

VERNON COUNTY BOARD OF SUPERVISORS
MINUTES
July 2, 2019

County Board Chairman, Dennis Brault called the July 2, 2019 special meeting of the Vernon County Board of Supervisors to order at 9:30 a.m. in the County Boardroom of the Courthouse Annex.

Invocation – No Pastor was available for this special meeting.

Board members and others present gave the Pledge of Allegiance. County Clerk Hoff affirmed there had been proper public notice of the meeting.

Motion by Eggen, 2nd by Mitchell to excuse Cary Joholski from today's meeting. Carried all.

County Clerk, Ron Hoff, called roll call with 28 supervisors present. Absent is Cary Joholski.

Motion by Muller, 2nd by Rae to approve the minutes of June 4, 2019. Carried all.

Chairman Brault asked if there were any announcements; Hoff stated that Resolution 2019-18 and 2019-19 are on your desk with an amendment on each. Strudthoff handed out brochure on Great River Road Interpretive Center in Genoa- Everyone should visit. Larson thanked all that helped at the Dairy Breakfast. There were approximately 2700 served. On August 20, 2019 the White House is having a leadership day for supervisors and Department Heads. Need to reply by August 13, 2019, we need to approve at the July 23, 2019 meeting if anyone wants to go.

Chairman Brault moved to **Special Order of Business**, Ben Wojahn – Letter of Support for Watershed Planning Assistance.

July 9th, 2019

Angela Biggs, State Conservationist

Natural Resources Conservation Service

8030 Excelsior Drive

Madison, WI 53717-2913

Angela.Biggs@usda.gov

Subject: FY2019-Watershed and Flood Prevention Operations Program

Dear Ms. Biggs:

The Vernon County Board of Supervisors would like to express full support for La Crosse, Monroe, and Vernon County's application for the Watershed and Flood Prevention Operation Program in the Coon Creek and West Fork of the Kickapoo Watersheds.

Due to extreme precipitation events in 2018, six watershed PL-566 dams overtopped and five failed. Flooding has taken its toll. The purpose of this Watershed application is to essentially re-plan the watershed before taking action on the replacement, relocation, or removal of the failed dams.

These three Counties combined represent extensive experience in operating and maintaining PL-566 dams. They also have considerable experience with construction oversight on dam repairs and rehabilitation. The conservation professionalism and expertise represented by the staff at these local Land & Water Conservation Departments (LWCD) also makes them poised and best suited to working with landowners, farmers, citizens, and all levels of local, state, and federal partners to re-plan and evaluate various alternative solutions. The LWCD's have a strong track record for performing continuous watershed management and operations in their respective counties.

Evaluating the benefits, costs, and alternative options in these watersheds is also essential information in order for these communities to move forward. Our organization is ready, willing, and able to support these watershed planning efforts to the greatest of our abilities.

Dennis Brault, Chair, Vernon County Board of Supervisors

Ben Wojahn explained letter of support for Watershed Planning Assistance. This will be a study on moving forward with failed dams. Servais asked if we need to raise money, we will need to by the third phase. Motion by Ofte, 2nd by Taylor for approval. Carried all voice.

Vacant land offer to purchase, will be covered under resolution B of today's agenda.

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

1. Petitions – there were none
2. Resolutions

Resolution # 2019-16

Title: Rules of the Board, Land and Building Sales,

WHEREAS, the current Vernon County Board of Supervisors Rules states “that a two-thirds vote of the board is required to purchase or sell county land or buildings”; and

WHEREAS, Vernon County has entered into an agreement with the City of Viroqua to establish a Tax Incremental District (TID) called the Gateway Park on the west county farm; and

WHEREAS, Prospective businesses wishing to purchase property in the TID may expect an expedited sale; and

WHEREAS, The Vernon County Board meets bi-monthly

NOW THEREFORE BE IT RESOLVED, that the Vernon County Board of Supervisors shall amend the above stated rule to read as follows:

Vernon County Land and Building Sales

A two-thirds vote of the members is required to purchase or sell county land or buildings with the following exceptions:

- 1) Quit Claim Deeds, requires a majority vote.
- 2) County farm land annexed to the city of Viroqua within the Tax Incremental District.
 - a) A majority vote of the Building and Facilities Committee shall oversee the sale of this property

Dated: May 27, 2019.

Dennis Brault, Chair of Vernon County Board of Supervisors

Motion by Leis, 2nd by Williams. Brault amend to change to simple majority – not 2/3 vote to sell and buy land and buildings. Amelse feels this rule is in our “Rules of the Board, Land and Buildings sales” for a reason. 2nd by Strudthoff. Beitlich also feels 2/3 vote should remain. Goede also agrees with the 2/3 vote. Swayne stated this could affect equality protection and could be argued in a next transaction and any future action the County needs to do. Brault postponed till the July 23, 2019 meeting. Carried all.

