures & Systems, Inc.
 11115 S. 24th Ave.
 Suite 100
 Phoenix, AZ 85048
 Phone: (602) 998-8800
 Fax: (602) 998-8801
 Email: sales@clearspan.com

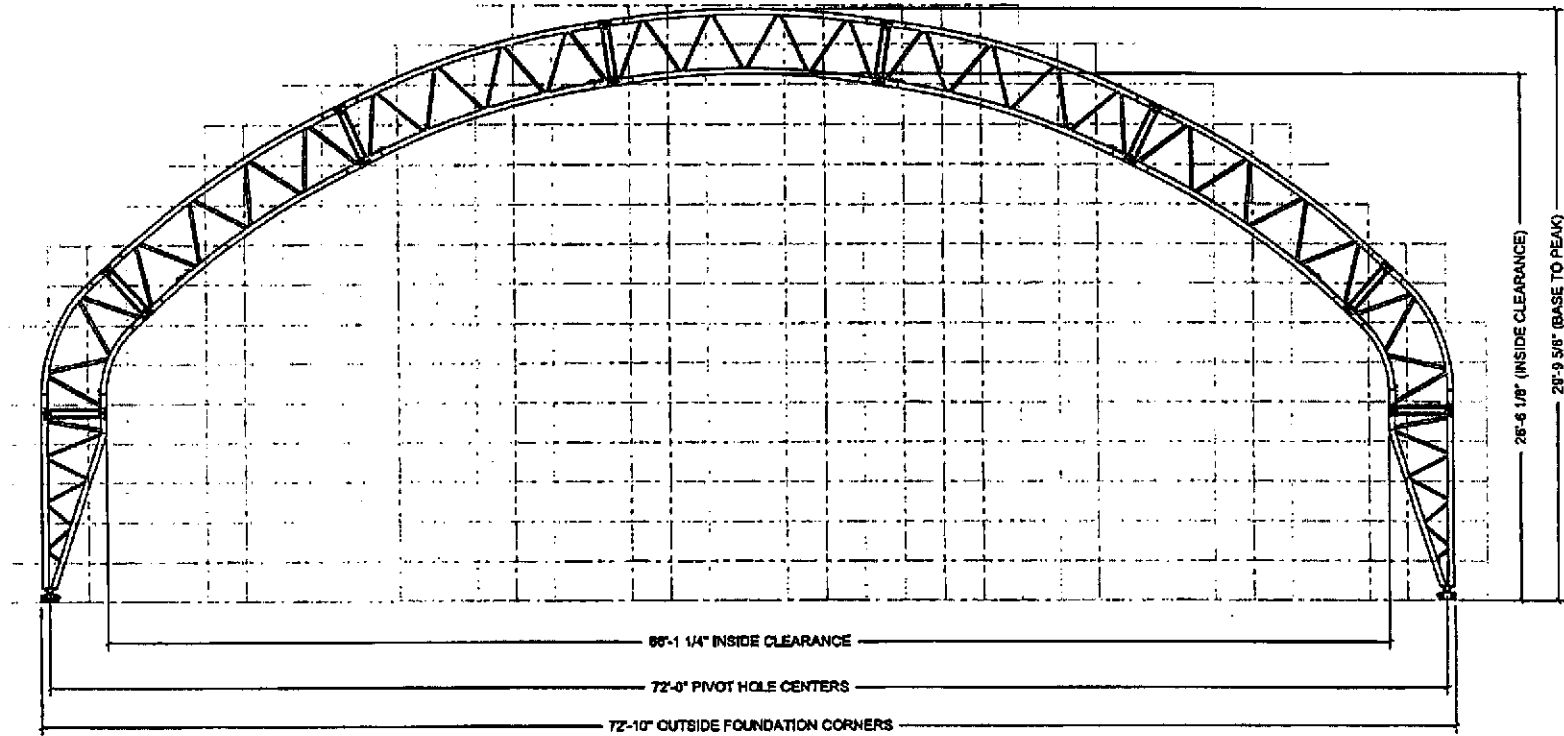
ClearSpan Number: **4432135**
 Customer Number: **6028604**

Division: 0010	Project: 1072RDS021070WF
Customer: CAROLINE COUNTY HIGHWAY DEPT	Customer Contact: Brian Field
Address: 11115 S. 24th Ave., Suite 100, Phoenix, AZ 85048	Customer Phone: 830-308-3050
Customer Contact: Brian Field	Customer Email: bfield@clearspan.com
Customer Address: 11115 S. 24th Ave., Suite 100, Phoenix, AZ 85048	Customer Fax: 602-998-8801
Customer Phone: 830-308-3050	Customer Email: bfield@clearspan.com
Customer Email: bfield@clearspan.com	Project Title: GENERAL NOTES

