

VERNON COUNTY BOARD OF SUPERVISORS
MINUTES
February 7, 2017

County Board Chairman, Dennis Brault called the February 7, 2017 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 Pete Beckstrand of Bethel and Bethany Lutheran Church's Viroqua. Board members and others present gave the Pledge of Allegiance. Chairman Brault affirmed there had been proper public notice of the meeting. Absent from today's meeting were Kevin Gobel and Frank McCoy.

County Clerk, Ron Hoff, called roll call with 24 supervisors present. Motion by Larson, 2nd by Dahl to approve the minutes of November 10, 2016 and December 12, 2016 meetings. Hoff corrected the November 10, 2016 minutes on page 2 where it is stated the 2017 budget for Mental Health was \$300,000.00 and it is corrected to \$200,000.00. Motion by Redington, 2nd by Dahl for correction. Motion carried. Eric Evenstad asked for spelling corrections on page 3 for Dr. Duane Koons and Chad Ulman and for WIPFLI and Company. Dahl wants the yes and no votes more clearly listed for votes, the fewest number of votes are the names that were listed. On page 11, Resolution 2016 – 72 the last sentence should read – be set at the fee of \$3,000.00. Dahl stated minutes of November 10, 2016 page 2 did not reflect her statement that the District Attorney Budget for 2017 did not meet the 2 ½% decrease in tax levy. After listening to the tape of the meeting, the minutes will stay as printed with the sentence, Dahl asked about 2 ½% decrease in budget, some departments show higher total expenses. Some of the departments Dahl questioned had raised their revenue to cover increased expenses. Motion by Goede, 2nd by Amelse to approve minutes with corrections. Carried all.

Chairman Brault asked if there were any announcements; Chairman Brault stated news release in packet verifies that Vernon County is following Fair Housing Policy, Brault read the Proclamation.

WHEREAS, Vernon County has a Fair Housing Policy (Vernon County Ordinance Chapter 43) for the public safety, public health and general welfare to assure equal opportunity to all persons to live in decent housing facilities, regardless of race, age, color, national origin, ancestry, disability, religion, sexual orientation, marital status, family status, or lawful source of income and, to that end, to prohibit discrimination in housing by any persons; and

WHEREAS, it is unlawful to refuse to sell, purchase, rent or lease or deny to, or withhold any housing accommodations from, a person because of race, color, religion, ancestry, national origin, gender or place of birth; and

NOW, THEREFORE, I Dennis Brault, raise public awareness about the Fair Housing Policy in Vernon County.

Attest: Ron Hoff, Clerk

The above Proclamation has been authorized by the governing body of Vernon County

Dated: February 7, 2016

Hoff explained that the amended agenda is on the supervisors' desks. The board also must elect a supervisor for the LWCD Committee. Sign-up sheets were passed around to all supervisors to fill out cell phone numbers and home email addresses in case of emergency. Also those of you who paid for pictures, they are on your desk.

Dahl stated that the Federal Bank in Chicago has awarded Vernon and Crawford Counties and those areas affected by the flooding, a \$500,000 grant for repairs in housing or businesses. Contact Katie Helseth, River Bank, Westby, for more information. The grants are for \$5,000.00 per house or business.

Dahl spoke on behalf of Couleecap, she announced that a refund of \$22,734.00 has been given to Vernon County for a mistake in a past loan.

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

(#1) Election of Supervisor District # 15 - Justin Running District 15, nominated by Chair Brault. Motion by Dahl, 2nd by Goede. Carried all.

(#2) Election of Supervisor District # 26 – Dave Williams District 26, nominated by Chair Brault. Motion by Redington, 2nd by Servais. Carried all.

(#3) Election of Supervisor District # 27 – Kelli Mitchell District 27, nominated by Chair Brault. Motion by Amelse, 2nd by Nickelatti. Carried all.

(#4) Circuit Court Judge Michael J Rosborough gave the Oath of Office to the three new Board of Supervisors.
Now 27 members present.

(#5) Election of Supervisor to Highway Committee, previously held by Al Skemp – Leis nominates Dave Williams, 2nd by Nickelatti. Dahl nominates Lorn Goede. Chairman Brault asks Goede if he is interested in this position. Goede withdraws his nomination, would prefer the Ag committee. Motion by Nickelatti, 2nd by Servais to close nominations and elect Williams. Motion Carried.

