

VERNON COUNTY BOARD OF SUPERVISORS
MINUTES
April 20, 2010

County Clerk, Ron Hoff called the April 20, 2010 meeting of the Vernon County Board of Supervisors to order at 9:30 A.M. in the County Boardroom of the Courthouse Annex. Hoff gave a special welcome to the three new County Board members, Cliff Peterson, Gary Davig and Anita Zibton. Pastor Peter Beckstrand, Franklin & Zion Lutheran Churches gave the invocation. Board members and others present gave the Pledge of Allegiance. County Clerk, Ron Hoff affirmed there had been proper public notice of the meeting.

Circuit Court Judge Michael Rosborough administered the Oath of Office to the elected County Board members as follows: District 1: Will Beitlich; District 2: Kevin Gobel; District 3: Jo Ann Nickelatti; District 4: Philip Hooker; District 5: James Servais; District 6: John McClelland Jr.; District 7: Maynard Cox; District 8: Herbert Cornell; District 9: A. Richard Brose; District 10: Robert Johnson; District 11: Sherman Erlandson; District 12: Raymond Moser; District 13: Dennis Brault; District 14: Kevin Larson; District 15: Todd Overbo ; District 16: Anita Zibton; District 17: Karen Dahl; District 18: Gary Davig; District 19: Jerry Cade; District 20: Geoffrey Banta; District 21: Frank McCoy; District 22: Frank Easterday; District 23: Ole Yttri; District 24: Cliff Peterson; District 25: Francis Hynek; District 26: Thomas Spenner; District 27: John Mitchell; District 28: Brian Richardson; District 29: Leo Verbsky
County Clerk, Ron Hoff called roll, with all 29 Supervisors present.

Hoff moved on to the election of officers and elected committees. Hoff stated in the past years the Board voted by written ballot, with the first ballot a nominating ballot, the second ballot an informal elective ballot, and the third ballot a formal elective ballot. Balloting would continue until a candidate received a majority. Frequently when a candidate receives a clear majority on the second informal elective ballot, a motion is made to declare that ballot formal and a third ballot is not cast. Ballots for the Board Chairperson and Vice-Chairperson are done with a secret ballot, no initials, but the remaining ballots must be initialed or they will not be counted. Motion by Richardson, second by Verbsky to adopt this elective procedure. Motion carried on a voice vote. Nancy McDowell and Greg Lunde were designated as tellers. Hoff stated the County Board will now proceed with election of the Board Chair.

Hoff asked if anyone was interested in running for the County Board Chair stand up and introduce themselves. Former County Board Chairman, Tom Spenner was interested. Motion by Gobel, second by Cox to close the nominations. Motion carried on a voice vote. Motion by Dahl, second by Larson to cast a unanimous ballot and declare Tom Spenner the elected Board Chair for a term of two years. Motion carried on a voice vote. Chair Spenner thanked the County Board members for electing him as Chair. Chair Spenner announced that Corporation Counsel, Greg Lunde, will now be sitting at the front desk next to himself at the County Board meetings. Chair Spenner said the next order of business would be selection of a Vice-Chair. Chair Spenner asked anyone interested in running for Vice Chair to please stand up and introduce themselves. Herbert Cornell and Maynard Cox were interested. Motion by Servais, second by Hynek to close the nominations. Motion carried on voice vote. On the first nominating ballot, the vote was: Cornell 18 votes and Cox 11 votes. Chair Spenner congratulated Cornell on being elected Vice-Chairman of the County Board for a two year term.

Chair Spenner said the Board would now proceed to the election of five members to the Highway Committee. There will be one each from the Western, Central and Eastern Districts of the County, plus two "at large" members. The first seat to be elected was to represent the Western District. Jo Ann Nickelatti previously held this seat and is interested in this position again. Motion by McCoy, second by Dahl to nominate Jo Ann Nickelatti. Motion carried on a voice vote. Motion by Larson, second by Dahl to cast a unanimous ballot and declare Jo Ann Nickelatti elected to the Highway Committee from the Western District for a two year term. Motion carried on a voice vote. The next Highway Committee seat to be elected was to represent the Central District. Jerry Cade previously held this seat and is interested in this position again. Motion by Nickelatti, second by Brose to close the nominations. Motion carried on a voice vote. Motion by Banta, second by Cornell to cast a unanimous ballot and declare Jerry Cade elected to the Highway Committee from the Central District for a two year term. Motion carried on a voice vote. The next Highway Committee seat to be elected was to represent the Eastern District. Jack Robinson previously held this seat. Richardson nominated John Mitchell, Cade nominated Francis Hynek and Brault nominated Cliff Peterson. Chair Spenner closed the nominations. Hoff explained the procedure is after the first vote the top two vote getters would be voted on again on a second ballot. Hoff reminded the

Supervisors the ballots would not be counted if they are not initialed. Chairman Spenner read the results of the first ballot; Peterson – 13, Hynek – 11, Mitchell – 5. Chairman Spenner read the results of the second ballot; Peterson – 15, Hynek – 14. Chairman Spenner declared Peterson elected to the Highway Committed to represent the Eastern District. Chair Spenner said the next two Highway Committee positions were “at large” seats for which all Board members not on another elected committee were eligible. Motion by Cade, second by Dahl to nominated Richard Brose. Motion by Dahl, second by Cornell to nominate Leo Verbsky. Motion by Johnson, second by Moser to close the nominations. Motion carried on a voice vote. Chairman Spenner read the results of the first ballot; Brose - 19, Verbsky – 9, 1 – no initials. Chairman Spenner declared Brose elected to the first open position “at large” seat on the Highway Committee. Chairman Spenner moved to the second “at large” seat for the Highway Committee. Motion by Richardson, second by Brose to nominate Leo Verbsky. Motion by Banta, second by Dahl to close the nominations and cast a unanimous ballot and declare Verbsky elected to the Highway Committee for the second position “at large” seat. Motion carried on a voice vote.