Rev.	By	Reason/Date
1	JH	02/27/10
2	TS	02/24
3	SLP	04/29/10

Sheet: **B1-1.0**

FRONT PROFILE (GRID)
 GRID REPRESENTS 24" SQUARES



ClearSpan
 A Division of
 Engineering Systems International, Inc.
 1200 West Ave. SW
 P.O. Box 2207
 Grand Rapids, MI 49501

Order Number: 4432135
 Customer Number: 6028604

Customer Information DODGE COUNTY HIGHWAY DEPT 1400 W. WISCONSIN MILWAUKEE, WI 53211-1199	Product Code T072R03021070WF	Product Size 72' W x 70'-0" L x 28'-0" H	Product Description 72X70 90 TRS 12FA WWF RETROCC OF
Customer Contact BOB WELLS	Customer Contact Phone 920-386-8850	Page Title FRONT PROFILE (GRID)	

PROJ/META Project:
 State Road 139 (over 2nd and 3rd)

Drawings:

Drawn By JCF	Checked Date 12/28/04	
Revised:		
No.	By	Revision Date
1	JCF	07/17/04
2	YS	07/21/04
3	KJP	07/26/04

Sheet: D1-1.0



Reinhart Boerner Van Deuren s.c.
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N16 W23250 Stone Ridge Drive
Suite 1
Waukesha, WI 53188

Telephone: 262-951-4500
Fax: 262-951-4690
Toll Free: 800-928-5529
reinhartlaw.com

December 10, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

Ms. Deanna Boldrey, WCMC/CMC
City Clerk
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Boldrey:

Re: Dodge County Highway Dept. Facility
850 Mallard Drive
River Knoll Industrial Park

I serve as counsel to Dodge County in matters pertaining to the above described property. Dodge County has entered into a contract with M-6 Holdings, LLC to purchase the property located at 850 Mallard Drive in the City of Mayville's River Knoll Industrial Park (the "Property"). Dodge County has sought to confirm that its intended use of the Property is consistent with City of Mayville zoning. To this end, we applied for, but were denied, an occupancy permit for this use at the Property's location.

Please accept this correspondence as the request of Dodge County to be placed upon the City of Mayville Plan Commission agenda for its December 26, 2012 meeting. Our request arises from the November 16, 2012 correspondence of your building inspector/zoning administrator, Mary Kay Vogel (copy enclosed). In this letter, Ms. Vogel states that Section 430-45B(2) of the City of Mayville Zoning Ordinance requires plan commission approval of proposed locations of any use under the M-2 manufacturing district.

This request for consideration by the plan commission and our appearance at the plan commission meeting is subject to Dodge County reserving all rights to object to the jurisdiction of the plan commission hearing this matter. It is the position of Dodge County that its intended use of the property is not subject to plan commission approval.

I enclose a copy of my November 1, 2012 correspondence to Ms. Vogel. This correspondence sets forth the request of Dodge County. In essence, Dodge County intends to acquire the current Schmid Pipeline facility and use that facility as a Dodge County Highway Department garage. The details of the proposed use are set forth in my November 1 correspondence.

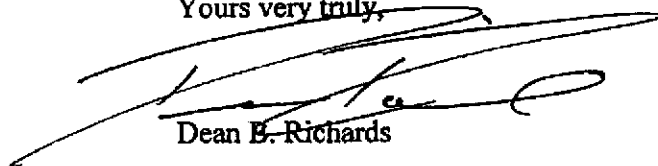
Ms. Deanna Boldrey, WCMC/CMC
December 10, 2012
Page 2

Section 430-45B(2) of the City's zoning ordinance does not state that plan commission approval of proposed locations of uses is required. Instead, this ordinance section sets forth the standards by which the commission should base a decision on a location request. The language of the ordinance refers to how the plan commission would make its decision, not that the plan commission must make a decision. For instance, the two pertinent sentences of the ordinance section cited by Ms. Vogel refer to: "...the Plan Commission, approving or disapproving proposed locations for uses under this section, shall give due consideration..." and "[t]he Plan Commission shall also base its decision on such evidence...". There is no language requiring the plan commission to make a decision as to a use's location.

However, section 430-45H of the City's zoning ordinance does set forth circumstances under which the plan commission must review a site plan. In that section of the ordinance, a builder "...of any building hereafter erected or structurally altered for manufacturing use..." must present detailed site plans to the City Plan Commission. This section does not apply to the Dodge County acquisition of the Schmid Pipeline facility. First, at this time no building is proposed to be erected or structurally altered. Secondly, the Dodge County use is for storage and possibly processing. It does not constitute a manufacturing use. Finally, the use contemplated by Dodge County is consistent with and substantially similar to the use of the facility by Schmid Pipeline. Accordingly, there is no change in use and prior approvals by the City of Mayville remain applicable to Dodge County's use.

Ms. Vogel's position, as stated in her November 16 correspondence, has stymied Dodge County's plans to proceed to acquire the property and commence operations. In order to lessen any further delay in the acquisition of the Property, we will appear before the plan commission and answer any questions concerning the proposed use of the Property by Dodge County, agreeing to do so without waiver of right or objection. We request plan commission approval of the use of the Property as detailed in my November 1, 2012 correspondence.