(#6) Election of Land and Water Conservation Committee, previously held by John Mitchell – Amelse nominates Goede, 2nd by Bringe. Larson nominates Kelli Mitchell, 2nd by Beitlich. Ballot vote. Phil Hewitt and John Spears are the ballot clerks. Mitchell 15 votes Goede 12 votes. Mitchell elected.

(#7) Pam Eitland, Director of Human Services – Authorization of Payment for State Mental Health. There were nine placements at Winnebago last year for \$42,020.00, today request is \$10,385.91, after credit back to close 2016. Motion Erlandson, 2nd by Dahl, ok to transfer funds to cover. Carried all.

(#8) Pam Eitland, Director of Human Services – Center Point counseling is closing their business and was a large part of Vernon County counseling services. Human Services reached out to new businesses and asked if current counselors could expand services. Viroqua Family and Children’s Center has been very helpful with the increased needs of the former Center Point clients. We have entered into several short term contracts and further negotiations are ongoing. In 2016 we had 54 emergency detentions. So far in 2017 we have had three detentions to Winnebago for total of \$11,000.00. We have spent \$22,500.00 so far in revamping our counseling services. Dahl asked about Medicaid services, must they be in current county. Eitland stated no. Dahl asked about mobile crisis team. Yes, the Vernon Human Services Department is part of the mobile crisis team. Some Vernon County Human Services staff are trained, and two Sheriff’s deputies are trained. Amelse gave a big Thank you to Eitland and her staff for a great job during a crisis situation. Erlandson asked about funding from the state. Eitland stated, “yes, there is some increase in funding.” Dahl stated this was a massive crisis for County.

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

1. Petitions – there were none
2. Resolutions

RESOLUTION # 2017 - 1

TITLE: Support for Restoration of Funding for County Forest Administration Grant Program

WHEREAS, Vernon county has land entered into County Forest Law, ss. 28.10 and 28.11 Stats. And is a member of the Wisconsin County Forest Association (WCFA; and

WHEREAS, WCFA is a nonprofit organization that represents the forestry interests of 29 counties with 2.4 million acres of forest lands (collectively) entered into the County Forest Law; and

WHEREAS, WCFA provides leadership and counsel to each county’s Forest Administrator and functions as an organizational liaison to the Wisconsin Department of Natural Resources (department); and

WHEREAS, s. 28.11 (5m)(am). Stats., authorizes the department to make grants, from the appropriation under s. 20.370 (5)(bw), Stats., to counties having lands entered under the County Forest Law in order to fund up to 50 percent of the costs of a county’s annual dues to the WCFA; and

WHEREAS, historically, the total amount that the department could award in grants under this provision in any fiscal year could not exceed \$50,000; and

WHEREAS, while the statutory language remains in place, the State’s 2015-17 biennial budget eliminated the \$50,000 grant for organizational dues payment; and

WHEREAS, Vernon County depends on the funds from the County Forest Administration Grant to assist in the operations and funding of the Vernon County Forest for the public’s benefit; and

WHEREAS, the Wisconsin forestry mil tax (segregated funds) provides the funding for the County Forest Administration Grant Program to its previous funding level in the next State Biennial Budget; and
NOW THEREFORE BE IT RESOLVED, that the Land and Water Conservation Committee and Board of Supervisors of the County of Vernon does hereby resolve that the County requests that the legislature restore the County Forest Administration Grant Program to it previous funding level in the next State Biennial Budget; and

BE IT FURTHER RESOLVED, that the proper County officials, including the Forest Administrator, are authorized to contact the State legislators for Vernon County requesting their support for restoration of this grant; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to send a copy of this resolution to Governor Walker, the Joint Finance Committee of the Wisconsin Legislature, the State legislators for Vernon County, the Wisconsin Counties Association and Department Secretary Cathy Stepp.

Dated January 12, 2017

Submitted by Land and Water Conservation Committee, Will Beitlich, Chair

Motion by Amelse, 2nd Beitlich. Andy Chance addressed Board about Grant. The \$1600.00 is dues to belong to the State Forestry Association. Need authorization and support to request \$26,000.00 Grant from the State. LaChance has talked with Assembly Representative Nerison. Redington stated Assembly Representative Ed Brooks and Senator Howard Marklein serve in Greenwood; you could reach out to them.

Voice vote, carried all.

