

VERNON COUNTY BOARD OF SUPERVISORS

MINUTES

September 28, 2010

Chairman Tom Spenner called the September 28, 2010 meeting of the Vernon County Board of Supervisors to order at 9:30 A.M. in the County Boardroom of the Courthouse Annex. Invocation was given by Pastor Don Ehler, First Congregational Church, Hillsboro. 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 Servais, second by Cade to dispense with reading of the August 24, 2010 meeting minutes and approve the minutes as printed. Motion carried.

Under announcements, Ron Hoff stated the County Board Supervisors pictures are in and can be purchased for \$20.00. Hoff stated the new 16 x 20 of the County Board Supervisors is hanging on the back wall. This is the first time the Supervisors names are listed on the picture. Cox stated Garrison Keiler will be in Viroqua tomorrow at 3:30 p.m. at the old NCR Building if any Supervisors are interested in seeing him. Servais stated October 22, 2010 at 6:30 p.m. is Dairy Gala Night at the Firehouse in Viroqua. Zibton stated there is a new local radio station that has started up on 91.9 WDRT FM.

First under Special Order of Business were employee recognition awards, Personnel Coordinator, Linda Kica. Kica stated we have nine employees being recognized for a total of 255 years of service. Sheriff Gene Cary presented an award to John Spears for twenty-five years of service. Pamela Eitland, Human Services Director presented awards to the following employees: Jean Klousia – 35 years, Nancy Thompson – 30 years, Barb Mattice – 30 years and Vicky Zitzner – 25 years. Virgil Hanold, Highway Commissioner presented awards to the following employees: Steve Winchel – 30 years, Rod Ewing – 30 years and Kevin Dempsey – 25 years.

Next under Special Order of Business was E-3 Coalition update report – Todd Osman and Jim Olson. Osman stated the total budget is \$269,617.00 which includes the grant money and the Focus on Energy money. Osman stated the biggest project is the solar thermal at Vernon Manor which hasn't been bid yet. Osman stated some of the projects should be within the next two weeks. Osman stated energy savings should be \$25,000 a year over the life of the project. Mitchell asked if E-3 Coalition is paid from federal grant money and was told yes. Zibton thanked them for their hard work and effort and it isn't just the dollar amount we are saving, we are saving resources. Zibton is concerned with the Vernon Manor project since the future of the building has been questioned. Dahl stated years ago the City of Viroqua participated in an energy project where we wrapped water heaters through out the city and other projects. Through the Department of Energy, Viroqua won an honorable mention award that year. Dahl stated the City of Viroqua fell short in one thing, never following up on it. Richardson asked if they are looking at projects just in Viroqua and was told they are currently working with ten municipalities. Chairman Spenner thanked them for there hard work.

Next under Special Order of Business was Emergency Management Committee re-authorizing Emergency Management Director position. Motion by Cox, second by Dahl to approve the re-authorizing the Emergency Management Director position. Banta stated this is a mandated position with the State of Wisconsin. Richardson stated there are three counties that do not have a Director and was told someone within the county has to have the title. Dahl stated this position is also 75% state funded. Richardson stated most municipalities have their own response team and wonders why the County needs a director. Chairman Spenner stated the County takes over in disasters where small communities cannot handle it, for an example the flood. Cox stated the Emergency Management Director coordinates response during disasters. Cade thanked Glenda Sullivan for doing a great job and helping out the towns with grant writing and all the paperwork that goes with the grants. Banta stated he first thought this position should be within the Sheriff's Department but has changed his mind after checking the background showing that the duties have really changed throughout the years. An Emergency Management Director is needed. Chairman Spenner stated after working with the Emergency Management Director during the two floods he realized this is not an eight hour a day job. They work all different hours when needed. Dahl stated the Emergency Management Director has written and received several grants. Chairman Spenner asked Glenda Sullivan to speak to the County Board. Sullivan stated she has worked with FEMA for flood damage and has received grants. Sullivan has opened the EOC for FEMA so the Towns could gather all their information on flood damage. We had a tornado in Viola in 2005. Sullivan stated in 2008 the EOC was open seven days a week, twenty-four hours a day and she never went home for two days. Sullivan stated this is a twenty-four/seven job when a disaster hits. Sullivan stated it is normal to take a couple of years of tracking when receiving state money on damages for disasters. Sullivan stated they receive a \$10,000 grant every year for each of the three counties Vernon, Crawford and Richland for the Hazmat team to be used for equipment and training. Sullivan stated she needs to do many table top training sessions to be eligible for some grants. Cade called for question. Chairman Spenner called for a roll call vote. The request for replacement of the Emergency management Director passed on a roll call vote with all twenty-nine Supervisors voting yes.