Yours very truly,



Dean B. Richards

9247883v2

Encs.

cc Mr. John F. Corey, Esq.
Mr. Daniel A. O'Callaghan, Esq.
Ms. Lori M. Lubinsky Esq.



Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
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Toll Free: 800-928-5529
reinhartlaw.com

November 1, 2012

Dean B. Richards
Direct Dial: 262-951-4561
drichards@reinhartlaw.com

Ms. Mary Kay Vogel
Building Inspector
City of Mayville
P.O. Box 273
Mayville, WI 53050

Dear Ms. Vogel:

Re: 850 Mallard Drive
River Knoll Industrial Park

I serve as counsel to Dodge County for matters relating to their intended acquisition and use of the property generally known as 850 Mallard Drive, located in the River Knoll Industrial Park within the City of Mayville (the "Property"). This property is currently owned by M-6 Holdings, LLC and is occupied by Schmid Pipeline. Dodge County and M-6 Holdings have entered into a real estate purchase agreement by which Dodge County may acquire this property. Please accept this correspondence as the joint application of Dodge County, M-6 Holdings, LLC and Schmid Pipeline for the issuance of a certificate of occupancy for the Property. This certificate is requested in anticipation of the purchase and occupancy of the Property by Dodge County and the continued occupancy of Schmid Pipeline.

Proposed Uses

The property is zoned M-2 General Manufacturing District. Dodge County intends to use the Property for the following primary purposes:

1. county highway department garage and maintenance facility, including, without limitation the following uses:
 - a. dispatching, parking, maintenance, repair, and operation of county highway department vehicles and equipment;
 - b. storage, loading and unloading of equipment, supplies and material used for highway department maintenance, repair and construction functions;

- c. processing and repair of materials and equipment used for highway department maintenance and construction functions;
 - d. gathering of county highway department personnel including employee work, parking, storage, and meeting places; and,
 - e. employee and staff offices, administrative facilities, highway department dispatch centers and communication devices and equipment;
2. erection and use of fixed location, bulk storage structure(s) for road salt, sand and deicing materials; and,
 3. general office uses of Schmid Pipeline, as a tenant of Dodge County.

We believe these uses are permitted under § 430-45 of the City of Mayville ordinances as the proposed uses qualify under the following principal and permitted accessory uses.

§ 430-45B(2) Principal Uses - processing and/or storage of:

- Communication equipment
- Concrete and concrete products
- Construction, mining and materials handling machinery and equipment
- Hand tools and general hardware
- Electrical distribution equipment
- Electric lighting and wiring equipment
- Electronic components and accessories
- Engines
- Farm machinery and equipment
- Inflammable gases and liquids
- Metal products, including fabricated structural products

- Motor vehicles and motor vehicle equipment
- Service industry machines
- Signaling and fire control equipment
- Warehousing
- Fabricated wire products

§ 430-45C - Permitted accessory uses

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry
- (2) Off-street parking and loading areas
- (3) Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations.

Please note that the occupancy proposed by Dodge County is consistent with and substantially similar to the occupancy and use of the Property currently approved for Schmid Pipeline. Dodge County acknowledges that prior to construction of the bulk storage structure(s), building permits will be applied for and the location of the structure(s) will comply with the dimensional requirements of the Mayville zoning ordinances.

Prior Request

Dodge County further acknowledges that a request for a certificate of occupancy was previously submitted by M-6 Holdings and rejected by you. This application is submitted on behalf of Dodge County, as the anticipated owner/occupant of the property and is joined in by M-6 Holdings and Schmid Pipeline.

You have taken the position that certificates of occupancy under § 430-142 of your code are issued only for the initial development of land and not for changes in use. It is our concern that the § 430-142A phrase "...no building hereafter moved into..." may be interpreted to apply to a new owner moving into a building and, thus, triggering the necessity of a certificate of occupancy. We also note that the last sentence of § 430-142A may be read to suggest that a change in occupancy triggers the necessity of obtaining a certificate of occupancy. For these reasons, we are submitting this request for a certificate of occupancy.

Ms. Mary Kay Vogel
November 1, 2012
Page 4

We note that your October 2, 2012 correspondence to Atty. Dan O'Callaghan rejects M-6's application because it is based on a contemplated future use by another, prospective property owner. This application is submitted on behalf of the anticipated owner and occupant, the current owner, and the current occupant. Your suggestion that an application can only be submitted by a current owner with a current use creates an undesirable anomaly. Under your suggested scenario, an owner or occupant must first occupy and commence a use before they can obtain a certificate of occupancy allowing the use. Certainly, your ordinances would not require that an owner/occupant risk a violation by commencing an occupancy or use before they can obtain a certificate. We ask you to recognize that a prospective owner of property in the City of Mayville must be given the opportunity to secure permits and approvals prior to occupancy of the property.