Chair Spenner said the Board would next proceed to elect five members on the Agriculture-Extension and Land Conservation Committee. Previous members were Kevin Larson, Herbert Cornell, John McClelland, Will Beitlich and Frank Easterday. Chairman Spenner explained the voting procedures. Overbo nominates Kevin Larson, Banta nominates Will Beitlich, Servais nominates John McClelland, Brose nominates Herbert Cornell and Gobel nominates Frank Easterday. Motion by Servais, second by Dahl to close the nominations. Motion by Banta second by Dahl to suspend the rules and cast a unanimous ballot and declare the five nominees, Larson, Cornell, McClelland, Beitlich and Easterday, to be on the Agriculture-Extension and Land Conservation Committee. Motion carried on a voice vote.

Chair Spenner said the Board would proceed with the election of two County Board members for a 3-year term on the Human Services Committee, previously held by Sherman Erlandson and Todd Overbo. Gobel nominates Todd Overbo, Richardson nominates Sherman Erlandson and Hooker nominates Dennis Brault for a 3-year term on the Human Services Committee. Motion by Servais, second by Dahl to close the nominations. Motion carried on a voice vote. Chairman Spenner read the results of the first vote; Erlandson – 16, Overbo – 5, Brault – 7 and one ballot disqualified since had two names on it. Chairman Spenner declared Erlandson is elected to the first open seat on the Human Services Committee for a three year term. Chairman Spenner asked for nominations for the second open seat for a three year term. Dahl nominated Dennis Brault, Larson nominated Todd Overbo. Motion by Servais, second by Beitlich to close the nominations. Chairman Spenner read the votes; Overbo – 16, Brault – 12, one with no initials.

Chairman Spenner declared Overbo is elected to the second open seat for a three year term on the Human Services Committee. Chairman Spenner asked for nominations for one community member for a three year term previously held by Patricia Roth. Chairman Spenner read a letter from Diane Radcliffe asking to be considered for the open community member on the Human Services Committee. Overbo nominated Diane Radcliffe. Motion by Dahl, second by Brose to close the nominations and cast a unanimous ballot to declare Diane Radcliffe elected as a community member for a three term on the Human Services Committee. Motion carried on voice vote. Chairman Spenner asked for nominations for a two year term previously held by Chet Lee. Dahl nominated Dennis Brault and Yttri nominated Francis Hynek. Motion by Brault, second by Larson to close the nominations. Motion carried on voice vote. Chairman Spenner read the vote; Brault – 13, Hynek – 15 and one not initialed. Chairman Spenner declared Hynek is elected for a two year term on the Human Services committee.

Chairman Spenner asked for nominations of two Board members to the Vernon Manor Committee for a three year term, previously held by Ray Moser and Ole Yttri. Beitlich nominated Ray Moser and Mitchell nominated Yttri. Motion by Dahl, second by Cade to close the nominations and to cast a unanimous ballot to declare Moser and Yttri elected for a three year term on the Vernon Manor Committee. Motion carried on voice vote.

Motion by Overbo, second by Erlandson to dispense with reading of the February 9, 2010 proceedings and approve the minutes as printed. Motion carried.

Chairman Spenner moved to the announcements on the agenda. Dahl stated she was selected as a County Representative on the Census Committee and Vernon County is at 81% response in sending back their census form. Dahl stated it is very important to fill the form out and send it back since we could lose thousands of dollars in grants and the form is confidential. Wisconsin at this time is number one in the nation in response. Dahl stated to call 1-866-872-6868 toll free if you need more information or did not receive a census form. Hoff stated the Wisconsin County Association District meeting is Tuesday, April 27, 2010 from 3:00 pm to 6:00 pm at the Cranberry Lodge in Tomah, Wisconsin. Hoff stated the National

Annual Conference is in Reno Nevada, July 16 to July 20, 2010. Servais stated June 5, 2010 is the June Dairy Day Breakfast at West Prairie on the Gerald Schumacher farm. Last years June Dairy Day Breakfast was a success serving over 2,200 people.

Chair Spenner declared a recess at 10:26 A.M. The Board reconvened at 10:40 A.M.

