

**VERNON COUNTY BOARD OF SUPERVISORS
MINUTES**

June 6, 2017

County Board Chairman Dennis Brault called the June 6, 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 given by Pastor Yvonne Marshall, Good Shepard Lutheran Church, Viroqua, WI.

Board members and others present gave the Pledge of Allegiance. County Clerk affirmed there had been proper public notice of the meeting. **Motion by Leis, 2nd by McCoy to excuse, Adrian Amelse, Bobbi Richardson, Will Beitlich and Brian Turben from today's meeting. Motion carried by all.** County Clerk, Ron Hoff, called roll call with 25 Supervisors present.

Motion by Dahl, 2nd by Servais to approve the minutes of the April 18, 2017 meeting. Motion carried by all. With corrections to page 4, remove Fiscal Impact on Resolution 2017-10 and page 1 #7 to sixteen business at VEDA building, the old NCR.

Chairman Brault moved to announcements.

Jim Servais reported an excellent Dairy Breakfast on June 3, 2017 at the Servais Farm. Approximately 2750 meals were served, Servais thanked all who took part, including Board members for all their help at the Dairy Breakfast. Erlandson thanked Servais for having the Dairy Breakfast, people present applauded.

The 2017 Appreciation Barbeque is today from 10:30 am to 2:00 pm at Vernon Manor.

Moment of silence for past Board Member Wayne Gates who passed away last week.

Servais stated he was at an ITBECK meeting and tourism is a 20 million dollar business in Wisconsin.

Servais hopes that we continue to support ITBECK for economic development and tourism in Wisconsin.

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

(Item #1) Corporation Counsel, Darcy Rood – Training on meeting postings and closed sessions, Rood stated in the past year postings have been added to Westby, Hillsboro and Stoddard. Discussed closed session, 1985 (1) on Agendas and list which exemption is being used. If there is any doubt, then closed session should not be used. Cannot be in closed session to reduce staff etc. If an item affects strategy of a project, closed session would be proper. Legal Counsel with respect to litigation is proper, but must list purpose of closed session. Board members are liable, \$25.00 to \$300.00 if meeting is not done properly, so if a Board member has doubts on closed session they should vote No to enter closed session or leave the meeting. Cannot discuss what is stated in closed session – in a trial you could be deposed on what was stated in a closed session meeting. Strudthoff asked how to handle reviews of two different Department Heads with different views, both would be considered in a court of law. Dahl asked about discussion on an elected official, that is much more open than for an employee. Yttri asked how our agendas look and feels some are very vague. Rood introduced Nikki Swayne of ABT Law, she will be replacing Darcy Rood as Corp. Counsel along with David Abt. Erlandson asked how to get closed session on a committee meeting, discuss that with your Committee Chairman.

(Item#2) Diane McGinnis, Director Resource & Community Development – Update on Revolving Loan, All funds in Revolving Loan are Federal dollars. Charge 1-4% interest on Loans and the purpose is to create jobs. Loans have collaterals to protect program if job creation isn't complete and interest rates can be increased.

List of Current Businesses with Community Development Block Grant - Economic Development Revolving Loans

- Champion House
- Organic Zone
- New American Blvd
- E3 Coalition
- Nisse House of Art
- 2nd Time Around
- Ideal Construction
- Hillsboro Brewing Company
- County Chicks
- Center Point
- Borgen's Cafe
- Campbell Homes
- Coulee Family Homes
- Viroqua Family Restaurant
- Nordic Lanes
- Stockyard
- Viking Inn (The Eatery Café)
- Ewetopia Fiber Mill
- Central Express

Monthly, Vernon County receives about \$23,500 in payment/interest on those loans. In total, Vernon County has \$1,590,535.19 in our current portfolio.

Economic Development loans have a requirement of job creation or retention. For each \$35,000 loaned, a new full time equivalent position must be hired within 2 years of the loan. Four loans have been granted since the beginning of 2016. These 4 loans have created 21 new jobs! In addition, employers are requested to attempt to hire low to moderate income employees for job openings and are required to report annually their hiring process to demonstrate compliance with that requirement.

Vernon County also has loan funds that were made to at-risk businesses who suffered loss during the 2008 flood events. Funds were available to allow business to recover from the loss and retain employment. No new positions were required to be completed. \$600,000 was available in flood loans and Vernon County still has 18 businesses paying off those loans of the original 34 including:

- Nuzums
- Kickapoo Yacht
- Oddfella Cycle
- Driftless Books
- La Farge Trucking
- Hill Country Heating
- Terry's Sewing
- 3 Witches
- Renee's Therapy
- Antique Stove Works
- Hideaway
- Jerry's Auto Sales
- Earth Fire Products
- M&M Constructions
- Rockton Bar

Vernon County has about \$210,000 currently available for lending to businesses looking to locate in Vernon County for those planning to expand their businesses.