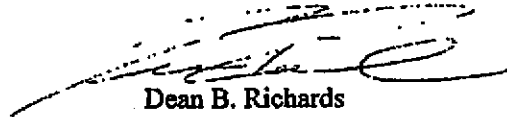
Finally, we recognize that you believe the Plan Commission "must approve the proposed location of any use under the M-2 Manufacturing Zoning District." However, we have not been able to locate a code section setting forth this requirement. Admittedly, the code refers to the standards the Plan Commission may apply when considering the approval or disapproval of proposed locations, but there is no language in your code requiring such approval for a new occupancy or use in existing buildings. We further note that § 430-45H requires site plan approval by the Plan Commission for new construction, but then only for manufacturing uses. The uses anticipated by Dodge County are not manufacturing in nature, but rather storage, and perhaps processing. The bulk material storage structures, although new construction, are also not of a manufacturing use. If we have misread your code, we would appreciate being directed to the code section which requires Plan Commission approval of a proposed location for processing or storage uses under this section. It seems inconsistent to have one listing of principal uses in a zoning district which you believe would require Plan Commission approval, and then another separate list of conditional uses for which Plan Commission approval is also required.

In the event that the City of Mayville insists upon Plan Commission review of this application, we ask that you forward our request to the clerk for placement on the Plan Commission's agenda. Our appearance before the Plan Commission will be subject to a reservation of all rights by Dodge County as we do not believe the Plan Commission has jurisdiction over this request. Once again, we specifically ask that we be provided with an explanation and citations to the zoning code establishing the Plan Commission's jurisdiction over this matter.

I enclose a check payable to the City of Mayville for your \$100.00 zoning request fee. I thank you for your consideration of this request.

Ms. Mary Kay Vogel
November 1, 2012
Page 5

Yours very truly,



Dean B. Richards

This application is joined in by and on behalf of M-6 Holdings, LLC, as current owner of the Property and Schmid Pipeline, as current and proposed occupant of the Property.

Michael Best & Friedrich LLP
Attorneys for M-6 Holdings, LLC &
Schmid Pipeline



By: Dan O'Callaghan

Reinhart\9144877\2DBR

cc Atty. John Corey
Atty. Dan O'Callaghan
Atty. Lori Lubinsky



15 South School Street, PO Box 273, Mayville WI 53050

Phone: 920.387.7900 Fax: 920.387.7919

Website: www.mayvillecity.com

November 16, 2012

Atty. Dean B. Richards
Reinhart Boerner Van Deuren S.C.
N16W23250 Stone Ridge Dr., Suite 1
P.O. Box 2265
Waukesha, WI 53187-2265

Re: M-6 Holdings, LLC

Dear Attorney Richards:

The purpose of this letter is to respond to your November 1, 2012, correspondence whereby you requested an occupancy certificate for the "intended acquisition" by your client, Dodge County, of the property owned by M-6 Holdings, LLC, located at 850 Mallard Drive, River Knoll Industrial Park. Upon review and consideration of your request, on behalf of the City of Mayville I am denying the occupancy certificate for the following reasons.

First, the occupancy ordinance only contemplates occupancy permits for vacant land and for buildings that are moved into or relocated within the City. The property Dodge County intends to acquire is not vacant land. The building on the property is not being moved into or relocated within the City. The plain language of the ordinance demonstrates that it was not designed or intended to give permission for a change in use to an existing building. Rather, permission for a change in use is given by the Planning Commission under the zoning code, as noted below.

Second, even if the occupancy ordinance were to apply to your client's request, the request is for contemplated future uses of the property by another property owner other than the current owner. The ordinance is not designed to be a vehicle for permission for a future owner to use the property in a certain manner.

Third, even if the occupancy ordinance were to apply to your client's request, neither Dodge County nor M-6 has obtained the proper approvals necessary for such an occupancy certificate to be issued. Section 430-45 B(2) of the City of Mayville Zoning Ordinance provides that the Plan Commission must approve the proposed location of any use under the M-2 Manufacturing Zoning District. Neither Dodge County nor M-6 has received such an approval for the uses

requested in your November 1, 2012, letter. Pursuant to Section 430-142 of the City's Zoning Code, the building inspector can only issue an occupancy certificate when the proposed use of land conforms with all of the requirements of the Zoning Ordinance. Dodge County's proposed uses do not conform to all of the requirements of the Zoning Ordinance. Specifically, as noted above, Dodge County has not obtained the necessary approval from the Plan Commission.

Finally, pursuant to Section 430-142 of the City's Zoning Code, the building inspector can only issue an occupancy permit if the building or land and the proposed use thereof conform to all of the requirements of Zoning Ordinance. I have concluded that Dodge County's proposed use of the building and land does not comply with the Zoning Ordinance. Specifically, I have concluded that Dodge County's proposed use of the property falls with the I-1 Institutional Zoning District given the language in §§ 430-35 and 430-46. I understand that prior to my tenure as the City Building Inspector, M-6 applied to rezoning the property from M-2 to I-1, apparently recognizing that Dodge County's intended use fell within I-1 zoning, not M-2 zoning. I agree that Dodge County's intended use of the property falls with I-1 zoning, not M-2 zoning. Accordingly, I cannot issue the occupancy permit for the additional reason that Dodge County's proposed use does not comply with all requirements of Zoning Ordinance.