Next under Special Order of Business was election of two delegates to the Mississippi River Regional Planning Commission. Chairman Spenner stated the State requires we have two candidates and then the Governor will select one of the two to serve. Chairman Spenner stated Kim Ward, City of Viroqua and Nancy Jaekel, rural Stoddard have volunteered to be on the Mississippi River Regional Planning Commission. Motion by Mitchell, second by Cade to elect Kim Ward and Nancy Jaekel as delegates to the Mississippi River Regional Planning Commission. Motion carried on voice vote.

Chairman Spenner moved to Regular Order of Business.

Chairman Spenner asked for any petitions and there was one. Hoff stated he has received a petition with 130 signatures requesting the Vernon County Board of Supervisors reject any Comprehensive Plan.

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

Chairman Spenner stated Resolution # 2010-46 was tabled from the August 24, 2010 meeting. Chairman Spenner stated changes have been made to the plan.

RESOLUTION # 2010 – 46

TITLE: ADOPTING THE VERNON COUNTY ALL NATURAL HAZARDS MITIGATION PLAN 2010 – 2014

WHEREAS, Vernon County recognized the threat that natural hazards pose to people and property; and
WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, Vernon County participated jointly in the planning process with the other local units of government within the County to prepare a Multi-Hazards Mitigation Plan; and

WHEREAS, Vernon County recognizes that planning for natural hazard mitigation is an ongoing process with new mitigation projects being identified as additional information is obtained;

NOW, THEREFORE, BE IT RESOLVED, the Vernon County, hereby adopts the Vernon County Multi-Hazards Mitigation Plan 2010 – 2014 as an official plan; and

BE IT FURTHER RESOLVED, that the Vernon County Emergency Management Department will submit on behalf of the participating municipalities the adopted Multi-Hazards Mitigation Plan to Wisconsin Emergency Management and Federal Emergency Management Agency

Recommend for consideration by full County Board;

Dated: June 29, 2010 Submitted June 11, 2010 by the Emergency management Committee /s/ Tom Spenner, Chair
Vote: 5 yes, 0 no

Motion by Cade, second by Nickelatti to approve the resolution. Brault asked if we received a copy of the plan and was told yes. Motion by Brault, second by Servais to table the resolution until the next meeting. Motion carried on voice vote. Gobel explained this plan has been in place for many years and every four years it gets redone changing names and addresses. Hynek stated this was tabled last time since we were waiting for State information. Chairman Spenner stated any County Board Supervisor wanting a copy of the plan to contact Glenda Sullivan.

RESOLUTION # 2010 – 63

TITLE: YEAR 2011 SECTION 85.21 GRANT

WHEREAS, Section 85.21 of the Wisconsin Statutes authorizes the Wisconsin Department of Transportation to make grants to the counties of Wisconsin for the purpose of assisting them in providing specialized transportation services to the elderly and the disabled; and

WHEREAS, each grant must be matched with a local share of not less than 20% times the amount of the grant; and

WHEREAS, this body considers that the provision of specialized transportation services would improve and promote the maintenance of human dignity and self-sufficiency of the elderly and the disabled.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Vernon County authorizes the Vernon County Unit on Aging to prepare and submit to the Wisconsin Department of Transportation an application for assistance during 2011 under Section 85.21 of the Wisconsin Statutes, in conformance with the requirements issued by that Department, and also authorizes the obligation of county funds in the amounts needed in order to provide the required local match.

BE IT FURTHER RESOLVED that the Board of Supervisors of Vernon County authorizes the Vernon County Unit on Aging to execute a state aid contract with the Department of Transportation under Section 85.21 of the Wisconsin Statutes on behalf of Vernon County.