(Item #3) Request for increase in staff hours – Kica explained this would be a new full time position as a Floating Administrative Assistant. There would be no pay if hours are not worked or if the person is not called on by any department. Erlandson asked if this is tax levy dollars, Kica stated mostly, but grants too. Motion by Nickelatti, 2nd by Redington. Motion Carried. 24 yes 0 No 1 abstain, Karen Dahl.

Chairman Brault moved to **Regular Order of Business** and asked if there are any petitions, there were none.

Chairman Brault moved to next item on agenda: **Resolutions**

RESOLUTION # 2017-11

Notice of Disallowance of Claim

To: Mr. Jacob Sell
PO Box 282
La Farge, WI 54639

PLEASE TAKE NOTICE: the Board of Supervisors of Vernon County at its regular meeting on June 6, 2017 disallowed your claim for payment of damages dated January 9, 2017 relating to Vernon County Sheriff's Department – Jail at 1320 Bad Axe Court, Viroqua, WI 54665.

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

Dated: June 6, 2017

Ron Hoff, Vernon County Clerk
Dennis Brault, County Board Chair

Motion by Mitchell, 2nd by Servais. Carried All. Voice Vote.

Adopted by Vernon County Board of Supervisors on June 6, 2017 by a vote of 25 in favor 0 against 0 abstain.

Attest: Ron Hoff, Vernon County Clerk

RESOLUTION # 2017-12

Resolution to Build a New Highway Facility

WHEREAS, this facility would relocate the Highway Department to a more efficient user friendly location; and

WHEREAS, this facility would enable the Highway Department and repair shop to operate in a more efficient and safe manner; and

WHEREAS, this facility would enable the Highway Department to properly house its fleet of trucks and equipment;

NOW THEREFORE, BE IT RESOLVED that the Vernon County Board of Supervisors approves the construction of a new Highway Department Facility.

Dated May 10, 2017

Submitted by: Highway Committee, Jo Ann Nickelatti, Chair

Motion by Servais, 2nd by Nickelatti to bring to the floor. Approximately \$20,000.00 to \$40,000.00 for building plans and use funds from Infrastructure. Larson stated Finance Committee allowed \$20,000.00 for concept and floor plans. Hewitt explained that in 2 years we must close our current Fuel island.

Joholski asked how \$20,000.00 was spent, the drawings posted on the board room walls and site visits, etc. The Highway has 37 employees at the current time. The existing Highway shop was built in 1948.

Strudthoff asked about future utility costs, maintaining old shop is not calculated at this time. Servais feels we should not build all phases at one site. Evenstad stated we must own these plans when they are completed. Dahl asked about remodeling costs of the old shop for usage, not sure. Motion by Brault to amend Resolution to Build a Highway Facility, second by Dahl.

Amend as follows:

NOW THEREFORE BE IT RESOLVED that the Vernon County Board of Supervisors approves the concept of construction of a new Highway Department facility, and

BE IT ALSO RESOLVED that the Vernon County Board of Supervisors directs the Vernon County Finance Committee to use the new building fund or infrastructure fund to pay for the design of a new highway building, and

BE IT ALSO RESOLVED that the Vernon County Highway Committee is directed to obtain and review architectural designs and return to the Vernon County Board of Supervisors with preliminary costs and designs for the boards consideration.

Amendment Carried, Voice Vote all. Resolution carried all voice vote

Adopted by Vernon County Board of Supervisors June 6, 2017

Recess 10:58am

Convene 11:14am

Chairman Brault moved to **Ordinances**.

ORDINANCE # 2017 - 2

An Ordinance Revising Chapter 6, Article III Of The Vernon County Code Of Ordinances Relating to Livestock Facility Licensing Ordinance

WHEREAS, Chapter 6, Article III sets forth the process and technical requirements to obtain a license for the siting of new and expanded livestock facilities; and

WHEREAS, Chapter 6, Article III , Sec. 6.56 sets forth or incorporates by reference the livestock facility siting standards set forth in ATCP 51 with which an applicant for a license must comply;

WHEREAS, compliance with some of the standards set forth in Sec. 6.56 is impossible or highly impractical in certain circumstances; and

WHEREAS, ATCP 51.12, permits a county to establish less stringent setbacks pursuant to a county ordinance.