Under Special Order of Business was the Library Service Plan for Vernon County, Wisconsin 2009 – 2012. Motion by Overbo, second by Dahl to approve the revised Library Service Plan. Richardson stated the cost has been going up every year. Hynek stated out of County usage is very high. Richardson stated anytime a Vernon County resident check out books at the La Crosse Library, or any other out of county library, Vernon County is charged a fee per book. Dahl stated there is a formula for cost on out of county library usage for all counties so the cost is fair for all counties. We have people from other counties using our libraries as well, and library usage is up across the board. Hynek stated County Board members should encourage residents to use our local libraries. Servais stated Vernon County is so close to the La Crosse Library which makes it more convenient and that is why costs are are so high. Motion carried on a voice vote.

Chairman Spenner moved to the next item under Special Order of Business, request for increase in staff hours by Virgil Hanold, Buildings and Facilities Department Head. Motion by Cade, second by McCoy to approve the request. Hanold stated our custodial staff is the smallest we have had with two full-time employees and one part-time employee plus adding another building by opening the Banta Building. Hanold stated the full-time custodial employees do not have any back-up for vacation and sick time. Hanold stated two full-time employees and one part-time employee are not enough to keep up with the three buildings maintenance, lawn care and snow removal. Banta asked if we would see a decrease in hiring contractors and was told yes. Richardson stated when he first started on the committee we had four full-time custodial employees, so we can say this request has a fiscal impact of \$5,915, but originally we were paying a lot more for janitorial service than we do now. Chairman Spenner called for a roll call vote. The request for increase in staff hours for our part-time custodian passed on a roll call vote with twenty-eight Supervisors voting yes and one Supervisor voting no. Overbo voting no. Cade thanked Hanold for doing a great job.

Next under Special Order of Business was update on Comprehensive plan. Supervisor Maynard Cox stated the Comprehensive Plan was sent back to the Comprehensive Plan Commission which has new members and will be meeting in about a month.

Under regular order of business, Chairman Spenner requested petitions and there were none.

Chairman Spenner stated the first four resolutions will not be acted on today. Linda Kica, Personnel Coordinator stated these resolutions will be on the June County Board meeting agenda which will go into closed session since it has to do with union contracts.

Chairman Spenner continued under the regular order of business by viewing the following resolutions.

RESOLUTION # 2010 – 15

Title: Authorization to apply for a Wisconsin Lake Management Protection Grant to Update Shoreland and Floodplain Zoning Ordinance

WHEREAS, the State of Wisconsin established state wide minimum standards for shoreland zoning through NR 115 Wisconsin's Shoreland Protection Program, which provides that shoreland subdivision and zoning regulations shall further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures, and land uses; and reserve shore cover and natural beauty; and

WHEREAS, Section 59.692 Wisconsin Statutes requires counties to promote the public health, safety, and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the Department of Natural Resources; and

WHEREAS, the Vernon County Shoreland Zoning Ordinance with Wetland Provisions includes the requirements of NR 115, Wisconsin's Shoreland Protection Program, and satisfies Section 59.692 Wisconsin Statutes; and

WHEREAS, the State of Wisconsin on November 13, 2009, updated NR 115 to better protect lakes and rivers, while allowing property owners more flexibility on their land; and

WHEREAS, Vernon County is required to amend the County Shoreland Zoning Ordinance by February 1, 2012, to include the November 13, 2009, NR 115 updates; and

WHEREAS, the Wisconsin Lake Management Protection Grant Program has financial aid available to counties for ordinance development to include the NR 115 updates. This Grant is has a minimum value of \$5,000 and requires a 25% match by the County which can be "in-kind".

NOW, THEREFORE, BE IT RESOLVED by the Vernon County Board of Supervisors that Vernon County request available funds from the Wisconsin Department of Natural Resources under the Wisconsin Lake Management Protection Grant Program; and **HEREBY AUTHORIZES** the Zoning Administrator to act on behalf of Vernon County to submit an application to the State of Wisconsin for financial aid to update the Shoreland and Floodplain Zoning Ordinance for Protection of lakes and other navigable water bodies, to sign documents, and to take necessary action to undertake, direct, and complete an updated Ordinance; and **BE IT FURTHER RESOLVED** that Vernon County will comply with state rules for the program and will meet the financial obligations under the grant.

Dated: April 20, 2010 Submitted by the **Zoning Committee** /s/ Jerry Cade, Chairman Motion by Cade, second by Overbo to approve the resolution. Zoning Administrator Susan Burkhamer stated this resolution is for our Shoreland Ordinance and the DNR is requiring all counties to rewrite the local ordinance as a resolution. Burkhamer stated this resolution will have no fiscal impact. Hynek asked if this has been passed by the State and was told yes. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with all twenty-nine Supervisors voting yes.

RESOLUTIONS #2010 – 16

WHEREAS, On April 20th, 2010, certain checks listed below, as to date, number and amounts, and totaling \$237.36 were outstanding for a period of three months or more, and

WHEREAS, Vernon County checks become void after ninety (90) days, same printed on checks, and **NOW, THEREFORE, BE IT RESOLVED**, that said checks be cancelled and that the County Clerk and County Treasurer make the proper entries in the records in their respective offices, recording such cancellations, and that the proper accounts be credited with the amounts so cancelled.

Date, Ck#, Amount. 9/12/2008 - #39563 - \$3.07, 7/17/2008 - #93422 - \$22.60, 8/21/2008 - #94176 - \$10.00, 2/19/2009 - #98740 - \$50.00, 3/17/2009 - #99460 - \$40.00, 4/16/2009 - #100286 - \$8.97, 5/21/2009 - #101170 - \$102.72

Total - \$237.36

Dated: April 20, 2010. Submitted March 18, 2010 by the **Finance Committee** Brian Richardson, Chair Vote: 5 yes, 0 no.