Adopted by the Vernon County Board of Supervisors on February 7, 2017

RESOLUTION # 2017- 2

TITLE: Vernon County Forest Annual Work Plan for 2017

WHEREAS, the Vernon County Forest Program encourages the planned development and management of the county forest for optimum production of forest products, together with recreational opportunities, giving full recognition to the concept of sustainable forest management to assure maximum public benefits, to protect the public rights, interests and investments on such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie, and

WHEREAS, an annual work plan has been prepared for 2017 by the Vernon County Forest Administrator, with assistance from the Wisconsin Department of Natural Resources, and

WHEREAS, said annual work plan provides the basis for a permanent program of the county forest, balancing local needs with broader state, national, and global concerns through integration of sound forestry, wildlife, fisheries, endangered resources, water quality, soil and recreational practices.

NOW, THEREFORE, BE IT RESOLVED, that the Vernon County Board of Supervisors does hereby adopt the Vernon County Annual Work Plan for 2017 as its guide to future sustainable forest management practices on the Vernon County Forests during 2017.

Dated January 12, 2017

Submitted by Land and Water Conservation Committee, Will Beitlich, Chair

Motion by Dahl, 2nd by Nickelatti. 1886 acres in Vernon County Forest work plan. Duck Egg and Esofea are being harvested this year. 81 acres are being marked for bidding at this time. DNR has given Vernon County 45 hours of bulldozer work to prepare logging roads. Received an \$800.00 grant from tractor supply. Eggen asked about trail development. Most trails are multi-purpose. Brault asked are we going to clear cut Forest, No, except very small areas. Voice vote, Carried all.

Adopted by the Vernon County Board of Supervisors on February 7, 2017

Break – 10:46 a.m.

Reconvene – 11:03 a.m.

RESOLUTION # 2017- 3

TITLE: Outdoor Recreation Aids

WHEREAS, Vernon County is interested in developing lands for public outdoor recreation purposes as described in the application; and

WHEREAS, financial is required to carry out the project;

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

HEREBY AUTHORIZES Parks Administrator, Vernon County 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 program rules regarding public recreation opportunities during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources approval in writing before any change is made in the use of the project site.

Dated January 12, 2017

Submitted by Land and Water Conservation Committee, Will Beitlich, Chair

Motion by Leis, 2nd by Larson. Paul Krahn, County Conservationist stated, will apply for a 50-50 match Grant – for approximately \$4,300.00. Voice vote, carried all.

Adopted by the Vernon County Board of Supervisors on February 7, 2017

RESOLUTION # 2017- 4

TITLE: Wisconsin Conservation Aids

WHEREAS, Vernon County desires to participate in county fish and game projects pursuant to provision of s. 23.09 (12), Wis. Stats;

WHEREAS, financial aid is desirable to install the projects; and

WHEREAS, the Wisconsin Department of Natural Resources has grant funding available through the County Conservation Aids program specifically for the installation of fish and game projects under s. 23.09(12), Wis. Stats;

NOW THEREFORE BE IT RESOLVED, that the Vernon County has budgeted an amount equal to the local share of project and

HEREBY AUTHORIZES the Parks Administrator to act on behalf of Vernon County to:

- 1.) Sign and submit an application to the WDNR for any financial aid that may be available;
- 2.) Submit to the WDNR reimbursement claims along with necessary supporting documentation within one year of project end date; and
- 3.) Take necessary action to undertake, direct, and complete the approved project

BE IT FURTHER RESOLVED that Vernon County will comply with all state and federal laws related to the County Conservation Aids programs and will obtain approval in writing from the WDNR before any change is made in the use of the project site.

Dated January 12, 2017

Submitted by Land and Water Conservation Committee, Will Beitlich, Chair

Motion by Redington, 2nd by Ofte. LPA 50% grant for Duck Egg and Esofea. Voice vote, carried all.

Adopted by the Vernon County Board of Supervisors on February 7, 2017

RESOLUTION # 2017- 5

TITLE: Designation of Vernon County Snowmobile Trail Coordinator

WHEREAS, the Department of Natural Resources provides funding for the maintenance and development of snowmobile trails in Vernon County, and
WHEREAS, Vernon County must designate an employee to accept , administer and account for all funds received from the Department of Natural Resources in accordance with NR64, Chapter 23.33 and Chapter350 of the Wisconsin State Statutes, and
WHEREAS, Parks Administrator is responsible for the snowmobile trails in Vernon County, and
WHEREAS, in the absence of Parks Administrator, the County Conservationist shall be authorized to accept, administer and account for all funds.
NOW THEREFORE BE IT RESOLVED that the Vernon County Board of Supervisors hereby designates Parks Administrator as the official Snowmobile Coordinator of Vernon County.