If you do not agree with this determination, you may file an appeal with the Zoning Board of Appeals. If you choose to file such an appeal, that appeal must be filed with the City Clerk within thirty (30) days of the date of this written decision and as provided by Section 430-136 of the Zoning Ordinance.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Mary Kay Vogel
City of Mayville Building Inspector/Zoning Administrator

Exhibit B
Salt Shed Location

SALT SHED
LOCATION AS
ORIGINALLY
SUBMITTED



APPROXIMATE
LOCATION AS
REVISED AND
APPROVED

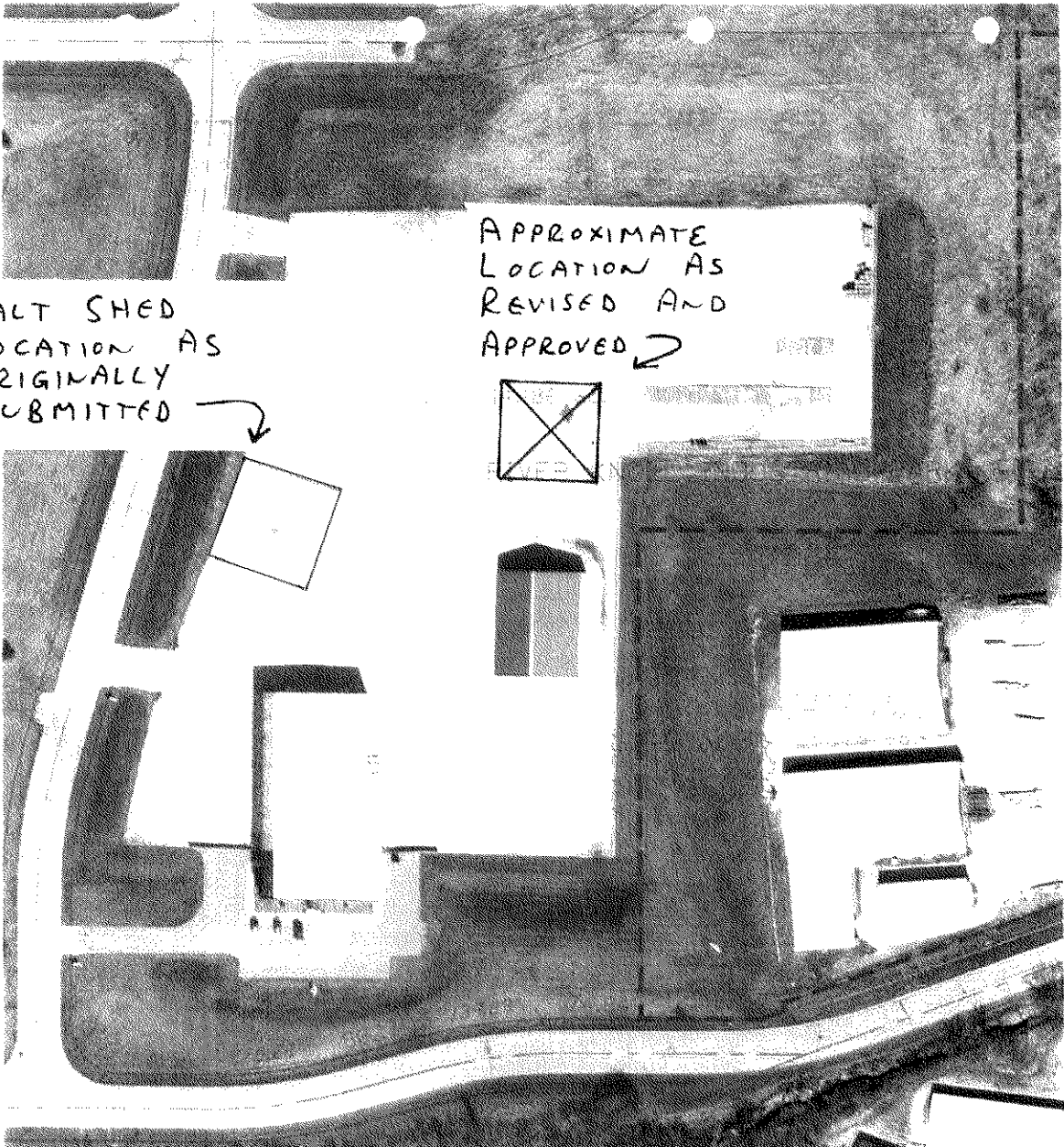


EXHIBIT B
SALT SHED
LOCATION

County Board/ Appointed Officials Compensation and Mileage Expenditures
 Meetings Attended January 1 - December 31, 2012

