

VERNON COUNTY BOARD OF SUPERVISORS
MINUTES
February 6, 2018

County Board Chairman, Dennis Brault called the February 6, 2018 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 by Pastor Roy Tellier, Bethlehem Baptist Church, Viroqua. Board members and others present gave the Pledge of Allegiance. Chairman Brault affirmed there had been proper public notice of the meeting. Motion by Beitlich, 2nd by Servais to excuse Frank McCoy, David Strudthoff, and Kelli Mitchel from today's meeting.

County Clerk, Ron Hoff, called roll call with 26 supervisors present. Motion by Erlandson, 2nd by Eggen to approve the minutes of January 19, 2017. Carried all.

Chairman Brault asked if there were any announcements; Hoff stated Amended Agenda and four resolutions are on your desk, also a letter on the Open Door Drop-in Center. Chairman Brault stated supervisors should look at an article in the WCA magazine on roll call vote; it's an augmented way to vote and may be something that we might want to consider as a board. Also in the magazine there is an article on Parli-Pro, it's about parliament procedures in a u-tube video. Brault stated he was in the hospital for five days and still is feeling tired. Dahl stated on February 8, 2018 on PBS "Around the Corner with John McGivern" will air, promoting Vernon County on Tourism. February 17, 2018 the Kickapoo Valley Reserve will present "Starting a Business" seminar, then on March 28, 2018 a musical evening of Celtic-Gaelic Heritage and Beyond, will be at the Temple Theater.

Chairman Brault moved to **Special Order of Business.**

Coulee Cap Report - Hetti Brown, Executive Director of Coulee Cap. Muller and Dahl are the Vernon County Supervisor representatives on the Coulee Cap Board. Fifty local employees serve approximately 27,000 in a four county area, \$48,000 income needed for a family of 4 to be self-sufficient. Approximately 40% of families in Vernon County do not meet income levels to be self-sufficient, 21% of Vernon County residents are renters. Coulee Cap can assist with several program's to help residents in need. Dahl stated this is not a hand out, but a hand up program. Amelse asked about serving 27,000 citizens, what is budget? Brown stated, as an organization we have about 7 million a year in grant dollars that we administer and of course they end and start at different times, and about 92% is used directly for program support. Amelse asked how Vernon County compares to the Alice measure. Brown stated that Vernon County is about average to neighboring counties. Evenstad thanked Brown for the presentation. He would like to commend them on the training/counseling and getting the information out to these folks to be self-reliant. Evenstad would like to see some statistics on this. Evenstad feels it could help sell the program and get support for this as well. Evenstad appreciates the work they are doing.

Ken Weinberg- Open Door Drop-in Center at the Family and Children's Center in Viroqua, about 500 citizens a year stop at center seeking help. We need about \$25,000 by the end of March to stay open. Center helps people who have addictions or mental health issues. Dahl stated program works with county court system. Since center point closed last year, this program is needed more than ever. Amelse stated he visited center and it was an awesome resource. We are requesting \$20,000.00 for our program. Redington stated no action requested on the agenda. Beitlich feels Finance Committee might not favor this program. Ytri asked, why was this not in the Human Service budget? The Board feels this can go to the Human Service Committee for request. Joholski asked why this is different from the Viola meal site closing in the past, that was a budget reallocation and there was no budget dollars available.

Report on Vernon County to accept the Ski Jump Award Grant for the Snowflake Ski Club, Westby Wi. - Diane McGinnis, Representative Lee Nerison included a \$75,000.00 grant to the Ski Club in the Wisconsin 2017-2018 budget. Club has two years to complete repairs and Diane has a list of possible uses. Evenstad stated the February Ski Tournament had a great weekend. We had skiers come from five countries plus the USA skiers. This was the 95th annual Ski Tournament.

Phil Hewitt- update on new highway building, the site would be best by our salt shed location. Approximately \$6.6 million cost, but could add some upgrades. Dahl asked about sewer and water. City has not done loop yet but we can hook on by the grain bin.

Break at 10:35 AM
Convene at 10:49 AM

Corporate Counsel's update re: Personnel Department Issues,
Who – Personnel Committee of Vernon County

What – held an Evidentiary Hearing

When – January 25, 2018, 11AM

Where – Banta Building

Why – To gather the facts regarding the Personnel Coordinator's response to reports of misconduct by an IT employee, Shane Messer (who was terminated Oct. 20, 2017 as a result of his misconduct).