Dated January 12, 2017
Submitted by Land and Water Conservation Committee, Will Beitlich, Chair
Motion by Mischel, 2nd by Servais. Adam Ash would be coordinator for grants
Adopted by the Vernon County Board of Supervisors on February 7, 2017
Voice Vote. Carried all.

RESOLUTION # 2017- 6

TITLE: County Aid for Bridge/Culvert Construction

WHEREAS, the various municipalities, herein after named, have filed petitions for county aid for the construction of bridges and culverts under Section 81.38 of the State Statutes, said petitions are hereby granted and the county's share is appropriated as follows:

Town	Bridge	Amount Raised by Local Units	Amount of County Aid Granted
Christiana	Tri-State Road	\$ 16,811.62	\$ 8,405.81
Coon	Old Line Road	\$ 50.72	\$ 25.36
Franklin	Traastad Road	\$ 14,866.94	\$ 7,433.47
Greenwood	Kouba Valley Road	\$ 631.96	\$ 315.98
Hamburg	Davidson & Peterson Lane, North Stoddard Road	\$ 73,508.56	\$ 36,754.28
Union	Twin Ash Road, Pine Avenue, Valley Avenue	\$ 12,693.94	\$ 6,346.97
Viroqua	North Harrison Hollow Road	\$ 7,458.30	\$ 3,729.15
Webster	River Road, Husker Hollow Road	\$ 1,590.72	\$ 795.36
Whitestown	24 Valley Road	\$ 66,463.74	\$ 33,231.87
		\$ -	
		\$ -	
TOTAL			\$ 97,038.25

Dated January 24, 2017
Submitted by Highway Committee, Jo Ann Nickelatti Chair
Motion by Leis, 2nd by Nickolatti. Phil Hewitt explained 50 % match to help local governments with bridge aid. Federal pays 80% and local pays 20% of bridges. Vernon County bridge aid is for half of 20% of cost. Voice vote, carried all.
Adopted by the Vernon County Board of Supervisors on February 7, 2017

RESOLUTION # 2017- 7

TITLE: Highway Commissioner Appointment

WHEREAS, pursuant to Wisconsin Statute §83.01 (2), unless a county board establishes a different term of service by ordinance, the county highway commissioner shall serve a term of two (2) years;

WHEREAS, the County of Vernon desires to pass an ordinance to allow the Vernon County Highway Commissioner to serve an indefinite term;

NOW, THEREFORE BE IT RESOLVED the County Board of Vernon County hereby creates a new Ordinance Section 2-4 which reads in its entirety:

“Sec. 2-4. – Highway Commissioner.

- (a) Pursuant to Wisconsin Statute §83.01(1) and (2), the Vernon County Highway Commissioner shall be appointed by the Vernon County Board to serve a term of indefinite duration, subject to removal under the provisions of Wisconsin Statute §17.10(2).”

AND LET IT FURTHER BE RESOLVED that the Highway Commissioner Phil Hewitt’s current two (2) year term shall be extended to a term of indefinite duration.

Date September 15, 2016

Submitted by Personnel Committee, Chair Will Beitlich

Motion by Leis, 2nd by Beitlich. Amelse asked about indefinite duration and wonders why this is different from every one else in the county. Nickellatti, Servais and Beitlich support resolution. Linda Kica stated many counties have changed to this verses an election every 2 years. Darcy Rood, Corporation Counsel addressed that this is an Ordinance and should go to Legal Affairs. Motion by Dahl, 2nd by Beitlich to postpone indefinitely. Voice vote. Carried all.

RESOLUTION # 2017- 8

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 19, 2017

Submitted by the Finance Committee, Ole Yttri, Chair

Motion by Erlandson, 2nd by Servais. Ole Yttri explained program of 1.2 million a year from Ho Chunk Nation and break down of allocations. Sheriff’s request for \$125,000 will be approved by Finance Committee. If all funds are not needed, they will go to New Building Fund. Erlandson asked about dollar amount in new Building Fund. Currently there is \$1.7 million in that Fund. Amelse asked about fixing current heating/cooling system at Sheriff’s department and if we need new system then want other bids besides Trane Company. Bietlich stated that it will come back to Finance Committee for approval. Amelse stated next year committee could look at more funding for programs with direct services to citizens, for seniors and veterans etc. Voice vote, Carried all.

