

VERNON COUNTY BOARD OF SUPERVISORS
MINUTES
April 21, 2009

Chairman Tom Spenner called the April 21, 2009 meeting of the Vernon County Board of Supervisors to order at 9:30 A.M. in the County Boardroom of the Courthouse Annex. Rev. Lindsay Paul Jordan, Good Shepherd Lutheran Church, Viroqua gave the invocation. Board members and others present gave the Pledge of Allegiance. Chairman Spenner affirmed there had been proper public notice of the meeting. County Clerk, Ron Hoff called roll with all twenty-nine Supervisors present. Motion by Dahl, second by Servais to dispense with reading of the February 3, 2009 proceedings and approve the minutes as printed with the following change, page nine, eighth line from the bottom, take off "of press". Motion carried.

Under announcements, Chairman Spenner stated he has appointed Don Ehler to the Western Wisconsin Managed Care Committee for a one year term starting in May, 2009. Chairman Spenner stated there was a letter in the County Board packet acknowledging an award for Kelly Jacobs and Paul Krahn for their outstanding support of Vernon County LWCD stream restoration projects, written by Trout Unlimited. Servais stated the June Dairy Breakfast will be held June 6, 2009 at the ~~Peter's~~ **Peters'** Farm in Coon Valley. Next under Special Order of Business was Veteran's Service Officer, James Young, with updates on Vernon County Veteran's department. Young started working for Vernon County in 1998. Young stated Vernon County is above the National Average in generating revenue for our Veterans. Young stated in the last ten years he has generated fifty-nine million dollars for Vernon County. Young stated they have paid \$1,936,688.00 for Veterans insurance premiums. Young stated a total of 4,435 County Veterans cases have utilized the VA Health Care system. Some are repeat visitors since we only have 2,600 Veterans in Vernon County. Dahl asked if Young is a member of the National Veterans Associations and was told yes, he is Vice-president, and he also belongs on the State Association Committee. McCoy stated Veterans from other counties come to Mr. Young for help since he does such a good job. Lee also praised Mr. Young for his hard work.

Next under Special Order of Business was County Conservationist, Kelly Jacobs, award presentation. Kelly Felton, President of Wisconsin Land Information Association, from Sauk County presented the award to Doug Avoles, Vernon County LWCD Planner – GIS Coordinator, for his outstanding work for Vernon County's programs and road mapping after the floods.

Next under Special Order of Business was Supervisor David Banner, County Library committee update. Banner stated they have added two new members to the committee and are working on a new Library Plan. Banner stated last year \$130,000 went to the La Crosse Library since a lot of Vernon County residents, instead of going to their local library, went to the La Crosse Library. Spenner stated last year we paid \$142,000 for out of County library use.

Chairman Spenner moved to the next item under Special Order of Business, Supervisor Maynard Cox and Lynn Chakoian, Comprehensive Planning committee update. Cox stated grants are being applied for. Chakoian stated in 2007 the County Board approved developing a Comprehensive Plan for Vernon County, and October 2007 the Board

approved a participation plan. Chakoian stated they have had numerous committee meetings, formed a Citizen Advisory Committee, had citizen participation meetings, created a website and sent out a survey to 762 citizens. Chakoian stated so far they have received back 40% of the surveys sent. Cox stated Doug Avoles has been a great help to the committee supplying maps and other statistics. Cox stated Kelly Jacobs has also been a great help to the committee. Banner stated there is money available in grants from Presidents Obama's Stimulus Plan.

Next under Special Order of Business was Human Services Director, Pamela Eitland request for replacement of staff. Eitland stated she is requesting replacement of staff for the April 1, 2009, full-time Social Worker opening, not waiting for the six month moratorium. Eitland explained the positions need and job description. Eitland stated the programs are mandated by the State and Federal Government and we receive funding for some of these programs. Eitland stated the salary is budgeted for 2009, and would be \$11,000 less for the 2009 budget due to being a new hire. Banta asked if we didn't provide these services what the ramification would be. Eitland stated Vernon County has a contract with the State for these services. Dahl asked if the employees at the ADRC are handling some cases and was told these employees have specific duties and can not be assigned these duties. Yttri asked how soon the position could be filled and was told hopefully early June 2009. Banta feels this is one of the positions that needs to be filled before the six month moratorium. Motion by Robinson, second by Cade to approve the request for replacement of Social Worker in the Human Services Department before the six month moratorium.