Details of Hearing follow:

Three witnesses testified: Connie McCullick, the Head of the Vernon County IT Department; Linda Kica, the Personnel Coordinator for Vernon County (who is currently on unpaid administrative leave as a result of her handling of the received report of misconduct by an IT employee); and Courtney Messer, the only other Personnel Department employee and wife of the IT employee.

Factual summary from testimony:

- On December 2, 2016, Connie McCullick's IT employee Shane Messer informed her that he had been accessing nude images of adults and children while at work. A special agent for the DOJ informed Connie on that same day that Shane Messer liked to look at images of nude young girls between the ages of 8 and 15.
- On December 2, 2016, after Connie received this information, Connie reached out to Personnel Coordinator Linda Kica for instruction and guidance. Connie informed Linda that Connie's employee Shane Messer had admitted to accessing nude images of adults and children while at work and that Connie wanted to place Shane on leave and was seeking Linda's instruction and guidance in that regard. Linda responded that the Sheriff had informed Linda that this was likely a false alarm but that Linda and Connie should meet with the Sheriff on Monday, December 5, 2016.
- On December 5, 2016, Linda, Connie, and Sheriff Spears met in Sheriff's office behind closed doors. At that time, Linda informed Connie that Connie should speak of this to no one and if word got out, Linda would know the source.
- Linda's instruction to Connie as to appropriate action was that Connie should sit Shane down and let him know she's very disappointed in him.
- Linda agrees she did not follow up to assure that any investigation was undergone at any time.
- Courtney Messer, the only other employee within the Personnel Department, completed Shane Messer's personnel change form following his termination. In that form, Ms. Messer indicated Shane Messer was eligible for rehire. The County Personnel Coordinator Linda Kica, and her employee Courtney Messer, both testified that they had received instruction from Vernon County Corporate Counsel to correct Shane Messer's personnel change form to indicate that he is ineligible for rehire. Courtney Messer indicated however that after she discussed the instructions of Corp Counsel with Linda Kica, both decided the Personnel Office would not change the form. Neither notified Corp Counsel of the decision to disregard the County's attorney's advice. The form was not ever changed by the Personnel Department; and instead was changed by Corp Counsel after discovering the form had never been changed (approx. two months after instructing Personnel Dept to correct the form).
- The following exchange also took place with Linda and Corporate Counsel:

Q. So, in other words, if a County employee is accessing on County time, through a cell phone or otherwise, pictures of nude children that would not be an offense -- a violation -- a policy violation in your opinion? A. It's on their personal cell phone. If they're looking at it in the privacy of their office, if it is legal content and no one else knows about it, I don't have an opinion that that's going to put -- how is that putting the County in disrepute? Nobody knew anything about what this content was.

- The County's Personnel Coordinator maintains that Shane Messer's admitted conduct of accessing nude images of adults and children while at work was not in violation of any County policies. County policies include Policy 201, 1.1: "Employees are expected to conduct themselves in an appropriate manner as judged by a reasonable person." and Policy 201, 2, Unacceptable Conduct. Section 2.1: "Unsatisfactory performance or conduct;" and "Immoral or otherwise improper conduct which adversely and substantially inures or brings the County into disrepute."

- The County's Personnel Coordinator failed to inform the County of this reported misconduct. She did not inform the Personnel Committee, the IT Committee, or the full County Board. The

Personnel Coordinator maintains that it was not her responsibility to inform the County of the reported misconduct.

- The County's Personnel Coordinator failed to investigate Shane Messer's conduct and failed to ensure an investigation was done. The Personnel Coordinator maintains that it was not her responsibility to investigate the reported misconduct or to ensure an investigation was conducted.
- The County's Personnel Coordinator failed to place any information in Shane Messer's personnel file regarding his admitted conduct of accessing nude images of adults and children while at work.