County Board Per Diem, Mileage, and Expenditures

	No. of Committee Meetings	Board Sessions and Committee Meetings	Mileage & Expenditures	Total
Gerald Adelmeyer	51	\$ 2,040.00	\$ 1,187.39	\$ 3,227.39
Robert Ballweg	52	2,085.00	521.70	2,606.70
Dean Becker	8	320.00	111.04	431.04
Allen Behl	52	2,120.00	956.82	3,076.82
Jeff Berres	48	1,950.00	1,015.14	2,965.14
Larry Bischoff	56	2,305.00	1,060.31	3,365.31
Mary Bobholz	28	1,120.00	404.04	1,524.04
Ernest Borchardt	57	2,345.00	1,300.93	3,645.93
Chester Caine	56	2,245.00	592.50	2,837.50
Aaron David	42	1,685.00	1,034.01	2,719.01
Jeff Duchac	38	1,585.00	566.10	2,151.10
John Fabisch	53	2,125.00	577.20	2,702.20
David Frohling	91	3,690.00	1,816.40	5,506.40
Dean Fuller	15	600.00	245.31	845.31
Phillip Gohr	33	1,320.00	402.93	1,722.93
Randy Grebel	61	2,440.00	524.54	2,964.54
Richard Greshay	35	1,400.00	271.95	1,671.95
Delwyn Guenther	18	735.00	159.84	894.84
Donald Gunderson	51	2,040.00	1,387.50	3,427.50
Clem C. Hoelzel	44	1,760.00	763.68	2,523.68
James Houchin	32	1,280.00	549.60	1,829.60
Harold Johnson	75	3,110.00	2,428.05	5,538.05
Russell Kottke	110	4,530.00	2,192.69	6,722.69
Russell Kottke		12,000.00		12,000.00
Howard Kriewald	62	2,480.00	796.98	3,276.98
James Layman	54	2,200.00	1,495.17	3,695.17
Donna Maly	50	2,140.00	521.70	2,661.70
Paul Marose	61	2,440.00	7.58	2,447.58
Dr. Joseph Marsik	39	1,565.00	899.10	2,464.10
Roger E. Mattson	35	1,480.00	355.20	1,835.20
Maryann Miller	61	2,475.00	817.65	3,292.65
William Muche	31	1,240.00	378.51	1,618.51
William Nass	18	755.00	249.84	1,004.84
Ed Nelson	55	2,240.00	813.63	3,053.63
Kenneth Neumann	23	940.00	255.30	1,195.30
Darrell Pollesch	56	2,355.00	1,149.96	3,504.96
Edwin Qualmann	18	720.00	319.13	1,039.13
Joseph Ready	6	245.00	79.92	324.92
Thomas J. Schaefer	69	2,865.00	1,098.90	3,963.90
Jeffrey C. Schmitt	39	1,560.00	375.18	1,935.18
Robert Smith	16	645.00	248.64	893.64
Glenn Stousland	47	2,040.00	355.20	2,395.20
Eugene Wurtz	12	480.00	111.04	591.04
Subtotal	1858	\$ 87,695.00	\$ 30,398.30	\$ 118,093.30

Appointed Officials Per Diem, Mileage, and Expenditures


	No. of Committee Meetings	Committee Meetings	Mileage & Expenditures	Total
Lois Augustson	7	280.00	77.70	357.70
Deborah Bissonnette	1	45.00	8.88	53.88
Myron Ehrhardt	2	85.00	54.48	139.48
Gilbert Falkenthal	9	360.00	79.92	439.92
David Godshall	10	405.00	177.60	582.60
Harold Hicks	8	320.00	220.91	540.91
Dennis Johnson	1	40.00	18.87	58.87
William Kirchberg	4	160.00	90.64	250.64
Dale Macheel	15	605.00	297.35	902.35
Don McCollum	6	240.00	133.20	373.20
Gerald Michael	3	120.00	27.75	147.75
Elaine Monis	1	40.00	23.31	63.31
Robert Patrouille	1	40.00	17.76	57.76
Amin Reichow	7	305.00	59.33	364.33
Bob Roell	9	360.00	106.56	466.56
Juanita Schultz	1	40.00	16.65	56.65
William Schwartz	4	160.00	44.40	204.40
Dennis A. Vander Werff	9	360.00	148.76	508.76
Subtotal	98	\$ 3,965.00	\$ 1,604.07	\$ 5,569.07
GRAND TOTAL	1956	\$ 91,660.00	\$ 32,002.37	\$ 123,662.37