Chairman Spenner called for a roll call vote. Motion carried on a roll call vote with twenty-eight Supervisors voting yes and one Supervisor voting no. Overbo voted no. Chairman Spenner moved to the next item on the agenda, Hillsboro Mayor, Allan Picha, St. Joseph Hospital relocation. Picha stated St. Joseph Hospital is looking for a place to relocate since the building is over fifty years old. St. Joseph Hospital employs nearly 200 people with a payroll over six million. Picha stated they are also looking to build in Juneau County. St. Joseph Hospital has gross revenue of over 26 million a year. St. Joseph Hospital provides charity care and community benefits of nearly one million dollars annually. Picha stated one of the largest considerations for the City of Hillsboro would be the cost of water and sewer extension. The city will also have to work on the annexation of the land. Picha stated the City of Hillsboro is looking for help from the County for road improvements on County Hwy HH, provide if needed a utility easement along Hwy HH and a commitment in the form of a written agreement to back any special assessment through remittance in the unlikely worst case scenario event. Richardson stated losing the hospital in Hillsboro would be a terrible loss. Dahl asked if the stimulus package could help and was told it is possible.

Next under Special Order of Business was election of two Board Members to the Human Services committee for a three-year term, currently held by Chet Lee and Robert Johnson, and one community member for a three-year term, currently held by Don Ehler. Motion by Richardson, second by Verbsky to nominate Johnson and Lee to the Human Services committee. Motion by Cade, second by Cornell to close nominations. Motion carried. Johnson and Lee were elected to serve on the Human Services committee for a three-year term. Motion by Banta, second by McCoy to nominate Don Ehler for the community member on the Human Services committee. Motion by Hynek, second by

Lee to close nominations. Motion carried. Don Ehler was elected as the community member for the Human Services committee for a three-year term.

Next under Special Order of Business was election of community member for a three-year term for Vernon Manor Trustee committee, currently held by Edward L. Martinez. Motion by Lee, second by Verbsky to nominate Edward L. Martinez for the Vernon Manor Trustee committee. Motion by Beitlich, second by Yttri to close nominations. Motion carried. Edward L. Martinez was elected as a community member for a three-year term for Vernon Manor Trustee committee.

Chairman Spenner moved to the next item under Special Order of Business, review of Vernon County 2009 budget through March 31, 2009 posting, Resolution 2008-53. Richardson explained that totals 25% or under are on target since the review of the budget is through March 31, 2009. Richardson stated the revenue percentage is behind since a lot of State Funds and grants come in later in the year. Hynek asked if the Finance committee was okay with the way the budget looked and was told yes. Erlandson asked when the State pays and was told it varies; most of the money comes late in the year.

Chairman Spenner asked for any petitions. Hoff explained he had two petitions delivered to the County Clerk's office, one to stop Petry CAFO of Petry Trust on land in Vernon County Wisconsin which has sixty signatures and one petition to stop Petry CAFO of Petry Trust on land between East Smith Rd, Coon Prairie Rd, Old Town Road, and Highway 14, with 997 signatures. Cindy Brown spoke on the petitions. The signatures were collected by a group called Vernon Aces – The Alliance Concern for Environmental Safety. Brown stated she is at the meeting to present 1700 signatures to oppose Petry Trust CAFO in Vernon County, which was gathered going door to door. Brown addressed several issues of concern if the CAFO is built in Vernon County. Chairman Spenner continued under the regular order of business by viewing the following resolutions. Resolution 2009-7 was postponed from the February 3, 2009 meeting.

RESOLUTION # 2009 – 7

TITLE: Collection of Restitution Surcharge Fees

WHEREAS, the Vernon County ~~District Attorney's~~ **Clerk of Courts** office will collect a 10% restitution surcharge fee pursuant to section 973.06(1)(g) Wis. Stats. from criminal defendants, and

WHEREAS, the 10% restitution surcharge is 100% county retained, and

WHEREAS, the District Attorney requests that the 10% restitution surcharge be utilized by the District Attorney's office for the support of crime victims, to include but not be limited to emergency travel expenses, emergency living expenses, and other appropriate victim needs deemed appropriate by the District Attorney,

NOW THEREFORE BE IT RESOLVED, by the Vernon County Finance Committee, that the Vernon County ~~District Attorney's~~ **Clerk of Courts** office shall collect the 10% restitution surcharge pursuant to section 973.06(1)(g) Wis. Stats., and utilize the monies to assist crime victims as deemed appropriate by the District Attorney.

Dated: February 3, 2009 Submitted December 18th, 2008 by the **Finance Committee**

Vote: 5 yes, 0 No

District Attorney Tim Gaskell explained the resolution and would like to amend the resolution reading that the Clerk of Court will be collecting the fee. Gaskell stated we

could possibly collect \$2000 a year which could be used for crime victim expenses they accrue. Motion by Dahl, second by Banner to amend the resolution changing the District Attorney office will collect the 10% restitution fee to Clerk of Courts will collect the 10% restitution fee in the first and fourth paragraphs. Motion carried to amend the resolution. Motion by Cade, second by Verbsky to approve the resolution as amended. Chairman Spenner called for a roll call vote. The resolution as amended passed on a roll call vote with all twenty-nine Supervisors voting yes.