Motion by Erlandson, second by Dahl to approve the resolution. Motion to approve the resolution carried on voice vote.

RESOLUTION # 2010 – 17

Title: Tax Deed

WHEREAS, preliminary tax deed proceedings have been completed on a parcel of land described as Lot 7, 8, and 9 in Block 4, of Cowee's Addition to the Village of LaFarge, Vernon County, Wisconsin. Parcel # 62-146-142-000 & 62-146-140-0000

WHEREAS, Section 75.14(1) of the Wisconsin Statutes requires that the County Board by resolution, orders issuance of a deed under the aforementioned section;

NOW THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors does order the Vernon County Treasurer and Vernon County Clerk to proceed with the execution of the tax deed whereby the County will acquire the aforesaid property.

Dated: April 20th, 2010 Submitted April 6, 2010 by the **Land Sales Committee** /s/ Ray Moser, Chairman Vote: 5 yes, 0 no

Motion by Dahl, second by Overbo to approve the resolution. Motion to approve the resolution carried on voice vote.

RESOLUTION # 2010 - 18

Title: Tax Deed

WHEREAS, preliminary tax deed proceedings have been completed on a parcel of land described as Lots 3, 4 & 5 in Block 8, Thomas DeJean's Addition to the Village of Lafarge, Vernon County, Wisconsin, situated in and being a part of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) section 29, Township 13 North Range 2 West, Vernon County, Wisconsin. Parcel #62-146-186-0000

WHEREAS, Section 75.14 (1) of the Wisconsin Statutes requires that the County Board by resolution, orders issuance of a deed under the aforementioned section;

NOW THEREFORE, BE IT RESOLVED, that the Vernon County Board of Supervisors does order the Vernon County Treasurer and Vernon County Clerk to proceed with the execution of the tax deed whereby the County will acquire the aforesaid property.

Dated: April 20, 2010 Submitted April 6, 2010 by the Land Sales Committee /s/ Ray Moser, Chairman
Vote: 5 yes, 0 no.

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

RESOLUTION # 2010 – 19

Title: Changes to the Vernon County Outdoor Recreation Plan 2006 – 2010

WHEREAS, Vernon County, has participated in a county-wide Outdoor Recreation Planning Program covering both unincorporated and incorporated areas of Vernon County, and

WHEREAS, said planning program has been conducted by Vernon County through the Mississippi River Regional Planning Commission in conjunction with the Vernon County Land & Water Conservation Committee, and

WHEREAS, the Vernon County Outdoor Recreation Plan 2006 – 2010 was approved by the Vernon County Board of Supervisors on August 8, 2006; and,

WHEREAS, said planning document reflects county and community recreation needs in light of goals, objectives, and generally accepted recreation planning standards;

THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors does hereby incorporate the following changes to page 38 of the adopted the Vernon County Outdoor Recreation Plan 2006 – 2010;

Jersey Valley Action Program, Improve Beach & Swimming Area—~~\$42,000~~, ADA Fishing Access Points to Lake—~~\$21,000~~, Peaceful Valley Entrance improvements—~~\$19,000~~, Add mountain biking trails—~~\$13,275~~

Dated: April 20, 2010 Submitted April 8, 2010 by the Land and Water Conservation Committee /s/ Will Beitlich, Chair Vote: 6 yes, 0 no, 0 other

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

Motion by Overbo, second by Brault to approve the resolution. Banta suggested discussing the resolution for the funding of Jersey Valley before we approve this resolution. Kelly Jacobs, County Conservationist, stated this resolution is a plan of what we would like to do and in order to apply for grant funding we need to have the activities outlined in the plan. Banta stated he would like to know how much tax levy money is going to be spent on Jersey Valley Dam. Motion by Banta, second by Overbo to consider Resolution 19 and 20 simultaneously and discuss them both but have separate votes. Motion carried on voice vote.

RESOLUTION # 2010 – 20

Title: Resolution Authorizing Vernon County to Seek Wisconsin DNR Stewardship Grant Funding for the Purpose of Renovating Jersey Valley County Park

WHEREAS, Vernon County is interested in developing lands for public outdoor recreation purposes as described in the ADLP (Aid for the Development of Local Parks) Stewardship Grant Application for the Renovation of Jersey Valley County Park; and,

WHEREAS, financial aid is required to carry out the project; and,

WHEREAS, Vernon County has budgeted a sum sufficient to complete the development project;

THEREFORE BE IT RESOLVED, this resolution 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.

AND 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.

No County fiscal impact

Dated: April 20, 2010 Submitted April 8th, 2010 by the Land and Water Conservation Committee /s/ Will Beitlich, Chair Vote: 6 yes, 0 no, 0 other /s/ Tom Spenner, Chair /s/ Ron Hoff, Clerk

Beitlich stated it was never intended that Vernon County would have any fiscal impact; we were applying for this grant and wanted to take it as far as we could take it. Motion by Beitlich, second by Larson to amend Resolution 2010-20 adding “No County fiscal impact”. Motion to amend Resolution 2010-20 passed on a voice vote. Jacobs stated on Resolution 2010-19 there is no fiscal impact also. Motion by Brault, second by Moser to amend Resolution 2010-19 removing the cost of the four action plan items.