PERSONNEL COORDINATOR JOB DUTIES

- **2015 Personnel Coordinator Position Description –**
 - o **Essential Duties include:**
 - Investigates **personnel problems and takes appropriate action.**
 - Makes **final recommendation re hiring, firing, and discipline.**
 - **Oversee all major disciplinary activities and grievance procedures.**
 - Investigates **complaints.**
 - Maintains **employee files.**
 - Has **significant interaction with County Committees, labor/legal attorneys, county employees, personnel dept. in surrounding counties, and other dept. heads.**
 - **Conducts hearings between department heads and employees on policy violations.**
 - **Informs County Chair and Personnel Committee of work crisis matters that develop which could affect Personnel policies. Informs dept. heads of Board action that pertains to employees.**

Reads and researches all applicable law relating to Personnel to assure compliance.

- **Pursuant to Employee Manual,**
 - o **Personnel Coordinator is supposed to abide by her profession's code of ethics. That code includes:**
 - **Duty to County to protect from liability.**
 - **Duty to conflict out of actual and apparent conflict.**
 - **Duty of fairness and justice.**
 - o **Policy 809, Personnel Files.**
 - **Files shall contain all correspondence relating to the employment and any other information as may be deemed appropriate.**

Conferring with Legal Counsel with Respect to Litigation as a Result of Dept Head Conduct

The Chair will entertain a motion to enter into closed session, pursuant to Wis. Stat. 19.85(1)(g), "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved."

Enter into closed session, if a motion is made and passed.

Motion by Eggen, 2nd by Leis to enter into closed session. Roll call vote Yes 22 No 4 no votes were Beitlich, Nickelatti, Turben, and Sullivan.

Reconvene in open session pursuant to Wis. Stat. 19.85(2).

Motion by Nickelatti, 2nd by Larson to go to open session. Carried all.

Chairman Brault moved to **Regular Order of Business**

1. Petitions – there were none
2. Resolutions

RESOLUTION # 2018 - 1

TITLE: Participation in the Department of Natural Resources Municipal Dam Grant Program

WHEREAS, Vernon County owns Eagles Park Dam (BA-17) and Requests financial assistance under s.31.385 and s.227.11, Wis. Stats., and ch. NR335, Wis. Adm. Code, for the purpose of dam repair (stilling basin) and

WHEREAS, the state share for such a project may not exceed 50 percent (50%) of the first \$400,000.00 of total eligible project costs nor 25 percent (25%) of the next \$800,000.00 of total eligible project costs; **NOW, THEREFORE, BE IT RESOLVED**, that the Vernon County Board of Supervisors **HEREBY AUTHORIZES** the Resource Conservationist to

- Submit an application to the DNR for financial aid under ch. NR 335, Wis. Adm. Code;
- Sign grant agreement documents
- Take all necessary action to complete the project associated with any grant agreement; and
- Submit reimbursement claims along with necessary supporting documentation.

BE IT FURTHER RESOLVED THAT Vernon County agrees to pay a share of the eligible costs which is equal to the total project cost minus the state share.

Dated November 9, 2017

Submitted by Land and Water Conservation Committee, Kevin Larson Vice Chair

Motion by Dahl, 2nd by Amelse. Ben Wojahn explained Resolution needed for state grant.

Carried all, Voice Vote

Adopted by the Vernon County Board of Supervisors on the February 6, 2018.

RESOLUTION # 2018- 2

TITLE: Utilizing County Forest Project Loan & Approval of Application to Knowles-Nelson Stewardship Grant Program to fund Property Acquisition for Vernon County Forest

WHEREAS, the Agriculture-Extension & Land Conservation Committee recommends approving utilization of County Forest Project Loan funding and application for funding through the Knowles-Nelson Stewardship Grant Program for purchase of NE1/4 SW1/4 SW1/4, sec. 3, T. 13 N., R 05 W for Vernon County Forest.