COMPARISON

Year	No. of Committee Meetings	Board Sessions and Committee Meetings	Mileage & Expenses	Total
2012	1956	\$ 91,660.00	\$ 32,002.37	\$ 123,662.37
2011	2098	\$ 97,385.00	\$ 32,191.41	\$ 129,576.41
2010	2095	\$ 97,220.00	\$ 31,343.15	\$ 128,563.15
2009	2171	\$ 100,415.00	\$ 38,489.22	\$ 138,904.22
2008	2430	\$ 110,965.00	\$ 39,022.05	\$ 149,987.05
2007	2470	\$ 112,685.00	\$ 37,308.00	\$ 149,993.00
2006	2732	\$ 121,422.24	\$ 38,450.71	\$ 159,872.95
2005	2953	\$ 127,085.00	\$ 38,827.79	\$ 165,912.79
	Percent Increase (Decrease)	Percent Increase (Decrease)	Percent Increase (Decrease)	Percent Increase (Decrease)
2012 to 2011	-6.768%	-5.879%	-0.587%	-4.564%
2011 to 2010	0.143%	0.170%	2.706%	0.788%
2010 to 2009	-3.501%	-3.182%	-18.566%	-7.445%
2009 to 2008	-10.658%	-9.508%	-1.365%	-7.389%
2008 to 2007	-1.619%	-1.526%	4.594%	-0.004%
2007 to 2006	-9.590%	-7.196%	-2.972%	-6.180%
2006 to 2005	-7.484%	-4.456%	-0.971%	-3.640%

All of which is respectfully submitted this 19th day of March, 2013 at Juneau, Wisconsin.


Darrell Pollesch, Chairman


John Fabisch


James Houchin


Paul Marose


Donald Gunderson


Russell Kottke (Ex-Officio)


(STATE OF WISCONSIN)

COUNTY OF DODGE

CERTIFICATION OF COUNTY CLERK OF DODGE COUNTY, WISCONSIN

I, Karen J. Gibson, County Clerk of Dodge County, Wisconsin do hereby certify that the foregoing is a true and correct copy of the per diems and expenses paid to County Board Members and Special Committees as recorded in the office of the County Clerk, Juneau, Wisconsin.

(SEAL)


Karen J. Gibson, County Clerk

TO THE HONORABLE DODGE COUNTY BOARD OF SUPERVISORS


We, the Dodge County Planning, Development and Parks Committee, hereby report favorably on the petition of David and Kari Prunty requesting amendment of the Land Use Code, Dodge County, Wisconsin, to rezone approximately 2.79-acres of land from an A-1 Prime Agricultural Zoning District to an A-2 General Agricultural Zoning District in the SE ¼, SE ¼, Section 7, Town of Lomira, for the purpose of creating a non-farm residential lot and recommend adoption of the attached ordinance.

The committee has reviewed and considered the facts presented in the application and received at the public hearing and finds that the criteria listed in Section 2.3.4.1 of the Dodge County Land Use Code can be met for this proposal. The committee finds that the proposal is substantially consistent with the Dodge County Comprehensive and Farmland Preservation Plans and is consistent with the stated purposes of the Dodge County Land Use Code. The committee finds that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment and further finds that the land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas. The committee finds that the proposal will not significantly impair or limit current or future agricultural use of the adjacent properties. The committee finds that the proposal will not be used to legitimize or spot zone a nonconforming use or structure and finds that the rezoning is the minimum action necessary to accomplish the intent of the petition.

Respectfully submitted this 19th day of March , 2013.



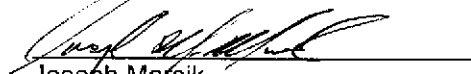
Tom Schaefer



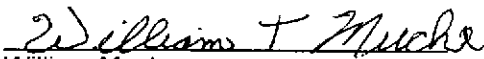
Allen Behl



Randy Grebel



Joseph Marsik



William Muehe

Planning, Development and Parks Committee

Ordinance No. 905

An ordinance amending the Land Use Code, Dodge County, Wisconsin by placing certain lands in Section 7, T13N, R17E, Town of Lomira, in the A-2 General Agricultural zoning district.

Whereas the subject matter of this ordinance has been duly referred to and considered by the Dodge County Planning, Development and Parks Committee and a public hearing having been held, after the giving of requisite notice of said hearing and a recommendation thereon having been reported to the Board of Supervisors, Dodge County, Wisconsin as required by Section 59.69 of the Wisconsin Statutes.

Whereas the Dodge County Planning, Development and Parks Committee has reviewed and considered the facts presented in the application and received at the public hearing relating to the subject matter of this ordinance for compliance with the criteria listed in Section 2.3.4.l of the Dodge County Land Use Code.

Whereas the Dodge County Planning, Development and Parks Committee has found that the criteria listed in Section 2.3.4.l of the Dodge County Land Use Code can be met for this proposal and has further found that the proposal is substantially consistent with the Dodge County Comprehensive and Farmland Preservation Plan and the stated purposes of the Dodge County Land Use Code. Furthermore, this Committee has found that the proposal will not result in significant adverse impacts upon the surrounding properties or the natural environment, that the land proposed for rezoning is suitable for development and will not have an unreasonable effect on rare or irreplaceable natural resources, that the proposal will not significantly impair or limit current or future agricultural use of the adjacent properties, be used to legitimize or spot zone a nonconforming use or structure and that the rezoning petition is the minimum action necessary to accomplish the intent of the petition.