Motion to amend Resolution 2010-19 passed on a voice vote. Motion by Brault to amend Resolution 2010-20 on Therefore Be It Resolved numbers 1, 2, 3 and 4 would like to add no tax dollars used. Jacobs stated this means we would be authorizing her to implement the grant as we have it in the packet with no County fiscal impact. There was no second to the amendment. Banta asked if the plan is passed will Vernon County have maintenance costs and was told yes. Chairman Spenner called for a voice vote on Resolution 2010-19 as amended. The resolution as amended passed on a voice vote. Chairman Spenner called for roll call vote on Resolution 2010-20 as amended. The resolution as amended passed on a roll call vote with all twenty-nine Supervisors voting yes.

RESOLUTION # 2010 – 21

Title: Line of Credit Balance for Dam Repair

WHEREAS, the Vernon County Finance Committee has established a \$1.2 million line of credit, as authorized under Resolution 2009-31, to cover the cost of the solid waste baler purchase, the courthouse roof project, and the committed funds for the repair of Hidden Valley (WF04) Dam and Seasbranch (WF05) dam; and,

WHEREAS, the Vernon County Board of Supervisors, under Resolution 2010-4, has also approved utilizing this line of credit to provide funds for the lease buyout purchase of the Zoning Department Ford Ranger vehicle; and

WHEREAS, it is anticipated that the Hidden Valley and Seasbranch dam repair projects, and potentially the other items identified on Resolution 2009-31, are to be completed with less funds from the existing line of credit due to lower bid amounts and/or alternate funds being utilized; and,

WHEREAS, the Vernon County Board of Supervisors Resolution 2009-28 requested implementation of an additional County sales tax for needed infrastructure repairs, although supported by Countywide referendum and the Wisconsin Counties Association, has not yet been actively pursued by State Legislators; and,

WHEREAS, there are additional PL566 dam repair needs in Vernon County, with WI DNR orders and directives on several of the structures; and,

WHEREAS, the numerous grant funds received to date will not cover all needed dam repairs;

NOW THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors authorizes the Finance Committee to designate any remaining balance from the existing line of credit to Vernon County PL566 dam repairs. Finance committee must go through County Board. Continue line of credit for five years but remove the specific use purpose from resolution.

Dated: April 20, 2010 Submitted by the **Finance Committee** /s/ Brian Richardson, Finance Chair Vote: 4 yes, 0 no, 1 absent /s/ Tom Spenner, Chair, /s/ Ron Hoff Clerk

Motion by Brault, second by Yttri to approve the resolution. Hynek asked if this would be the final payment or what is going to happen if we approve this today. Jacobs stated this resolution gives the Finance Committee the authority that otherwise would be given to the County Board to authorize payment using the line of credit for anything associated with the dams. There were a few specific things the 1.2 million dollar line of credit was designated for which came under what was expected. Jacobs stated this resolution would allow using that remaining amount for any dam repairs that the Finance Committee deemed necessary. Yttri stated this would take the line of credit to maximum. Beitlich stated we need money to keep the projects moving until we receive grant money. Yttri stated the repairs of dams need to go to the County Board for approval. Jacobs stated this resolution is authorizing the Finance Committee to make the decision on the line of credit usage, not the County Board. Gobel feels there might be other needs for the money in Buildings and Grounds and not to just use the money for repair of the dams. Motion by Banta, second by Overbo to amend the resolution adding on to the Now Therefore Be It Resolved; Finance Committee must go through County Board, continue line of credit for five years but remove the specific use purpose from the resolution. Motion to amend the resolution carried on a voice vote. Dahl asked what was happening with the tax referendum status. Lunde stated no resolutions on sales tax is moving in Madison. Chairman Spenner called for a roll call vote on the resolution as amended. The resolution as amended passed on a roll call vote with all twenty-nine Supervisors voting yes. Dahl asked the County Board Supervisors to call or write their State Legislators on the sales tax issue.

RESOLUTION # 2010 – 22

Title: Authorization to Approve Engineering Change Order 1 for 2009 Jersey Valley Flood Control Structure Repair Cost

WHEREAS, The County has been under orders by the Wisconsin Department of Natural Resources (DNR) since April 22, 2005 to make repairs to the Jersey Valley (WF01) Dam; and,

WHEREAS, the Vernon County Board of Supervisors has agreed to commit to the repair of Jersey Valley through the Restored Lake option at a cost not to exceed \$1.7 million of County Funds; and
WHEREAS, a recent Change Order for the contract between Vernon County and Veit & Company has already been approved by County Board by resolution 2009-60; and,
WHEREAS, Engineering oversight during construction and final approval of the repair by a registered Engineer is necessary to meet WI DNR dam safety requirements; and
WHEREAS, due to additional work time required, the approved contract does not sufficiently cover cost of engineering services for the Jersey Valley project through completion; and,
WHEREAS, this Change Order One for the contract between Vernon County and AECOM is necessary to account for line item exceedences for engineering work completed in 2009;
NOW THEREFORE BE IT RESOLVED, the Vernon County Board of Supervisors approves the AECOM Change Order One for the Jersey Valley Dam Repair as attached.
County Fiscal Budget Impact: \$0