WHEREAS, 10 acres, NE1/4 SW1/4 SW1/4, sec. 3, T. 13 N., R 05 W., known as the “Hanson Property” is being offered for sale to Vernon County; and,

WHEREAS, Section 28.10, Wisconsin Statutes authorizes the establishment of a County Forest and the acquisition of land for said forest; and,

WHEREAS, the Knowles-Nelson Stewardship Grant Program may fund up to 50% of the appraised value of acquired land; and,

WHEREAS, Vernon County now seeks to utilize County Forest Project Loan funding for purchase of the Hanson Property for addition into the Vernon County Forest; and,

WHEREAS, acquisition of this property would significantly improve property timber harvest administration and outdoor recreation opportunity to the public at Esofea County Park & Forest; and,

CONTINGENT WHEREAS, a purchase price agreeable to the Buyer (Vernon County) and Seller (Hanson) is reached through completion of a land appraisal and negotiation process;

NOW THEREFORE, BE IT RESOLVED, the Vernon County Board shall seek grant funding available from the Wisconsin Department of Natural Resources under the “Knowles-Nelson Stewardship Land Acquisition Grant Program” to assist in funding the Hanson Property purchase;

HEREBY AUTHORIZES, proper County officials to apply for Knowles-Nelson Stewardship Grant Program funding, negotiate, and acquire the above described property on behalf of Vernon County,

BE IT FURTHER RESOLVED, that Vernon County recognizes and acknowledges that if financial assistance is made available by the Wisconsin Department of Natural Resources, and the County accepts the financial assistance, the County will comply with State rules for the program and meet the financial obligations under the grant;

Dated December 14, 2017

Submitted by Land and Water Conservation Committee, Kevin Larson Vice Chair

Motion by Joholski, 2nd by Servais. Andy LaChance stated appraisal was done \$28,000.00, 10 acres all forest to add to our county Forest Program. Knowles – Nelson Stewardship Grant is available for up to 50% of appraised value.

Motion carried, Voice vote all yes.

Adopted by the Vernon County Board of Supervisors on the February 6, 2018

La Chance announced he is leaving his position in Vernon County, everyone wished him well.

RESOLUTION # 2018- 4

TITLE: Ho Chunk Fund Allocation

WHEREAS, Vernon County has received funds from the Ho Chunk Nation, and;
WHEREAS, the Board of Supervisors authorized the Finance Committee to accept and review requests from various county departments and other local units of government for use of the Ho - Chunk funds, and;
WHEREAS, the Finance Committee has completed the review process, and;
WHEREAS, NOW, THEREFORE BE IT RESOLVED, by the Vernon County Board of Supervisors that the Ho Chunk funds be allocated as used as set forth in the attached document.

Dated: January 18, 2018

Submitted by the Finance Committee, Ole Yttri, Chair

Department	2017 Ho-Chunk Fund Requests	Amount Approved
Town of Stark		\$37,000
Town of Whitestown		\$83,000
2017 Vernon County Board Budget	Amount used to balance budget	\$200,000
Vernon County Board	Building Infrastructure Repair	\$104,666
Vernon County Board	New Building Fund	\$500,000
Crime Stoppers (Vernon Co)	Tip Management Program	\$5,000
Health Dept.	Stepping on Program	\$3,000
Health Dept.	Car Seats	\$1,500
Human Services	Connections Program	\$10,000
Human Services	Human Services Regional Conference	\$10,000
LWCD	Eagles Park Dam Repair	\$15,000
LWCD	Sidie Hollow Camping Improvements	\$6,046
LWCD	Esofea Park Improvements	\$40,000
LWCD	Esofea Septic	\$15,000
LWCD	Biological Control for Invasive	\$12,400
LWCD	Avalanche (Larson Park) Property Project	\$10,000
County School Service Support	Allocation to support local school programs	\$7,000
Solid Waste	Purchase of Vehicles (Two Trucks)	\$50,000
Tourism, Promotion and Economic Development	Economic Development Strategic Plan	\$50,000
Vernon Manor	New Flooring	\$30,000
Veterans	Flag Cases Inventory	\$3,000
Veterans	Bronze Marker Flag Holders	\$1,000
Zoning	GCS Software Program	\$5,000

Totals: **\$1,200,000**

Motion by Beitlich, 2nd by Larson. Ole Yttri explained procedure and look at revenue generating options. Evenstad asked about two trucks at solid waste. First request was for highway bulldozer purchase, but more logically needed for trucks, Ofte feels this is for a one time request. Brault asked about \$200,000.00 for

balancing the budget. Sheriff will be bringing a resolution in the near future for radio funding, Dahl suggests looking at grants. Amelse stated a large portion, approximately 75% of Ho Chunk Funds are for Buildings. Roll call vote, 26 Yes 1 No vote, Adrian Amelse. Resolution passed.
 Adopted by Vernon County Board of Supervisors on the 6th day of February, 2018

RESOLUTION # 2018- 5

TITLE: Elected Official Salaries Sheriff, Clerk of Court and Coroner

WHEREAS, Wisconsin Statute Sec. 59.22 calls for the establishment of elected officials remuneration (wages and benefits) prior to April 15th of an election year. The fall 2018 elections are for Sheriff, Clerk of Court, and Coroner for the time period 2019, 2020, 2021, and 2022.