Adopted by Vernon County Board of Supervisors on the 7th day of February, 2017

		Amount
Department	2016 Ho-Chunk Fund Requests	Approved
Town of Stark		\$37,000
Town of Whitestown		\$83,000
2017 Vernon County Board Budget	Amount used to balance budget	\$300,000
Vernon County Board	Building Infrastructure Repair	\$150,000
Vernon County Board	New Building Fund	\$301,161
Health Dept.	Stepping on Program	\$3,000
Health Dept.	Newborn Hearing Audiometer	\$5,000
Human Services	Implementing Aging and ADRC Integration	\$29,300
IT Dept	Recovery Appliance	\$70,887
IT Dept	E-mail Archiving Appliance	\$10,902
Sheriff's Office	Trane System Control - Operating System	\$125,000
Tourism, Promotion and Economic Development	Economic Development Study	\$50,000
UW Extension	Strong Women	\$950
UW Extension	Health and Well Being	\$300
UW Extension	Stem Education	\$4,500
Vernon Manor	New Flooring - 300 Wing	\$25,000
Veterans	Flag Cases Inventory	\$3,000
Veterans	Bronze Marker Flag Holders	\$1,000
Totals:	Available	\$1,200,000
	\$1,200,000	Approved

ORDINANCE # 2017-1

TITLE: HEALTH AND SANITATION – ENVIRONMENTAL SANITATION CHAPTER 31

A. GENERAL PROVISIONS

(1) ADMINISTRATION. The Vernon County Health Department shall administer and enforce this ordinance in Vernon County. Employees of the Vernon County Health Department can issue citations to any person, firm, partnership, corporation, entity or organization that violates any of the provisions of this ordinance or an order or decision of the Vernon County Health Department or the Board of Health pursuant to this ordinance.

(2) ENFORCEMENT.

(a) The Health Officer or the Health Officer's duly authorized representative, who is a Sanitarian, shall enforce the regulations of this chapter and may issue orders to effect correction of violations and may issue citations pursuant to the Vernon County Code. All enforcement actions shall minimally be analogous to State Statute Chapter 97 – Food Lodging and Recreation.

(b) The Corporation Counsel for the County of Vernon may in his/her discretion, commence legal action and may proceed pursuant to the provisions outlined in Wisconsin Statutes Sections 66.0119, and 66.0114, or pursuant to the issuance of a summons and complaint.

(c) The County of Vernon is an agent for the Department of Trade and Consumer Protection (DATCP) under the provisions as set forth in Wisconsin State Statute Chapter 97, and Wisconsin Administrative Codes - ATCP 72, 73, 75, 76, 78, 79 and the Wisconsin Food Code, chapter 11.

(d) The County of Vernon adopts by reference the following Chapters of the WI Administrative Codes: ATCP 72, 73, 75, 76, 78, 79 and the Wisconsin Food Code and all other state and federally referenced rules and Memorandums of Understanding.

(e) The County of Vernon recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the Department of Agriculture, Trade and Consumer Protection (DATCP) policies.

(f) The County of Vernon is an agent for Department of Agriculture, Trade and Consumer Protection, under the provisions as set forth in Wisconsin State Statute Chapter 97.41.

(3) SEVERABILITY. Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision.

(4) DEFINITIONS.

(a) "Department" means the Vernon County Health Department.

(b) "Health Officer" means the Health Director or his/her authorized agent.

(c) "Sanitarian" means the individual who provides the inspections and licensing of facilities covered under this Ordinance and is the Health Officer's Duly Authorized Representative.

(d) "Person" means an individual, partnership, association, firm, company, corporation, organization, municipality, county, town, or state agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.

(e) "License" means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this chapter, it is synonymous with *permit*.

(5) LICENSE APPLICATION. License application shall be made to the Vernon County Health Department on forms, approved by DATCP, and supplied by the department, accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the Department unless and until the Health Officer/Director, or designee, determines and certifies compliance, of the premises to be licensed, with all the applicable terms and conditions of all WI Adm. Codes under contract.

Applications for licenses required in this chapter shall be made in writing to the Health Department on forms provided by the Health Department and shall contain, but not be limited to, the following information:

(a) The name, home address and date of birth of the entity requesting the privilege of operating the said business/conducting the activity.

(b) The trade name and address of the establishment.

(c) Whether the applicant is a person, corporation, or partnership.