Dated: April 20, 2010 Submitted February 10, 2010 by the **Land Conservation Committee** /s/ Will Beitlich, LCC Chair Vote: 5 yes, 1 against, 0 other
/s/ Tom Spenner, Chair /s/ Ron Hoff, Clerk

Motion by Verbsky, second by Hooker to approve the resolution. Richardson asked about the zero impact and was told it will be paid by a grant. Dahl stated there are instruments for testing leaks and is wondering if we are using all avenues available to us. Jacobs stated it depends on how much we want to spend on testing versus on how much we want to spend on the actual repair. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with twenty-one Supervisors voting yes and eight Supervisors voting no. Moser, Brault, Overbo, Davig, Mitchell, Richardson, Hooker and McClelland Jr. voting no.

RESOLUTION # 2010 – 23

Title: Authorization to Approve Engineering Change Order 2 for 2010 Jersey Valley Flood Control Structure Repair Costs

WHEREAS, The County has been under orders by the Wisconsin Department of Natural Resources (DNR) since April 22, 2005 to make repairs to the Jersey Valley (WF01) Dam; and,
WHEREAS, the Vernon County Board of Supervisors has agreed to commit to the repair of Jersey Valley through the Restored Lake option at a cost not to exceed \$1.7 million of County Funds; and,
WHEREAS, a recent Change Order for the Contract between Vernon County and Veit & Company has already been approved by County Board by resolution 2009-60; and,
WHEREAS, Engineering oversight during construction and final approval of the repair by a registered Engineer is necessary to meet WI DNR dam safety requirements; and,
WHEREAS, due to additional work time required, the approved contract does not sufficiently cover cost of engineering services for the Jersey Valley project thorough completion; and
WHEREAS, this Change Order Two for the contract between Vernon County and AECOM is necessary to account for eight weeks of additional engineering work in 2010 following the current winter shutdown;
NOW THEREFORE BE IT RESOLVED, the Vernon County Board of Supervisors approves the AECOM Change Order Two for the Jersey Valley Dam Repair as attached.
County Fiscal Budget Impact: \$0

Dated: April 20, 2010 Submitted February 10, 2010 by the **Land Conservation Committee** /s/ Will Beitlich, LCC Chair Vote: 5 yes, 1 against, 0 other
/s/ Tom Spenner, Chair, /s/ Ron Hoff, Clerk

Motion by Brose, second by Cornell to approve the resolution. Dahl asked when we do contracts do we build in a margin of error of 10% and was told it is usually a 10% margin of error. Jacobs stated for purposes of dam repair, the State wide average the DNR use for cost overrun is 40%. Jacobs feels we should increase in the future our margin of error since 10% is too low. Banta stated we have to finish these projects. Beitlich stated they checked out other engineering sources and could not find any cheaper or better. Richardson is worried another change order will come through. Erlandson stated citizens are very concerned about the money being spent on Jersey Valley. Cade stated the Supervisors who voted for Jersey Valley better keep supporting this. Gobel, Banta and Hynek feel we have no choice but to finish the project. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with twenty Supervisors voting yes, nine Supervisors voting no. Hooker, McClelland Jr., Erlandson, Moser, Brault, Larson, Overbo, Davig and Richardson voting no.

RESOLUTION # 2010 – 24

Title: Resolution for the Entry of County – Owned Lands into the Vernon County Forest

WHEREAS, Section 28.11 of the Wisconsin Statutes authorizes the establishment of a public County Forest and the acquisition of lands for said forest; and,

WHEREAS, the following forested lands are owned by Vernon County; 1. PT of NE1/4SW1/4 of Section 3, T13N-R5W (Jefferson N. Township) 2. PT of NW1/4SE1/4 of Section 3, T13N-R5W (Jefferson N. Township) Totaling 14 acres 3. PT of SE1/4SE1/4 of Section 4, T12N-R5W (Jefferson S. Township) 4. PT of NW1/4SW1/4 of Section 3, T12N-R5W (Jefferson S. Township) 5. PT of SW1/4NW1/4 of Section 3, T12N-R5W (Jefferson S. Township) Totaling 25.7 acres and,

WHEREAS, these lands would be consistent with the County forest’s mission statement of sustainable forest management for optimum production of forest products, providing outdoor recreational opportunities, protecting wildlife and their habitat, and ensuring watershed protection; and,

WHEREAS, townships with County Forest lands are compensated with a percentage of annual timber sale revenues and WI DNR payments, and,

NOW THEREFORE, BE IT RESOLVED, that the Vernon County Land & Water Conservation Committee be authorized to enter above described lands under the County Forest Law (section 28.11). 2010 Fiscal Impact: \$0.00

Dated: April 20, 2010 Submitted by the Land & Water Conservation Committee /s/ will Beitlich, Chairman Vote: 6 aye, 0 no, 0 abstain

Motion by Overbo, second by Dahl to approve the resolution. The resolution passed on a voice vote.