WHEREAS, historically the County has paid the same salaries for Treasurer, Register of Deeds and Clerk of Court, and the wages for Treasurer and Register of Deeds has been set for 2019 and 2020:

NOW THEREFORE BE IT RESOLVED, the Vernon County Board of Supervisors approves the following salaries for elected officials:

Sheriff	72,539	(current salary)
2019	5%	
2020	1%	
2021	1%	
2022	1%	
Clerk of Court	57,280	(current salary)
2019	1%	
2020	1%	
2021	.5%	
2022	.5%	
Coroner	20,290	(current salary)
2019	0%	
2020	.5%	
2021	0%	
2022	.5%	

Recommend for consideration by full County Board:

Dated January 9, 2017

Submitted by Personnel Committee , Will Beitlich, Chair

Motion by Amelse, 2nd by Nickelatti. Courtney Messer explained used our seven county comparison's.

Evenstad asked about elected not on grade system – other employee get step increase, elected do not get step increases or when county votes employee pay raises. Dahl stated Act 10 took away bargaining of all but Law and Fire Unions. Bietlich stated our Sheriff has large jail # to administer. Roll Call Vote, all 26 yes

Adopted by Vernon County Board of Supervisors on the 6th day of February, 2018

RESOLUTION # 2018- 6

TITLE: Timeframe Required for Providing Draft Minutes to the Vernon County Clerk's Office

WHEREAS, The Vernon County Board of Supervisors maintains that it is best practice for Committees of the Vernon County Board of Supervisors to provide a draft of the minutes of a Committee Meeting to the Vernon County Clerk's Office within seven (7) days of said Committee Meeting; and

WHEREAS, the Board Rules of the Vernon County Board of Supervisors is silent as to when a Committee must provide a draft of the Minutes of a Committee Meeting to the Vernon County Clerk's Office;

NOW THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors establish a Rule, and insert the same into Chapter Three, Procedural Rules, and said Rule shall state: "The Committees of the Vernon County Board of Supervisors shall provide a written draft of the Minutes of a Committee Meeting to the Vernon County Clerk's Office within seven (7) days of said Committee Meeting."

Dated February 6, 2018

Submitted by the Chair of the Board of Supervisors Dennis Brault and Vice Chair Eric Evenstad

Motion by Rae, 2nd by Dahl

Carried all, Voice Vote
Adopted by Vernon County Board of Supervisors on the 6th day of February, 2018

RESOLUTION # 2018- 7

TITLE: Vernon County Board of Supervisor’s Authority to Supersede Committee Actions

WHEREAS, the Vernon County Board of Supervisors maintains that it is best practice for a democratic governing body such as the Board to reserve unto itself final decision-making authority over its various Committees; and

WHEREAS, the Board Rules of the Vernon County Board of Supervisors is silent as to whether or not the Board has the authority to supersede actions or inactions taken by Committees of the Board;

NOW, THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors establish a Rule, and insert the same into Chapter Three, Procedural Rules, and said rule shall state: “The Vernon County Board of Supervisors, upon Motion made by the Board Chair, shall review any action taken, any approval of action to be taken or any failure to act, by any Committee of the Board so long as said Motion is made within fourteen (14) days of the Committee Meeting wherein such action, approval of action or failure to act occurred. The Board may, retract, reverse or modify, as it sees fit, any such action, approval of action or failure to act, so reviewed under this Rule. The Board may act on any such matter reviewed under this Rule as it sees fit. This Rule shall not apply to approval of any action taken by a Committee with regard to payment of debts of said Committee.”