Chairman Spenner called for a ten minute recess at 10:36 a.m. The meeting reconvened at ~~11:48~~ **10:48** a.m. continuing with the following resolutions.

RESOLUTION # 2009-11

TITLE: New Courthouse Roof

WHEREAS, the Vernon County Courthouse was built in 1880 with a standing seam steel roof, and

WHEREAS, the tile roof in place currently was put on in 1935, and

WHEREAS, it has been determined the roof is in need of replacement as several leaks have been detected,

NOW THEREFORE BE IT RESOLVED, the Vernon County Board of Supervisors approves River Architectural Inc. of La Crosse, WI to prepare bid specifications at a contract price of \$15,300, and

BE IT FURTHER RESOLVED, that the Building & Facilities Committee have authority to spend up to \$350,000 plus a 10% contingency for the roof project, and

BE IT FURTHER RESOLVED, that money be transferred from the Vernon County General Fund to cover the total cost of the project.

2009 Fiscal Impact: Not to exceed - \$365,300 plus 10% contingency.

Dated: April 21, 2009 Submitted April 2, 2009 by the **Buildings & Facilities Committee** /s/ Jerry Cade, Chair Vote: 5 yes, 0 no

Motion by Cade, second by Servais to approve the resolution. Peter Zirbel, River Architects gave a slide presentation. Zirbel stated in the 1880's the courthouse roof was originally standing steel; in 1935 the roof was replaced with tile. Zirbel stated reusing the tile would be risky and time consuming. A tile roof is heavier than the original metal roof and the roof is showing signs of deflection and replacing the roof with copper has the longest life. Plus copper can be soldered. The attic has blown in insulation and the visible wood appears in good condition for its age. Zirbel went through the comparison between a copper or steel roof. Copper is more expensive than steel, but has a longer life. Hynek asked what the difference was in 16oz copper than 20oz copper for life of the roof and was told the difference would be not in labor but feels confident that the 20oz would have a longer life. Richardson asked about the copper being more expensive and was told the copper material is more expensive but the labor should be about the same. Lee asked about the coating on the steel roof and was told it is more like roofing paint. Easterday asked about the old tile and asked if it was an option to reuse the tile and was told that many of the old tiles are broken or chipped. Banner question the price on the roof and Cade stated we wanted to make sure we had enough to cover the price. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with twenty-eight Supervisors voting yes and one Supervisor voting no. Moser voted no. Chairman Spenner stated the resolution for the Revolving Loan has been postponed until the June 30, 2009 meeting.

RESOLUTION # 2009 – 12

TITLE: Notice of Disallowance of Claim

TO: Eric B Peterson for Larry D Dahn, 216 Warrans Place, Warrens, WI 54666

TO: Hupy and Abraham S.C. Personal Injury Lawyers, 100 East Wisconsin Ave, Suite 1110, Milwaukee, WI 53202

PLEASE TAKE NOTICE: that the Board of Supervisors of Vernon County at its regular meeting on April 21, 2009 disallowed your claim for payment of damages dated March 2, 2009 relating to a fatal injury on June 13, 2009 in Vernon County Wisconsin.

YOU ARE FURTHER NOTIFIED: that no action may be brought against Vernon County, in regard to this claim, after six months from the date of service of this notice upon you, pursuant to Sec. 893.80 of the Wis. Stats.

Dated: April 21, 2009 /s/ Ron Hoff, Vernon County Clerk, /s/ Thomas V. Spenner, County Board Chair

Motion by Gobel, second by Cade to approve the resolution. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with all twenty-nine Supervisors voting yes.

RESOLUTION # 2009 – 13

TITLE: BUDGET SURPLUS

WHEREAS, the flooding and above normal snow fall caused a \$533,500 budgetary shortfall at the end of 2007; and

WHEREAS, the Highway Department reduced its 2008 infrastructure construction to ensure the 2007 flood damage could be repaired; and

WHEREAS, the county experienced another flooding event on June 7, 2008; and

WHEREAS, the department cut more infrastructure construction and curtailed capital expenditures in an attempt to avoid another budgetary shortfall; and

WHEREAS, the department needs to construct 15 miles of roadway a year to be on a 20 year rotation; and

WHEREAS, the department budget has only increased \$186,000 since 2000; and

WHEREAS, the department has only had funds to construct 11 miles of road per year since 2004 and only constructed 5 miles in 2008; and

WHEREAS, the Highway Department, being fiscally responsible, will have an approximate \$1,000,000 budgetary surplus at the end of 2008;

NOW, THEREFORE, BE IT RESOLVED, that the Highway Department be allowed to use that surplus to complete damage repair from the 2008 flood and for additional infrastructure construction.