RESOLUTION # 2010 – 25

Title: Resolution Authorizing Intergovernmental Agreement with the Ho-Chunk Nation

WHEREAS, the County and the Ho-Chunk Nation have been good neighbors and desire the spirit of cooperation to continue between the two governments; and

WHEREAS, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, the Nation is a sovereign government possessed of all sovereign powers and rights thereto pertaining; and

WHEREAS, Article V, Section 2(i) of the Ho-Chunk Nation Constitution grants the Ho-Chunk Nation Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

WHEREAS, the Congress of the United States has enacted into law the *Indian Gaming Regulatory Act*, (hereinafter “IGRA”) P.L. 100-497, 25 U.S.C. §2701, et seq., which provides in part that a tribal/state compact may be negotiated between a tribe and a state to set forth the rules, regulations and conditions under which a tribe may conduct Class III gaming, as defined in the Act, on Indian lands within a state permitting Class III gaming; and

WHEREAS, pursuant to IGRA, the Nation and the State of Wisconsin entered into a Compact on June 11, 1992; and

WHEREAS, in relevant part the Third Amendment to the Compact with the State of Wisconsin provides: Payment to Counties. Commencing May 1, 2010, to make the Annual Payment, the Nation shall deduct from its Annual Payment One Thousand Dollars (\$1,000.00) paid to each county for every acre of land owned by the United States of America in trust for the nation as of the effective date of this Compact and the Second Amendment which is located within the county’s jurisdiction; and

WHEREAS, the effective date of the Compact and the Second Amendment was July 3, 2003; and

WHEREAS, Patricia Olby, Realty Officer of the Midwest Regional Office of the Bureau of Indian Affairs, sent a letter dated July 29, 2009 to Sheena Schoen, Department of Heritage Preservation, Division of Natural Resources of the Ho-Chunk Nation. The July 29, 2009 letter from Ms. Olby provides that pursuant to documents of record retained in the Bureau of Indian Affairs and approved by the Secretary of Interior the United States government had taken title to land on behalf of the Ho-Chunk Nation geographically located within the borders of twelve Wisconsin Counties as of July 3, 2003; and

WHEREAS, the Ho-Chunk Nation and the State of Wisconsin through the Wisconsin Administrator of the Division of Gaming for the Department of Administration have agreed the amount and location of acreage held in trust that qualifies for this credit is set out in the July 29, 2009 letter from Patricia Olby, Realty Officer for the Bureau of Indian Affairs, Great Lakes Agency, to Sheena Schoen, Department of Heritage Preservation, Division of Natural Resources of the Ho-chunk Nation; and

WHEREAS, the County was one of the twelve Wisconsin Counties that the United States government had taken title to land geographically located within the borders of the County on behalf of the Ho-Chunk Nation; and

WHEREAS, according to the Midwest Regional Office of the Bureau of Indian Affairs, as of July 3, 2003 the Department of Interior had taken title to 1200 acres of land in trust for the Ho-Chunk Nation, which were located within the geographic boundaries of the County of Vernon; and

WHEREAS, pursuant to the terms of the Compact the Nation may provide \$1,200,000.00 dollars to the County and, if it makes this payment, the Nation beginning with its payment due on May 1, 2010 will receive a corresponding reduction in the amount that is owed by the Nation to the State; and

WHEREAS, pursuant to Wis. Stat. § 59.01, the County “is a body corporate, authorized to sue and be sued,... to make such contracts and to do such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the legal duties charged upon it;” and

WHEREAS, in order to clarify the terms and conditions associated with the County’s receipt of the funds from the Nation, the parties desire to enter into the attached Intergovernmental Agreement (“Agreement”); and

WHEREAS, the attached Agreement may be entered into pursuant to Wis. Stat. § 66.0301, which provides (in relevant part) that “any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.”

NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors authorizes the County Board Chair to execute the Agreement between the County and the Ho-Chunk Nation attached hereto

BE IT FURTHER RESOLVED, that the treasurer is authorized to accept money from the Nation pursuant to the Agreement and to be used in a manner consistent with the Agreement;

BE IT FURTHER RESOLVED, that consistent with the terms of the Agreement upon the Nation providing the payment the first year, the County shall provide written notification to the State of Wisconsin of the amount of any payment received in order to ensure that the State has the written notification no later than April 23;

BE IT FURTHER RESOLVED, that the County may use the money for any purpose as determined by the county in its sole discretion, except that the County cannot use any of the funds paid to it that would diminish the Nations’ governmental jurisdiction or have an adverse financial impact on the Nation;

BE IT FURTHER RESOLVED, that consistent with the Agreement, the County shall report to the Nation by March 1 of each year of the Agreement, except for the first year, how it intends to use the money provided by the Nation and explain, if applicable, how the County believes its proposed use of the money benefits either the Ho-Chunk Nation or Ho-Chunk Nation Tribal Members;

BE IT FURTHER RESOLVED, that for the current year the County will use the money provided by the Nation for the following purposes in the initial year of the agreement: Maintenance of roads and highways including access and bridges. Maintain law enforcement patrol in areas of Ho Chunk lands. Flood control – Middle Kickapoo watershed. Improve and update electronic communications including telephone and computer system. Human Services Foundation Program. Remonumentation and parcel mapping with priority to the Towns of Stark and Whitestown. Explore the possibility of sharing some of the monies received with the Towns of Stark and Whitestown for road purposes and any other project as may be approved pursuant to the agreement.