Date February 6, 2018

Submitted by the Chair of the Board of Supervisors Dennis Brault and Vice Chair Eric Evenstad Motion by Richardson, 2nd by Running. Yttri asked about contract time frame, would we need to wait for approval. Servais explained Farm Land bidding and feels they had to accept low bid. Dave Abt explained County Board needs the right to have final say. Erlandson agrees full Board should have final say. Bietlich asked if you could supercede elected committee too, possibly. Mischel stated this would be used sparingly and feels this a good backup plan if a need arises. Nickelatti feels committee should have ability to make final vote. Ofte feels full body of board is fairest process. Abt Law feels this rule change is very nessary. Bringe is concerned about fourteen day delay in process. Rae feels this could protect the County for liability. Mischel stated some committee chair’s don’t allow non members to speak and feels this resolution is important to the County. Carried roll call vote 19 Yes 7 No, the no votes were, Beitlich, Nickelatti, Servais, Bringe, Dahl, Yttri, and Sullivan.

Adopted by Vernon County Board of Supervisors on the 6th day of February, 2018

RESOLUTION # 2018 - 8

TITLE: Chair of Vernon County Board of Supervisors Forming Quorum in Committee Meeting

WHEREAS, the Vernon County Board of Supervisors maintains that Committees may at times need the Chair of the Vernon County Board of Supervisors to form a quorum of the of the Committee for purposes of holding a Committee Meeting; and

WHEREAS, the Board Rules of the Vernon County Board of Supervisors is silent as to when the Chair of the Vernon County Board of Supervisors may form a quorum of the Committee for purposes of holding a Committee Meeting;

WHEREAS, NOW, THEREFORE BE IT RESOLVED, that the Vernon Count Board of Supervisors establish a Rule, and insert the same into Chapter Three, Procedural Rules, and said Rule shall state: “The Committees of the Vernon County Board of Supervisors may, at the election of the respective Committee Chair, request of the Chair of Vernon County Board of Supervisors that the Chair comprise part of the quorum of the respective Committee at any Meeting of said Committee. If such a request is made, the Chair of Vernon County Board of Supervisors shall have all authority conferred to any regular member of said Committee for purposes of said Meeting.”

Motion by Erlandson, 2nd by Leis. Swayne stated a Committee Chair could ask Board Chair to make a quorum for one meeting.

Dated: February 6, 2018

Submitted by the Chair of the Board of Supervisors Dennis Brault and Vice Chair Eric Evenstad

Carried, Voice vote. Some nays heard.

Adopted by Vernon County Board of Supervisors on the 6th day of February, 2018

RESOLUTION # 2018- 9

TITLE: Contract Approval by the Chair of Vernon County Board of Supervisors

WHEREAS, the Vernon County Board of supervisors maintains that it has been the general practice of the Vernon County Board of Supervisors to require the Chair of Vernon County Board of Supervisors review and sign, when in approval of, any contract to which Vernon County is a party; and

WHEREAS, the Vernon County Board of Supervisors maintains that this general practice described herein above is a good practice for the Vernon County Board of Supervisors to continue;

NOW THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors establishes a Rule, and insert the same into Chapter Three, Procedural Rules, and said Rule shall state: “The Chair shall review and sign, when in approval of, any contract to which Vernon County is a party.”

Dated: February 6, 2018

Submitted by the Chair of the Board of Supervisors Dennis Brault.

Motion by Dahl, 2nd by Muller. Swayne stated we need to amend the type of contracts for signing. Clerk also needs to sign contracts. Motion by Joholski, 2nd by Nickelatti to postpone till April meeting. Carried all.

Chairman Brault moved to **Ordinances**

ORDINANCE # 2018- 1

TITLE: All-Terrain And Off-Road Utility Terrain Vehicle Route Ordinance

Section I – Intent

Vernon County adopts the following all-terrain and off-road utility vehicle routes for the operation of all-terrain vehicles (hereinafter “ATV” or “ATVs”) and off-road utility vehicles (hereinafter “UTV” or “UTVs”) upon the roadways listed in Section III.

Following due consideration of the recreational and economic value to connect trail opportunities and weighed against possible dangers, public health, liability, terrain involved, traffic density and history of automobile traffic, these route have been created.

Section II – Statutory Authority

This route is created pursuant to county authority under Wisconsin Statute §59.02, as authorized by Wisconsin Statute §23.33.

The applicable provisions of Wisconsin Statute §23.33 regulating ATV and UTV operations pursuant to routes are adopted by reference.