Dated: April 21, 2009 Submitted February 10th, 2009 by the **Vernon County Highway Committee** /s/ JoAnn Nickelatti – Chair, Vote: 5 aye, 0 nay. Submitted by the **Finance Committee** /s/ Brian Richardson – Chair, Vote: 4 yes, 0 no

Motion by Cade, second by Nickelatti to approve the resolution. Virgil Hanold, Highway Commissioner, explained how the flooding and high amounts of snow caused a budgetary shortfall, so to save money on the budget he cut back on road construction and cut back on his capital expenditure budget. Hanold would like to use the surplus to complete damage repair from the 2008 flood and for additional infrastructure construction. Richardson stated the \$553,500 budgetary shortfall actually was not a shortfall to the County since they took the money out of the Highway Reserve fund.

Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with all twenty-nine Supervisors voting yes.

Kelly Jacobs, Land Conservationist, explained the following three dam repair resolutions. Jacobs stated we need to look at priority needs first; Jersey Valley, Seas Branch and Hidden Valley. Jacobs stated for 2010 the following dams need repair, Yttri-Primmer and Runge Hollow. The cost for 2009 is 2.5 million and in 2010 the cost is 3.3 million. Erlandson asked the LWCD committee to advise the County Board on what their thoughts are and plans for the future. Beitlich stated the committee feels we are taking on a lot but we are under orders from the DNR to repair the dams. Beitlich stated we have a 75% cost share this year on the Seas Branch dam and the Hidden Valley dam, and feels it would be in our best interest to go ahead with the repairs on those dams. Beitlich feels Jersey Valley should be revisited on how we could reconstruct the dam, pursue other avenues to get more money and feels the DNR could give us more time to look at the issues. Hynek asked about funding for Jersey Valley and was told there was none available now. Banta agrees with fixing Seas Branch and Hidden Valley dams, and has heard different views on where the leaks are in Jersey Valley dam and is wondering why the Federal Government isn't under this order by the DNR with Vernon County. Richardson stated the cost of Jersey Valley has gone to 2.7 million dollars and since the County Board only approved 1.3 million dollars this would need to come back to the County Board for approval. Banta stated if we borrow or bond, the money would go on our tax levy above the cap levy. Larson stated he feels the same way Beitlich does and feels Seas Branch and Hidden Valley dams should be applied for by June 30, 2009. Gobel wonders why Lake Delton got money to repair their dam and not Vernon County. Beitlich stated next year is going to be more expensive to repair the dams. Beitlich stated we should back off Jersey Valley dam for now and search for funds. Banta feels we must revisit Jersey Valley. Hynek stated he supported Jersey Valley but feels we could wait and repair the other two dams first. Jacobs stated we received orders from the DNR in 2005 to repair Jersey Valley and have received extensions and feels this is a priority now. Lee asked if we could find the money for Seas Branch and Hidden Valley dam repair. Richardson stated we could borrow the money first and bond later. Richardson stated he has called the Governor three times and the Governor has not responded yet. Motion by Servais, second by Nickelatti to excuse Supervisor Karen Dahl at 11:45 a.m. from today's meeting.

Resolution # 2009 - 14

Approval of P.L. 566 Flood Control Dam Emergency Action Plan

WHEREAS, Vernon County owns, operates, and maintains 22 PL566 flood control dams; and,

WHEREAS, Dam owners in Wisconsin are required to comply with Wisconsin Dam Safety Regulations as administered and enforced by the Wisconsin Department of Natural Resources (DNR) under authority of Wisconsin Statutes ss31.02 and 31.19; and,

WHEREAS, The DNR issued Vernon County an Administrative Order on May 27, 2008 to update and approve the P.L 566 Flood Control Dam Emergency Action Plan; and,

WHEREAS, The Land & Water Conservation Committee in concert with the Emergency Management Committee have reviewed and approved necessary and needed changes to said plan; now therefore be it

RESOLVED, the Vernon County Board of Supervisors does hereby approve the revision and implementation of the 2009 Dam Emergency Action Plan update for the benefit and safety of the citizens of Vernon County.

Dated: April 21, 2009 Submitted by the Land and Water Conservation Committee /s/ Will Beitlich, Chair

Vote: 6 yes, 0 no, 0 other

Submitted by the Emergency Management Committee /s/ Tom Spenner, /s/ Ron Hoff, Clerk

Motion by Gobel, second by Brose to approve the resolution. Motion carried on a voice vote.

Resolution # 2009 - 15

NR335 Application for Dam Repair on the Hidden Valley (WF04) Dam

WHEREAS, Vernon County wishes to apply for dam maintenance, repair, modification, or abandonment and removal aid under Section 31.385, Chapter NR 335.07 of the Wisconsin Statutes for the Hidden Valley (WF04) Dam; and

WHEREAS, the State share for such a project may not exceed 50 percent of the total eligible project costs as described in Chapter NR 335.05, nor exceed \$400,000; now therefore be it

RESOLVED, the Vernon County Board of Supervisors authorizes the County Conservationist in the Vernon County Land and Water Conservation Department to apply for a grant on their behalf under the above mentioned Statute and Administrative Code authorities; and be it further

RESOLVED, the Vernon County Board of Supervisors agrees to pay a share of the eligible costs, which is equal to the total project costs minus the State share and any other outside funds dedicated to the repair.