1. If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.

2. If the applicant is a partnership, the applicant shall include the names, home addresses and date of births of the partners.

3. The mailing address of the legal licensee.

(d) The signature of all applicants and their agents to confirm that all information on the application is correct and to acknowledge that any change in the information on the application shall be reported to the Health Officer within 14 days of the change.

(6) LICENSE ISSUANCE. The Health Officer shall issue a license to the applicant only after compliance with the requirements of this chapter and upon payment to the health department of all required fees. The department's decision to grant or withhold a license shall not exceed 30 calendar days. The decision to withhold shall accompany written inspection or documentation of justification or cause.

(a) No license may be issued until all applicable fees have been paid.

(7) LICENSE PERIOD. The license period for licenses issued per the DATCP contract shall be from July 1 through the following June 30th. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year, except temporary and mobile food licenses. Licenses are not transferable between persons, entities or any combination thereof.

(8) FEES. In addition to the permit fees, the licensee shall pay any DATCP administrative fee, the amount of which is on file with the Department, as well as the fee schedule. Vernon County imposes the license fees, pre-inspection fees, re-inspection fees, and duplicate license permit fees set forth on Exhibit A attached hereto, which appendix is incorporated into and made a part of this ordinance. An applicant for a license must pay the appropriate fee set forth on appendix A before a license can be processed. In addition, the applicant must also pay to Vernon County the state administrative fee.

••••• Fees set forth on Exhibit A are currently in effect for 2016, and may be adjusted by the Vernon County Board of Health from time to time.

(a) NON-PRORATION OF FEES. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time.

(b) PRE-INSPECTIONS AND THEIR ASSOCIATED FEES. Pre-inspections are required to be conducted for establishments within the scope of WI State Statute 97.

(c) LATE FEES. Assessed to all WI State Statute 97 establishment licensees for payment after July 1.

(d) RE-INSPECTION FEES. In the event that the Vernon County Health Department observes violations during the course of its inspections, the Department shall charge the party in violation a fee as set forth, for each re-inspection necessary to confirm that the original violations have been remedied.

(e) NO CERTIFIED OPERATOR FEE. If facility owners do not obtain certificate issued by State of Wisconsin within 90 days, facility owners will be assessed a \$150.00 fee.

(9) DISPLAY OF LICENSE. All licensees shall post their license in plain public view on the premise for which the permit is issued. It shall be posted for the duration that the permit is in force.

(10) INSPECTION BY HEALTH DEPARTMENT. Authorized employees of the Health Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

(11) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The Health Officer, or designee, may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:

(a) A decision by the Health Officer to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulation or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(b) A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written Request and Reconsideration to the Health Officer within 10 working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 10 working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the licensee or

applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom Notice of Appeal shall be filed.

(d) A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 10 days of receipt of the Health Officer's Decision on review. The Notice of Appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said Notice with the Vernon County Board of Health.

(e) A licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the Notice of Appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 5 days before the hearing.

(f) The hearing shall be conducted before the Vernon County Board of Health and shall be conducted in accordance with the procedures outlined in Section ss. Chapter 68.11 (2) and (3).

(g) Within 15 days of the hearing, The Vernon County Board of Health shall mail or deliver to the applicant its written determination stating the reasons therefor

(h) **OPERATING WITHOUT A LICENSE.** Any person who shall operate without a license as required above shall be subject to a forfeiture in the amount of \$500.00. Ongoing violations of operating without a license may be subject to forfeitures in the amount of \$500.00 for each day in which the person continues to operate without a license.

(i) **Voided Permit For Failure to Pay Fees.** If an applicant or owner fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant or owner receives notice of an insufficiency or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An owner whose permit is voided under this subsection may appeal the decision.

(12) TEMPORARY ORDERS. Whenever, as a result of an inspection conducted pursuant to this chapter, the Health Officer or his/her designated agent has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to health of the Public, the Health Officer may proceed as stated in Section 66.0417 of the Wisconsin Statutes to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Section 66.0417 of the Wisconsin Statutes is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

Temporary pool closures pursuant to ATCP 76, due to chlorine/bromine and/or ph levels that are outside of prescribed water quality standards shall be in effect for the shorter of 24 hours or that time period necessary to complete three (3) turnovers of the pool water to be measured from the time of closure, in order to allow added chemicals to equalize the pool.

(13) CONSTRUCTION OR ALTERATION OF LICENSABLE FOOD SERVICE ESTABLISHMENTS.