Dated: September 28, 2010 Submitted August 16, 2010 by the Human Services Committee /s/ Sherman Erlandson,
Chairperson Vote: 7 yes 1 vacant

Submitted August 8, 2010 by the Unit on Aging Committee /s/ Leo Verbsky, Chairperson, /s/ Kevin Larson, Vice-Chairperson, /s/ Sherman Erlandson, /s/ Karen Dahl

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

RESOLUTION # 2010 – 64

TITLE: AVALANCHE BRIDGE PROJECT

WHEREAS, the current bridge on County Highway S in Avalanche, is in need of repair, and;

WHEREAS, the Highway Department currently budgets for maintenance annually, and;

WHEREAS, \$10,000.00 is requested to go into the Highway Department budget for repair of said bridge;

WHEREAS, after the repair, there should be no costs for the foreseeable future which will present a significant cost savings for the county, and;

WHEREAS, for the 2010 budget year, the Vernon County Highway Department did not foresee such an expenditure, and;

NOW, THEREFORE, BE IT RESOLVED that the Vernon County Highway Department has authority to spend up to \$10,000.00 for the bridge repair project, and

BE IT FURTHER RESOLVED that money be transferred from either the General Fund or the Ho Chunk Nation funding, to pay for the bridge project, as determined by the Finance Committee.

Recommended for consideration by the full County Board

Dated: September 28, 2010 Submitted September 20, 2010 by the **Finance Committee**

/s/ Geoffrey Banta, Vice-Chairman Vote: 5 yes, 0 no

Motion by Banta, second by Nickelatti to approve the resolution. Dahl asked how often the bridges are inspected. Virgil Hanold, Highway Commissioner, stated he inspects some older ones every year, new bridges every two years and after storms. Hanold stated Vernon County has 107 bridges. Hanold stated he does not inspect the 167 town bridges and 95 state bridges since they do their own. Zibton asked if this is for repair and was told yes to repair the approach to the bridge. Erlandson stated this is a must fix. 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 called for a recess at 10:37 a.m. Chairman Spenner reconvened the meeting at 10:52 a.m.

RESOLUTION # 2010 – 65

TITLE: VERNON ELECTRIC COOPERATIVE EASEMENT

WHEREAS, Vernon Electric requires an easement on lands known as the Vernon County Farm, located along Highway 14 and;

WHEREAS, legal description of property is as follows: Beginning at reference point 721 on Transportation Project Plat NO: 1646-07-24-4.02 thence S09 degrees 05 minutes 12 seconds East 151.63' then continuing along the said line the following calls.

S00 degrees 41 minutes 22 seconds East 375.00'

S00 degrees 41 minutes 22 seconds East 275.00'

S00 degrees 41 minutes 22 seconds East 300.00'

S14 degrees 11 minutes 07 seconds East 51.42'

S00 degrees 41 minutes 22 seconds East 350.00'

S19 degrees 59 minutes 47 seconds West 108.21'

S12 degrees 46 minutes 23 seconds East 204.82'

S00 degrees 03 minutes 38 seconds West 300.21'

S00 degrees 03 minutes 38 seconds West 300.00' to reference point 898 on above transportation plat thence

S00 degrees 03 minutes 38 seconds West 300.00' to reference point 708 and end of said line

WHEREAS, a new easement is required as the result of the Wisconsin State Department of Transportation for the Highway 14 four-lane project.

NOW, THEREFORE, BE IT RESOLVED Vernon County shall grant an easement to Vernon Electric Cooperative as described in the right of way easement attached hereto and further authorize the County Board Chair and Clerk to execute all necessary documents to conclude the sale.

Vernon Electric Cooperative shall be responsible for any and all costs associated with moving any lines for any reason during the pendency of this easement.

Recommended for consideration by the full County Board.

Dated: September 28, 2010 /s/ Thomas Spenner, County Board Chair

Motion by Brose, second by Erlandson to approve the resolution. Lunde explained the current easement on the County Farm property. Lunde stated this resolution is moving Vernon Electric's easement 40 feet east of the right-a-way line. Hynek asked what the length of the proposed easement was and was told over 2000 feet. Hynek feels we should amend the resolution. Motion by Hynek, second by Brault to amend the resolution adding "Vernon Electric Cooperative shall be responsible for any and all costs associated with moving any lines for any reason during the pendency of this easement". Motion to amend the resolution carried on a voice vote. Motion by Dahl, second by Zibton 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.

RESOLUTION # 2010 – 66

TITLE: PANCREATIC CANCER AWARENESS MONTH

Declaring the month of November "Pancreatic Cancer Awareness Month" in Vernon County, Wisconsin.

WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis and 75 percent of pancreatic cancer patients die within the first year of their diagnosis with 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups;

WHEREAS, approximately 720 deaths are projected to occur in the State of Wisconsin in 2010;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it;

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Wisconsin and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer.