Dated: April 21, 2009 Submitted by the Land and Water Conservation Committee

Vote: 5 yes, 1 no, 0 other

/s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair

Motion by Moser, second by Servais to approve the resolution. Richardson asked what the fiscal impact would be and was told \$125,000 to \$250,000 range. Erlandson asked why we were involved with this dam since there isn't a public road to it, and was told its main purpose was for flood control. Richardson wanted the fiscal impact on the resolution but Corporation Counsel Lunde explained this resolution is approving the application process only so Richardson waved his motion. Chairman Spenner called for a roll call vote. The resolution passed with all twenty-eight Supervisors voting yes.

Resolution # 2009 - 16

NR335 Application for Dam Repair on the Seasbranch (WF05) Dam

WHEREAS, Vernon County wishes to apply for dam maintenance, repair, modification, or abandonment and removal aid under Section 31.385, Chapter NR 335.07 of the Wisconsin Statutes for the Seasbranch (WF05) Dam; and

WHEREAS, the State share for such a project may not exceed 50 percent of the total eligible project costs as described in Chapter NR 335.05, nor exceed \$400,000; now therefore be it

RESOLVED, the Vernon County Board of Supervisors authorizes the County Conservationist in the Vernon County Land and Water Conservation Department to apply

for a grant on their behalf under the above mentioned Statute and Administrative Code authorities; and be it further

RESOLVED, the Vernon County Board of Supervisors agrees to pay a share of the eligible costs, which is equal to the total project costs minus the State share and any other outside funds dedicated to the repair.

Dated: April 21, 2009 Submitted by the Land & Water Committee /s/ Will Beitlich, Chair. Vote: 6 yes, 0 no, 0 other /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair Motion by Banner, second by Larson to approve the resolution. Chairman Spenner called for a roll call vote. The resolution passed with all twenty-eight Supervisors voting yes.

Resolution # 2009 - 17
Emergency Watershed Program (EWP) agreement for Seasbranch (WF05) Dam

WHEREAS, the Emergency Watershed Program (EWP), administered by the USDA-Natural Resources Conservation Service (NRCS), provides funds to repair damages on PL-566 dam structures following a federally declared disaster; and,

WHEREAS, the EWP agreement will provide 75% of total project costs for the Seasbranch Dam repairs; and,

WHEREAS, NRCS, as part of the Operation and Maintenance agreement with Vernon County, has already spent significant staff time and other funds to complete the geologic investigation and develop a design for the Seasbranch repair at no cost to the County; and,

WHEREAS, this repair will help Vernon County meet the WI Department of Natural Resources Administrative Order on Seasbranch dam for compliance with Wisconsin Dam Safety Regulations; now therefore be it

RESOLVED, the Vernon County Board of Supervisors does hereby approve the EWP agreement with USDA-NRCS for the Seasbranch (WF05) repair; and be it further

RESOLVED, the Vernon County Board of Supervisors does authorize any required matching funds for the Seasbranch Dam repair as outlined in the above mentioned EWP agreement.

Fiscal Impact: \$250,000

Dated: April 21, 2009 Submitted by the Land and Water Committee /s/ Will Beitlich, Chair

Vote: 6 yes, 0 no, 0 other /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair

Motion by Brault, second by Verbsky to approve the resolution. Motion by Richardson, second by Moser to amend the resolution adding the fiscal impact of \$250,000. Lunde explained the County would pay 25% of the cost but we are hoping that the State will cover half of the cost. Motion carried. Chairman Spenner called for a roll call vote for the resolution as amended. The resolution as amended passed with all twenty-eight Supervisors voting yes.

RESOLUTION NO # 2009 - 18
RESOLUTION AUTHORIZING VERNON COUNTY TO SEEK WISCONSIN DNR STEWARDSHIP GRANT FUNDING FOR THE RECENT ACQUISITION OF LAND ADJACENT TO ESOFEA/RENTZ MEMORIAL PARK

WHEREAS, Vernon County has made a commitment to acquire land for the purpose of expanding the Vernon County Forest at Esofea/Rentz Memorial Park and for providing additional public outdoor recreation as described in the application; and,

WHEREAS, Vernon County has received a "Letter of Retroactivity" from its DNR Community Services Specialist to ensure eligibility in this program for recently purchased lands; and

WHEREAS, financial aid may be available to offset a share of Vernon County's cost for the acquired land;

THEREFORE BE IT RESOLVED, that Vernon County has budgeted a sum sufficient to complete the acquisition and

HEREBY AUTHORIZES Kelly Jacobs, County Conservationist for the Land & Water Conservation

Department to act on behalf of Vernon County to:

1. Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that might be available;
2. Submit reimbursement claims along with necessary supporting documentation within six months of project completion date;
3. Submit signed documents; and
4. Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED, that Vernon County will comply with state and federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources approval in writing before any change is made in the use of the project site.