The County Board of Supervisors of the County of Dodge do ordain as follows:

Section 1. The "official zoning map" adopted with the Land Use Code, Dodge County, Wisconsin on March 21, 2000 is hereby amended as shown on the map attached hereto and made part of this ordinance.

Section 2. This ordinance shall be effective upon passage.

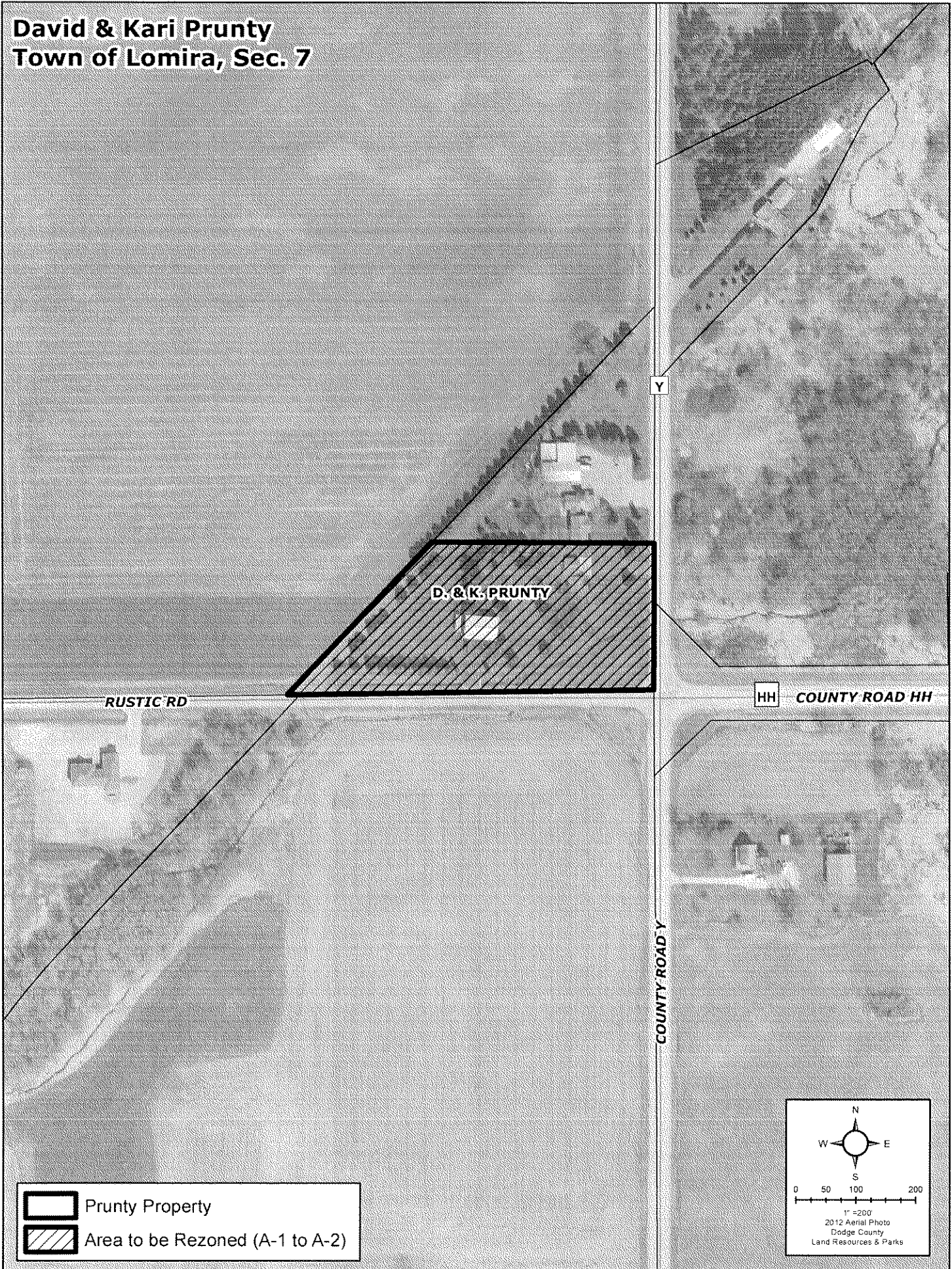
Section 3. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this ordinance are hereby repealed.

Adopted and Approved this _____ day of _____, 2013.

Russell Kottke
Chairman

Karen J. Gibson
County Clerk

David & Kari Prunty
Town of Lomira, Sec. 7



D. & K. PRUNTY



RUSTIC RD

Y

HH

COUNTY ROAD HH

COUNTY ROAD Y

	Prunty Property
	Area to be Rezoned (A-1 to A-2)

N	
W	E
S	
0 50 100 200	
1" = 200'	
2012 Aerial Photo	
Dodge County	
Land Resources & Parks	