NOW THEREFORE, the Vernon County Board of Supervisors do ordain as follows:

Section I: That Vernon County Ordinance Chapter 6, Article III, Section 6.56 is hereby amended and shall read as follows:

Section 6.56. Licensing Standards.

(2) The following shall apply to all livestock structures:

a. Property lines, except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units, unless the following apply, in which case the minimum set back shall be 50 feet for a facility with fewer than 1,000 animal units and 100 feet for a facility with more than 1,000 animal units:

(1.) The LWCC may reduce the property line setback for livestock structures to no less than 100 feet if all of the following conditions apply:

a. The owner of the parcel adjacent to the affected property line consents in a recordable affidavit form approved by LWCC.

b. Permitting a less stringent setback is consistent with the spirit and purpose of this chapter as stated in Section 6.52.

c. Compliance with the setbacks required in Sec (2) is not feasible due to site conditions.

d. The less stringent setback is not contrary to the public interest and will not be damaging to the rights of other persons.

e. The less stringent setback will not reduce effectiveness of the water quality protections required under this Chapter.

f. The conditions for which a less stringent setback is requested are not created by the landowner or operator or their agents or assigns.

c. Waste storage structure. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way, unless all of the following apply:

(1.) The LCC approves a reduced property line setback of no less than 100 feet for the manure storage structure based on the determination that all of the following conditions are met:

- (a.) The owner of the parcel adjacent to the affected property line consents in a recordable affidavit form approved by LWCC.
- (b.) Permitting a less stringent setback is consistent with the spirit and purpose of this chapter as stated in Section 6.52.
- (c.) Compliance with the standard is not feasible due to site conditions.
- (d.) The less stringent setback is not contrary to the public interest and will not be damaging to the rights of other persons.
- (e.) The less stringent setback will not reduce the effectiveness of the water quality protections required under this Chapter.
- (f.) The conditions for which a less stringent setback is requested are not created by the landowner or operator or their agents or assigns.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- No larger than the existing structure.
- No further than 50 feet from the existing structure.
- No closer to the road or property lines than the existing structure.

This setback requirement does not apply to existing waste storage structures, except than an existing structure within 350 feet of a property line or road may not expand to less than a 100 foot setback from a property line or road unless all of the following applies:

(1.) The owner of the parcel adjacent to the affected property line consents in writing on a form approved by the LWCC to the proposed less stringent setback **and if all** of the following conditions apply, or, if a public road right-of-way if all the following conditions apply:

- (a.) Permitting a less stringent setback is consistent with the spirit and purpose of this chapter as stated in Section 6.52.
- (b.) Compliance with the standard is not feasible due to site conditions.
- (c.) The less stringent setback is not contrary to the public interest and will not be damaging to the rights of other persons.
- (d.) The conditions for which a less stringent setback is requested are not created by the landowner or operator or their agents or assigns.
- (e.) The less stringent setback will not reduce the effectiveness of the water quality protections required under this chapter.

Section II: This Ordinance shall become effective in 2017 after its passage and publication as required by law.

Recommended for consideration by the full County Board.

Dated February 8, 2017

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

Approved by Legal Affairs Committee, Mike Leis, Chair

Motion by Larson, 2nd by Joholski. Ben Wojahn explained changes in establishing less stringent setbacks for Livestock Facilities and manure storage. Neighbor's would have a right on setbacks.

Voice vote, Carried all.

Memorials - Dahl stated Dave Ingles and Robert Horwich PhD who were giants in the Agricultural field have passed away. Dahl would like to acknowledge them for their contribution to our area and the world.

Remonstrances – Dave Stouvenel concerned about request he presented to Legal Affairs concerning payment of property taxes and he feels did not receive a proper response.

Reports of standing committees – Mary Rae stated everyone should review new Hidden Valley Magazine being published.

Unfinished business - none.

The next County Board meeting will be at 9:30 am on July 25, 2017. With the meeting concluded, a **motion was made by Larson, 2nd by Joholski to adjourn. Motion carried by all.** Meeting adjourned at 11:30 p.m.

CERTIFICATION

State of Wisconsin (

(

County of Vernon (

Office of the Vernon County Clerk

I, Ronald C. Hoff, County Clerk of Vernon County, Wisconsin DO HEREBY CERTIFY that the statements above are a correct report of all actions and decisions of the Vernon County Board of Supervisors at the meeting of June 6, 2017, as indicated in transcription taken personally by me.

(Seal)

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