Dated: April 21, 2009 Submitted by the **Land and Water Committee** /s/ Will Beitlich Chair

Vote: 6 yes, 0 no, 0 other /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair

Motion by Banta, second by Beitlich to approve the resolution. Jacobs stated we have already acquired the acreage but is asking for 50% payback from the DNR to go towards the loan we have through the County Forest Program. Motion carried on a voice vote.

Resolution # 2009 - 19

Approval for Submission of CDBG-EAP Application

WHEREAS, the flood events of August 2007 and June 2008 have significantly accelerated the process of sedimentation in Sidie Hollow Lake; and,

WHEREAS, Vernon County has identified the importance of maintaining Sidie Hollow Lake as navigable and fishable body of water for the purpose of providing quality public outdoor recreation, and has identified the need for financial assistance to complete a dredging project; and,

WHEREAS, Federal monies are available under the Wisconsin Community Development Block Grant (CDBG)- Emergency Assistance Program (EAP), administered by the State of Wisconsin, Department of Commerce, Bureau of Community Finance, for the purpose of disaster recovery; and,

WHEREAS, after public hearing and due consideration, the Land Conservation Committee has recommended that an application be submitted to the State of Wisconsin for dredging the two main delta areas feeding Sidie Hollow Lake, as outlined in the proposed application; and,

WHEREAS, it is necessary for the Vernon County Board of Supervisors to approve the preparation and filing of an application for the County to receive funds from this program; and,

NOW THEREFORE BE IT RESOLVED, the Vernon County Board of Supervisors does approve and authorize the Vernon County Land and Water Conservation Committee to prepare and file an application for funds under this program in accordance with this resolution; and,

BE IT FURTHER RESOLVED, that the Vernon County Board Chair is hereby authorized to sign all necessary documents on behalf of Vernon County.

Dated: April 21, 2009 Submitted by the **Land and Water Conservation Committee** /s/ Will Beitlich, Chair Vote: 6 yes, 0 no, 0 other /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair

Motion by Banner, second by Cox to approve the resolution. Motion carried on a voice vote.

Resolution # 2009 - 20
Emergency Watershed Program (EWP) agreement for Streambank Project

WHEREAS, the Emergency Watershed Program (EWP), administered by the USDA-Natural Resources Conservation Service (NRCS), provides funds to repair damages that are an immediate threat to private property following a federally declared disaster; and,

WHEREAS, the EWP agreement will provide 75% of total project costs for the Ray Keyes and Ken Chroninger streambank projects; and,

WHEREAS, the program requires sponsorship by a local municipality to enter into agreement with NRCS on the landowners behalf; and,

WHEREAS, the County has already entered into a separate agreement with each landowner outlining that the landowner will be responsible for all project costs exceeding the federal cost share amount; now therefore be it

RESOLVED, the Vernon County Board of Supervisors does hereby approve the EWP agreements with USDA-NRCS for the Ray Keyes and Ken Chroninger Streambank Restoration Projects.

Dated: April 21, 2009 Submitted by the **Land and Water Conservation** /s/ Will Beitlich, Chair Vote: 6 yes, 0 no, 0 other /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair Motion by Banta, second by Hynek to approve the resolution. Motion carried on a voice vote.

RESOLUTION # 2009 – 21

TITLE: EMS MONTH PROCLAMATION

Purpose: To designate the Month of May 2009, as Emergency Medical Services Month

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of Emergency Physicians, Emergency Nurses, First Responders, Emergency Medical Technicians, Paramedics,

Firefighters, emergency Management, Emergency Dispatchers, Educators, Administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Month; now

THEREFORE, the Vernon County Board of Supervisors in recognition of this event do hereby proclaim the Month of May 2009 as **EMERGENCY MEDICAL SERVICES MONTH**.

Dated: April 21, 2009 Submitted by Thomas V. Spenner, Chairman /s/ Thomas V. Spenner

Skip Oliphant explained the resolution. Oliphant stated Vernon County has fifteen EMS providers. Most of the members are volunteers that take time from their lives to render service and aid to their neighbors regardless of the time. Oliphant gave an update on EMS squads. Oliphant stated he would like us to recognize the volunteers who have faithfully served the citizens of Vernon County proclaiming the month of May 2009 as Emergency Medical Services month. Motion by Robinson, second by Yttri to approve the resolution. Motion carried on a voice vote with all ayes heard.