BE IT FINALLY RESOLVED, that the use of the money from the Nation as set forth in the previous paragraph in this resolution shall serve as the report required under the Agreement for the first year;

Dated: April 20, 2010 /s/ Tom Spenner, Chair Vernon County Board /s/ Ron Hoff, Vernon County Clerk Motion by Richardson, second by Hooker to approve the resolution. Chairman Spenner explained the meeting he attended with the Ho-Chunk Nation. Spenner stated under agreement with the County and the Ho-Chunk Nation the payment was based on 1200 acres that the United States own in the County in trust for the Nation. The Nation would deduct the amount from its annual payment to the state as outlined in the Wisconsin Gaming Compact. An amendment to the Compact in 2003 allowed the Ho-Chunk Nation instead to pay the counties \$1000 per acre held in trust. The start date for this change is May 1, 2010. Vernon County has 1200 acres in trust which is the largest in the State of Wisconsin. Vernon County should receive 1.2 million dollars a year. The proposed agreement with the Ho-Chunk Nation and Vernon County lets the County decide how to spend the money, but stipulates it cannot be use to diminish the Nation’s Governmental Jurisdiction or otherwise adversely affect the Nation financially. The County must notify the Nation on how we plan to spend the money, which cannot be used solely for employee wages or

benefits unless linked to a specific project. Also this money is not part of the County's budget; it is solely a fund that the County can use for worthwhile projects. Spenner stated the Finance Committee will evaluate each potential project and prepare a resolution to the County Board for approval. The department whose project has been approved is responsible for maintaining the project expenditures. Hynek spoke on the Ho-Chunk money and wants the County to spend this money wisely. Dahl asked if we will review this every March and was told yes. Dahl asked if we have an advisory committee or Native Americans advising us and was told the Ho-Chunk Legislator assigned three representatives whom we would need approval on our projects from two of the three representatives. Chairman Spenner stated if the County Board passes this resolution today it gives him authority to approve the agreement which needs to be faxed by Friday. Motion by Banta, second by Mitchell to call for question. Motion carried on voice vote. Chairman Spenner called for a roll call vote. The resolution passed on a roll call vote with all twenty-nine Supervisors voting yes.

RESOLUTION # 2010 – 26

Title: Notice of Disallowance of Claim

To: Diane Radcliffe, 740 s. Washington Street, Viroqua WI 54665 To: American Family Mutual Insurance, 6000 American Parkway, Madison WI 53783-001. To: Attorney Rick Mundt Winner, Wixson & Pernitx, 22 East Mifflin Street, Suite 702, Madison WI 53701

PLEASE TAKE NOTICE: that the Board of Supervisors of Vernon County at its regular meeting on April 20, 2010 disallowed your claim for payment of damages dated December 18, 2009 relating to an automobile accident of a Vernon County squad car and a private vehicle 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 20, 2010 /s/ Ron Hoff, Vernon County Clerk, /s/ Thomas V. Spenner, County Board Chair Motion by Overbo, second by Verbsky 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 # 2010- 27

Title: Designation of Official County Publication and Financial Institutions

WHEREAS, Wisconsin Statutes 59.61 (2) provides for designation of official county financial institutions and Wisconsin Statutes 59.14 (2) provides for designation of an official county publication, now **THEREFORE BE IT RESOLVED,** that the Viroqua Bank and the Citizens Bank – Viroqua be designated the official depositories for purposes of checking and investment accounts, and the following county financial institutions be designated official depositories for purposes of deposit and investment: La Farge State Bank, Anchor Bank - Viroqua Branch, Associated Bank – Viroqua Branch, River Bank – Stoddard Branch, River Bank – Westby Branch, Genoa State Bank, Bank of Ontario, Farmers State Bank – Hillsboro, Harris Bank – Westby, Westby Coop Credit Union, Royal Bank – Hillsboro Branch, State of Wisconsin Local Government Investment Fund

AND BE IT FURTHER RESOLVED, that the Vernon County Broadcaster be designated the official Vernon County newspaper for publication of County Board proceedings, ordinances and other documents, though such designation shall not preclude publication of county notices in other county newspapers where deemed appropriate.

Dated: April 20, 2010 Submitted March 18, 2010 by the **Finance Committee** /s/ Brian Richardson, Chair Vote: 5 yes, 0 no

Motion by Overbo, second by Larson 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. Chairman Spenner asked for any ordinances and there was one.

ORDINANCE # 2010 – 1

Title: Bids Required for Public Work and Purchases Exceeding \$20,000.00

WHEREAS, Vernon County currently has an ordinance regulating public work purchases, and

WHEREAS, Vernon County's current public work ordinance requires a bid contract when a purchase exceeds \$5,000.00, and

WHEREAS, the current ordinance is outdated, having not kept up with today's increased purchase costs, and

WHEREAS, many of the county's bid contracts are between \$5,000.00 and \$10,000.00 and

WHEREAS, many contracts could be eliminated, whereby saving county funds by raising the purchase contract requirement to \$20,000.00.