(a) Except as provided in (b), no person shall erect, construct, enlarge or alter a food establishment without first submitting to the Health Officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving Health Department approval of submitted plans. Such plans shall include expected menu, floor plan, equipment plan and specifications, plumbing layout, wall, floor and ceiling finishes and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the health department. Plan submittal to the Vernon County Health Officer is in addition to any plan submittal requirement of the City/municipal/township Building Inspector.

(b) At the option of the Health Officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacement of existing equipment, the replacement of existing floor, wall or ceiling coverings or other cosmetic or decorating activity.

(c) Any plans approved by the Health Department shall not be changed or modified unless the Health Officer has reviewed and approved the modifications or changes. Final approved plans will be kept in perpetuity as part of the legal file for the establishment.

(d) A pre-inspection fee shall be charged for any remodeling projects that exceed the definition of "minor alterations" set forth in subsection (b), examples of which shall include, but shall not be limited to, circumstances in which the entire facility is closed for remodeling, circumstances in which a section of the facility is closed for significant remodeling, and circumstances in which new additions are added to the facility even though the original facility remains open for business.

(14) "CLASS B" OR "CLASS C" PREMISES. No applicant may obtain a "Class B" license or permit or a "Class C" license or permit under WI State Statute Chapter 125.68(5), unless the premises complies with the rules promulgated by the Department of Agriculture, Trade and Consumer Protection governing sanitation in restaurants.

B. RESTAURANTS/MEAL FOOD SERVICE

(1) REQUIREMENTS.

(a) Except as provided in (b), no person, party, firm or corporation shall operate a Restaurant, Temporary Restaurant or Mobile Restaurant, as defined in ATCP 75, without first obtaining a license therefore from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 75, which is incorporated herein by reference and made part of this ordinance as if fully set forth herein.

(b) No license is required for the following:

1. Churches, religious, fraternal, youth or patriotic organizations such as VFW, American Legion, or other like organizations, service clubs or civic organizations which occasionally prepare, serve, or sell meals to the general public. The term occasional means not more than 3 days during any 12-month period.

2. Taverns that serve free lunches of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.

3. Any public or private school lunchroom for which food service is directly provided by the school. The department shall charge a fee for inspection services to school lunchrooms required to be inspected under federal or state law.

4. A private individual selling food from a moveable or temporary stand at a public farm sale.

5. A concession stand at a locally sponsored sporting event, such as a little league game.

(e) Temporary Restaurants: A restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale for a period of no more than 14 consecutive days or in conjunction with an occasional sales promotion. Occasional means not more than 3 days during any 12-month period. Licenses are issued at the site of the event. A temporary restaurant may be moved from location to location within the county, but may not operate from the new location until it has been inspected and found to be in compliance. A temporary restaurant license may not be used to operate more than one restaurant at a time.

(3) ADMINISTRATION AND ENFORCEMENT. In addition to the statutory and administrative code references and powers as indicated in Section A, the Health Officer/designee may issue temporary orders when the department has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to public health or safety.

C. BED AND BREAKFAST ESTABLISHMENTS.

(1) REQUIREMENT. No person, party, firm, or corporation shall operate a Bed and Breakfast Establishment as defined in ATCP 73 for more than 10 nights in a year, without first obtaining an annual license from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 73 of the WI Administrative Code, which is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

(2) ZONING AND CONSTRUCTION STANDARDS. Prior to Vernon County Health Department approvals, the applicant must submit written verification of approval of this commercial business in the building and property considered for licensure as a bed and breakfast establishment.

All zoning and construction standards must be approved and applicant must provide the County Health Department with written verifications that this property meets all applicable local and state fire and building codes from inspections of state and local building inspectors.

(3) In addition to the established fees, the licensee shall pay any administrative fee, the amount of which is on file with the Vernon County Health Department.

D. HOTELS, MOTELS AND TOURIST ROOMING HOUSES. (Rep.& Rec.#03-8)

(1) REQUIREMENT. No person, party, firm, or corporation shall operate a Hotel, Motel or Tourist Rooming House, as defined in WI Adm. Code ATCP 72 without first obtaining an annual license therefore from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 72 of the WI Administrative Code.

E. CAMPGROUNDS, RECREATIONAL AND EDUCATION CAMPS.

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a campground, recreational camp or educational camp, as defined in WI Adm. Code ATCP 79, without first obtaining an annual license therefore from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 79 WI Administrative Code.