Section III – Routes

The following roads are designated as routes:

- A. _____

- B. _____

County trunk highways designated as ATV/UTV routes shall be established and approved by the Vernon County Highway Committee, the Sheriff’s Committee and the Highway Safety Committee. The Highway Committee shall develop policies and procedures for the designation of ATV/UTV routes. Any modification to a designated ATV/UTV route shall be approved by the Highway Committee. The Vernon County Highway Department has the authority to close or terminate any ATV/UTV route on the Vernon County Trunk Highway System, subject to approval by the Vernon County Highway Committee. The Vernon County Highway Department shall maintain a map wherein said routes are further described and identified.

Section IV – Conditions

As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers where applicable);

- A. All ATV/UTV operators must carry liability insurance coverage.
- B. All ATVs/UTVs must be property registered with the Department of Natural Resources prior to operating on any routes.
- C. All ATV/UTV operators shall observe posted speed limits.

- D. All ATV/UTV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
- E. All ATV/UTV operators shall operate on paved portions of the roadway only. Operation on gravel shoulders, grassy in-slopes, ditches, or other highway right-of-ways is prohibited.
- F. All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the highway.
- G. All ATV/UTV operators shall have their headlight illuminated, and taillight, if the vehicle was originally manufactured with a taillight, while operating on a county highway.
- H. All ATV\UTV operators without tail lights shall be equipped with reflectors or SMV sign.
- I. ATV/UTV operators who are born after January 1, 1988 and operating on a county highway are required to have an ATV Safety Certificate provided by the Department of Natural Resources.
- J. ATV/UTV operators shall be 16 years of age or older.
- K. ATV/UTV operators under 18 years of age shall wear protective headgear of the type required by Wisconsin Statute §347.485(1)(a).
- L. ATV/UTV operators shall engage in recreational use of the routes between 4:00 AM and 10:00 PM only.

Section V – Signage

Routes must be signed in accordance with Wisconsin Administrative Code NR 64.12.

The Vernon County Highway Department has sole responsibility and authority to post signs on ATV/UTV routes.

Section VI – Enforcement

This ordinance shall be enforced by any law enforcement officer of the Vernon County Sheriff’s Department, or any other law enforcement official as set forth in Wisconsin Statute §23.33(12).

Section VII – Penalties

The Wisconsin ATV penalties as found in Wisconsin Statute §23.33(13) are adopted by reference.

Section VIII – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that Vernon County would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person’s circumstances shall not be deemed affected.

Section IX – Maintenance

Designation of segments of the Vernon County Highway System as ATV/UTV routes does not impose upon the Vernon County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATVs/UTVs on county highways assume the usual and normal risks of ATV/UTV operation.

Motion by Mischel, 2nd by Servais

Hewitt explained history and planning – Towns could come to highway and ask for approval. Towns would pay for signage but County would install signs so it would all be legally placed. Amelse asked about time frames, yes, that is in the ordinance. Farmers are under same ordinance except going from property to property. Goede asked if you can cross state highway, DOT has final say there.

This ordinance becomes effective upon passage by the Vernon County Board of Supervisors and publication. Passed this 6th day of February 2018. Roll Call all 26 yes.

Ron Hoff, Vernon County Clerk

Memorials - None

Remonstrance – Jared Landry explained Judge Rood is in contempt and is suing Judge Rood and Vernon County. Landry wants Judge Rood removed from office. Also stated he sued Sheriff Spears, but they have talked this over and resolved some issues.

Erlandson stated this is his last meeting and has really enjoyed being on the Vernon County Board of Supervisors. Also, Turben, Mischel, and McCoy’s last meeting. All are thanked for their service.

Larson stated the Ag Extension Agent and the 4H Agent positions are now posted.

Reports of standing or special committees,

Unfinished business - None

The next County Board meeting will be April 17, 2018 at 9:30 am in the County Board Room at the Courthouse Annex. With the meeting concluded, a **motion was made by Redington, 2nd by Mischel to adjourn. Motion carried by all.** Meeting adjourned at 1:00 p.m.

CERTIFICATION

State of Wisconsin (

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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 February 6, 2018, as indicated in transcription taken personally by me.

(Seal)

**/s/ Ron Hoff
Vernon County Clerk**