RESOLUTION # 2009 – 22

TITLE: RESOLUTION OPPOSING THE GOVERNOR’S PROPOSED CHANGES TO INSURANCE LAWS AND 2009 SENATE BILL 20

WHEREAS, Governor Jim Doyle’s Executive Budget Bill (2009 Assembly Bill 75) contains several anti-tort reform proposals including, but not limited to: Changing comparative negligence laws to force a defendant to pay one hundred percent of the damages when they have as little as one percent liability; Forcing individuals, companies and local government to pay for higher levels of insurance by increasing mandatory minimum auto liability insurance limits; Changing the definition of an “underinsured motorist” in a way that increases insurance claims; Requiring insurance companies to cover “uninsured motorist” insurance claims when no contact was made between the insured’s car and another car, thereby increasing the risk of fraudulent claims; Allowing “stacking” of coverage for “uninsured motorist” such that the coverage limits for an accident are not limited to the policy relating to the particular vehicle involved in the accident; Forcing excess or umbrella insurers to offer cover certain claims when the coverage was not requested by the insured; and

WHEREAS, the aforementioned anti-tort reform proposals would significantly increase the cost of providing insurance in Wisconsin; and

WHEREAS, Vernon County currently procures its liability insurance through Wisconsin County Mutual Insurance Corporation (WCMIC); and

WHEREAS, WCMIC is a county owned and operated mutual insurance company created for the purpose of providing long-term stability in insurance coverage and insurance costs for counties; and

WHEREAS, as a mutual insurance company, WCMIC’s increased cost of providing insurance resulting from the anti-tort reform proposals would be borne by counties and their taxpayers directly in the form of increased insurance premiums; and

WHEREAS, 2009 Senate Bill 20 is currently before the Senate Labor, Election and Urban Affairs Committee, and

WHEREAS, Senate Bill 20 would have a dramatic financial impact on counties by changing employment discrimination law as follows: Allowing claimants to collect unlimited damages against counties contrary to current state and federal law; Forcing counties to pay a punitive 10% surcharge to the court system in addition to unlimited damages; Forcing counties to litigate issues of compensatory and punitive damages years after the initial discrimination complaint was filed; Creating an irrational and inefficient complaint process where both parties have an incentive to litigate claims to the fullest extent possible; and

WHEREAS, Vernon County faces significant budgetary challenges related to the provision of critical state and county services at a time when state and federal financial support for such services is decreasing and the burden placed on Vernon County Taxpayers is growing; and

WHEREAS, adding new costs for counties and forcing counties to increase their tax levies during our current economic downturn would be devastating to property taxpayers who can ill afford increased taxes or increased insurance costs;

NOW, THEREFORE, BE IT RESOLVED, that Vernon County Board of Supervisors Hereby opposes the Governor's proposed changes to insurance laws included in his 2009 Executive Budget and the proposed changes to employment discrimination laws in 2009 Senate Bill 20 and strongly encourages its senators and representatives in the Wisconsin State Legislature to reject Governor's proposals and Senate Bill 20.

Dated: April 21, 2009 Submitted by Thomas V. Spenner, Chair Vernon County Board of Supervisors. /s/ Thomas V. Spenner

Motion by Richardson, second by Brose to approve the resolution. Resolution passed on a voice vote.

RESOLUTION # 2009 – 23

WHEREAS, Rule 16 of the Rules of the Vernon County Board of Supervisors provides descriptions of the duties of the several committees, and;

WHEREAS, the General Government Committee has assumed oversight of the Museum and;

WHEREAS, supervision and oversight of that department is not specifically provided for by Rule, and;

NOW, THEREFORE, BE IT RESOLVED that Rule 16 be amended to provide as follows:

Tourism: To provide supervision and oversight of the Vernon County Museum

Dated: April 21, 2009 Submitted by the Legal Affairs /s/ a. Richard Brose Vote: 4 yes, 0 no, 1 absent /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair

Motion by Cox, second by Nickelatti to approve the resolution. Cox stated the Tourism Committee is in favor of this change. Motion carried on a voice vote.

RESOLUTION # 2009 – 24

TITLE: VERNON COUNTY REQUEST FOR ENVIRONMENTAL IMPACT STUDY

WHEREAS, Vernon County has already adopted a Livestock Facility Licensing Ordinance pursuant to Wis. Stats. Sections 92.15 and 93.90 as a step forward in protecting soil and water resources; and,

WHEREAS, Vernon County is in the process of developing an Environmental Health and Safety Ordinance to better protect public health and safety including, but not limited to, authorities given as part of Wis. Stats. Section 251.04; and,

WHEREAS, Confined Animal Feeding Operations (CAFOs) in Wisconsin are required to apply for and maintain a Wisconsin Pollution Discharge Elimination System (WPDES) permit for compliance with WIS. Stats. Chapter 283; and,

WHEREAS, the Wisconsin Department of Natural Resources (DNR) can, through the WPDES permitting process outlined in NR150 and under authority from the US Environmental Protection Agency (EPA), required completion of an Environmental Impact Statement (EIS) if it is determined an Environmental Assessment (EA) will not sufficiently address all potential impacts to the environment; and,