WHEREAS the Pancreatic Cancer Action Network and its affiliates in Wisconsin support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of Vernon County are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW THEREFORE BE IT RESOLVED that the Vernon County Board designates the month of November 2010 "Pancreatic Cancer Awareness Month" in Vernon County, Wisconsin.

Dated: September 28, 2010 Submitted by Thomas V. Spenner, Vernon County Board Chairman /s/ Thomas V. Spenner

Motion by Richardson, second by Verbsky to approve the resolution. Motion carried on a voice vote.

Chairman Spenner moved to the next item on the agenda by viewing the following ordinance.

ORDINANCE # 2010 – 3

TITLE: VERNON COUNTY PUBLIC INTOXICATION

WHEREAS, the Vernon County Sheriff's Department has studied the effect of public intoxication on the general public, and

WHEREAS, the Vernon County Sheriff's Department has determined that a Public Intoxication ordinance is necessary and

WHEREAS, the Vernon County Sheriff's Department has recognized the benefits of such an ordinance as stated therein,

NOW, THEREFORE the Vernon County Board of Supervisors does hereby ordain as follows; (See attached ordinance)

This ordinance shall be effective upon passage and publication as provided by law.

Recommended for consideration by the full County Board.

Dated: September 28, 2010 Submitted September 17, 2010 by the **Legal Affairs Committee** /s/ A. Richard Brose – Vice-Chair Vote: 3 yes, 0 no 2 absent

ORDINANCE # 2010 – 3

VERNON COUNTY ORDINANCES RELATING TO PUBLIC INTOXICATION

CERTAIN CONDUCT ASSOCIATED WITH PUBLIC INTOXICATION PROHIBITED.

- (1) Declaration of Policy. It is the policy of Vernon County to comply with Chapter 51, Wis. Stats., as well as provide for the safety, welfare and health of the public while prohibiting certain harmful conduct of intoxicated persons. Nothing within this ordinance is meant to contradict those elements proscribed under Chapter 51, Wis. Stats.
- (2) Definitions. (a) Public Place: includes a building or place owned or controlled by a public entity, a school, a place of public worship, any public street, including public sidewalk, alley, walk, or other publicly owned lands. Public place excludes the premises of a licensed alcohol establishment. (b) Public nuisance; conduct by an individual which includes engaging in obnoxious behavior, being disoriented, falling, vomiting, public urinating, acting lewdly, loudly and/or combatively or being a danger to oneself or others. (c) Intoxicated person: a person who is presently impaired, mentally or emotionally, as a result of alcohol in the person's body. Also included is any person presently impaired, mentally or emotionally, as a result of a drug or controlled substance, as that term is defined by the Wisconsin Statutes, in the body or a combination of alcohol and such other drugs or controlled substances. Evidence of an intoxicated person shall include a combination of the following indicators; (1) odor on intoxicants on the breath, (2) bloodshot eyes, (3) dilated pupils, (4) stumbling or staggering (5) slurred speech (6) failure of Standard Field Sobriety Test (3) Intoxicated person in Public Place Prohibited. No person in a public place shall conduct himself/herself so as to be: (a) a danger to themselves or others and/or (b) a public nuisance and (c) intoxicated or incapacitated by alcohol or drug or controlled substance as defined above. (4) No person shall be cited under this section without first having been offered and failed the Standard Field Sobriety Test; however, a person incapable and/or having refused the Standard Field Sobriety Test may still be cited under the criteria set forth in (2). No individual actively seeking medical treatment for an alcohol or other drug-related overdose will be subject to discipline for the sole violation of using or possessing alcohol. This policy shall extend to another individual seeking help for an intoxicated individual. (5) Penalties. The penalty for violation of this section shall be a forfeiture of \$10.00 to \$500.00 and the bond therefore shall be as specified on the bond schedule in section 42-111 Vernon County Code of Ordinances. Section 23-Effective Date: This ordinance shall take effect and be enforced upon passage and publication as provided by law.

Recommended for consideration by the full County Board.

Dated: September 28, 2010 Submitted September 17, 2010 by the **Legal Affairs Committee** /s/ A. Richard Brose, Vice-Chair. Vote: 3 yes, 0 no, 2 abstain

Motion by Dahl, second by Verbsky to approve the ordinance. Lunde explained the history on the reasons for this ordinance and stated the officers would need to use discretion on enforcing this ordinance. Cary feels this ordinance is a duplication of other laws and ordinances we already enforce. Cade stated if we are going to be writing ordinances for