F. PUBLIC SWIMMING POOL

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a Public Swimming Pool, as defined in WI Adm. Code ATCP 76 or Comm. 90, without first obtaining an annual license therefore from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 76 or Comm. 90 of the WI Administrative Code.

G. SCHOOL INSPECTIONS.

(1) REQUIREMENTS. All schools participating in the National School Lunch (NSLP) or School Breakfast Programs (SBP) shall, at least twice during each school year, obtain a food safety inspection conducted by a state or local governmental agency responsible for food safety inspection.

H. RETAIL FOOD ESTABLISHMENTS

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a Retail Food Establishment, as defined in WI Admin. Code DATCP 75 and Section 97.30 of the Wisconsin Statutes, without first obtaining an annual license therefore from the Vernon County Health Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or DATCP 75 or Section 97.30 of the Wisconsin Statutes, which are incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

I. CHANGES IN THE LAW

In the event the Wisconsin Department of Health Services, the Wisconsin Department of Safety and Professional Services, or the Wisconsin Department of Agriculture, Trade and Consumer Protection amends any of their regulations or rules which are adopted in this ordinance, said amendments shall automatically become part of this ordinance without further action by the Vernon County Board. In the event the Wisconsin legislature amends or renumbers any of the statutes adopted in this ordinance, said amendments or renumbered statutes shall automatically become part of this ordinance without further action by the Vernon County Board.

J. County Collection of Forfeiture Amounts:

After the Vernon County Clerk of Circuit Court transfers any forfeitures paid (including cash deposit forfeitures) by violators of this ordinance to the Vernon County Treasurer pursuant to Wisconsin Statutes Section 778.10, the Vernon County Treasurer shall then record said forfeiture monies (not including court costs) as being a deposit into the revenue account of the Vernon County Health Department to be used for Vernon County Health Department operations and expenses.

K. Prosecution of Violators:

The Vernon County Corporation Counsel is authorized to handle the prosecution of any citation action filed for violation of this ordinance or orders or decisions by the Department or Board of Health issued there under. The Vernon County Corporation Counsel is also authorized to file any lawsuits the Corporation Counsel deems necessary against any violators of this ordinance or violators of orders or decisions of the Department or Board of Health issued pursuant to this ordinance.

Date December 8, 2016

Submitted by Health Committee, JoAnn Nickelatti, Chair

Date January 31, 2017

Submitted by Legal Affairs, Mike Leis, Vice Chair

Motion by Leis, 2nd by Dahl. Beth Johnson explained Ordinance. Leis stated on section C & D, changes are on your desk. We have had two public Hearings. Health Department would have County License to inspect all food related business.

Troy Morrison is the current inspector. The new position of Sanitarian would be shared with Crawford County. There are 256 business to inspect in Vernon County and 207 business to inspect in Crawford County. July 1 to June 30 is license year. Goede asked what are you inspecting for, and will it be very expensive with fees for business owners. The state sets the fees. Business are already paying for inspections but now County will be part of program and create some county revenue. Dahl asked, will there be a website to show inspections pass or fail results, Johnson stated yes. Larson asked, we will now be replacing State DATCP inspections and you can give a license. Yes, Health Department can. Evenstad asked are business paying a fee and not doing inspections, Yes that is correct, State did not have enough inspectors. Nickelatti stated business would like local inspectors. Crawford County Nurses will work with Vernon County Nurses. This is not for alcohol license, the cost impact should be zero increase.

Roll call vote 27 yes 0 No 2 Absent - Kevin Gobel and Frank McCoy.

Ordinance Adopted by the Vernon County Board of Supervisors on February 7, 2017.

Memorials - None

Remonstrance - None

Reports of standing or special committees,

Yttri stated you received budget review from clerk's office. Yttri wanted all to review budget, appears to be under budget but books are open till end of March. Vernon County is doing well.

Eggen stated we are not poorest County, we are 14th. Eggen would like Dan Meyer, Vernon Manor Administrator to give an brief update on where we are at and if we are going to revisit the Assisted Living project. Meyer stated they are studying and monitoring the one and two bedroom apartments, they seem more popular than the studio apartments.

February 15, 2017 the 7 Rivers Alliance meeting is at the medical office at Vernon Memorial.

No unfinished business

The next County Board meeting will be April 18, 2017 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 Leis to adjourn. Motion carried by all.** Meeting adjourned at 11:55 a.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 7, 2017, as indicated in transcription taken personally by me.

(Seal)

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