WHEREAS, An EIS is prepared by DNR to inform decision makers and the public of a proposed action's effect on the environment, and develops, describes and evaluates alternatives in the detailed statement; and,

WHEREAS, Pure and safe air, groundwater, and surface water are necessary for the public health and safety of all residents and visitors of Vernon County and to the economic health of businesses and industries within Vernon County; and

WHEREAS, studies on the health and environmental impact of large animal feeding operations have not yet been compiled or completed to address the unique karst and topographical issues within Vernon County or Southwest Wisconsin; now therefore be it

RESOLVED, The Vernon County Board of Supervisors authorizes the Vernon County Land & Water Conservation Committee and/or the Vernon County Board of Health to act on its behalf to submit a letter to the WI DNR, as they deem necessary, which requests completion of an EIS on any livestock facility applying for EPDES permit within Vernon County and that a public hearing be coordinated by all regulatory parties with regard to the permit and EIS.

Dated: April 21, 2009 Submitted by the **Vernon County Board of Health** /s/ JoAnn Nickelatti, Chair Vote: 7 yes, 0 no. /s/ Ron Hoff, Clerk, /s/ Tom Spenner, Chair Corporation Counsel Lunde explained this came up at the Health committee meeting that if this resolution was in place it could be used in the future for the Health department and LWCD to ask the DNR to conduct an environmental impact study. Hynek stated this would affect all Vernon County farmers with over three hundred and fifty cows and would like to amend the resolution to read "only if over 4000 animal units". Motion by Banner, second by Verbsky to approve the resolution. Hynek feels this is too much to ask of our local farmers and is afraid of what this resolution would do to them. Larson stated the DNR controls CAFO and if we overstep DNR policy there will be lawsuits against the County plus the DNR could ask the entire area of a CAFO to have an impact study. Erlandson feels we have no zoning in Vernon County and we do not have the right to stop them. Banner feels the intent is just for CAFO. McClelland worries we are stepping ahead of the DNR. Moser feels the wells are already high in nitrates due to fertilizing the land. Lunde stated this resolution would give the committee an opportunity to ask for a study. Jacobs stated this would apply to only CAFO's that apply for WPDES permit, which typically are 1000 animal units or more. Brault stated he feels this

resolution is for three to four thousand units and stated this would give us the right to ask for a study. Beitlich feels the County Board could have emergency meetings if something needs to be acted on instead of giving all the responsibility to the Health and LWCD committees. Motion by Erlandson, second by Hynek to table the resolution. Motion carried on a voice vote with some nays heard.

RESOLUTION # 2009 -25

TITLE: RESOLUTION OF THE VERNON COUNTY BOARD

BE IT RESOLVED that the Vernon County Board wishes to extend its full support to Tri State Breeders Cooperative, operating as Accelerated Genetics, in pursuing a State of Wisconsin Department of Agriculture, Trade and Consumer Protection Agriculture Development Diversification (A.D.D.) grant to help develop an environmentally friendly method of eliminating the manure produced by their 750+ bulls through a composting process.

WHEREAS the Vernon County Board recognizes the many benefits to the community in such areas as: innovative diversification through composting, commercial application of new composting technologies, new organic product market development, increased use of surplus ag products, more efficient and environmentally friendly use of farmland, and odor and fly control.

AND AS A RESULT we as a Board whole heartedly give our support and urge approval of Accelerated Genetics' Agriculture Development Diversification application.

Dated: April 21, 2009 Submitted by County Board Supervisor John McClelland Jr. /s/ John McClelland Jr.

Motion by Larson, second by Servais to approve the resolution. McClelland explained Accelerated Genetics is applying for a grant to ~~compose~~ compost their farm manure and would like Vernon County to support it. Brault stated he did some tours with a KFA group and visited some progressive CAFO farms with manure being composted and reused and is working great. Hooker stated he visited Art Thelen farm which composts their manure.

Motion carried on a voice vote.

Chairman Spenner asked for any Ordinances and there were none.

Chairman Spenner asked for any remonstrances and there were none. Chairman Spenner asked for reports of standing or special committees and there were none. Chairman Spenner asked for any unfinished business and there were none.

The next County Board meeting is June 30, 2009 at 9:30 A.M. in the County Board Room at the Courthouse Annex. With the meeting concluded, a motion was made by Servais and second by McClelland to adjourn. Motion carried. Meeting adjourned at 12:30 p.m.

CERTIFICATION

State of Wisconsin ()
()

County of Vernon () Office of the Vernon County Clerk

I, Ronald C. Hoff, County Clerk of Vernon County, Wisconsin DO HEREBY

CERTIFY that the statements above are a correct report of all actions and decisions of the Vernon County Board of Supervisors at the meeting of April 21, 2009 as indicated in transcription taken personally by me.

(Seal)

/s/Ronald C. Hoff

Vernon County Clerk