Resolution # 2019 - 18

Title: Land Value of Portions of County Farm Property for EDA Grant and Sale of County Land for Street Right-of-Ways and Outlets

WHEREAS, Vernon County and the City of Viroqua have applied for and received a \$2.64 million grant from the U.S. Economic Development Administration; and “*based on the land sale agreement*”

WHEREAS, an appraisal has been completed for Phase 1 of the project to include +/- 50 acres included in the EDA application for development; and

WHEREAS, the value of \$879,000 has been determined through an appraisal and is available as a reference titled “Appraisal Report for Proposed Gateway Business Park Phase 1, dated June 12, 2019”; and

WHEREAS, the land necessary for Street Right-of-Ways and storm water Outlet's includes 10.29 acres.

NOW, BE IT THEREFORE RESOLVED, by the Vernon County Board of Supervisors approved the land sale for the referenced value for Phase 1. Payment from the City of Viroqua shall be in ten annual installments of \$87,900 starting in 2019 specified by the Land Sale Agreement.

BE IT FURTHER RESOLVED, the Vernon County Board of Supervisors authorize the transfer of land to the City of Viroqua for Street Right-of-Ways and Outlets.

Dated June 18, 2019

Submitted by the Building and Facilities Planning Committee, James Servais, Chair

Motion by Amelse, 2nd by Evenstad. Nate Torres, Viroqua City Administer explained land purchase agreement and several items still need to be ironed out. County would sell Land at Fair Market value. County has paid in \$330,000.00 which County will receive back. Olerud had suggested a 10 year plan for City to pay County for land. Larson discussed survey maps, Sara Granger also gave overview of certified survey map. Motion by Taylor, 2nd by Amelse to continue discussion on the resolution. Approximately 900 feet to Highway shop from main. Phil Hewitt asked to speak. A six inch water line is needed to the new shop. Amelse asked if water would be available by November. Yes, that is planned stated Granger and Torres from the City of Viroqua, also, the County needs are our top priority. Olerud feels we should proceed today. Beitlich feels we need in writing with dates that our County Highway shop gets facilities. County needs this by November 15, 2019. Counties can't do TID Districts, Cities and Villages can. Land sales by City, profits would be for County and City, with interest on our \$330,000.00. Easterday asked about roads in this area. County will maintain road to Highway shop, Rail Road Avenue. Taylor asked if that was part of the grant, no it is not. Goede asked, does the City of Viroqua need to own this land, or can the County sell land in this program and keep ownership, then county could rent farm land. Brault stated, not the frontage land, that's what this sale is about, is the first 50 acres. City would own that 50 acre's, not the County. The rest of the County Farm in the TID district the County would still own. If we wanted to build out there in the future, that could be an option. Olerud stated it is important to set and value now. Ofte stated this is ten times more value than renting as farm land. Goede stated without increase in tax levy, we will not get increased tax dollars. Clark is concerned on only one road into this 50 acre development for safety reasons. DOT may consider another entrance. Henry favors this Plan as it is proposed for Economic Growth. Olerud is concerned if we keep land, would it be in TID district. Yes it would. Beitlich stated he favors keeping ownership of land, citizens would feel better. Evenstad stated we have talked extensively about this project, and the major consensus is we want this project to be successful. We can't get lost in the small details, we need to plan well and move forward. He would like all to consider, instead of all Board members agreeing to details, it's possible that a smaller committee could be more concise. When considering this project from an economic development stand point, there is some benefit to that. Olerud feels sales help all citizens of the County. Bringe feels this Grant has given the County a great financial gain. Amelse stated TID districts are very helpful and feels this really helps with Economic Development. Torres discussed the 20 acres that the City purchased in 2015 and nothing has been done, but will be now with this new development starting. Motion by Olerud, 2nd by Call to postpone Resolution 2019-18 till July 23, 2019 meeting. Carried all voice

Resolution # 2019 - 19

Title: Certified Maps and Easements for Phase 1 of the Business Park

WHEREAS, Vernon County and the City of Viroqua have applied for and received a \$2.64 million grant from the U.S. Economic Development Administration to develop a business park on the north side of Viroqua; and

WHEREAS, a Certified Survey Map has been completed; and

WHEREAS, a Multi-Use Trail Route and Easement have been identified; and

WHEREAS, an Environmental Corridor, Sanitary Sewer Main and Water Main Easements have been identified; and

WHEREAS, Temporary Limited Easements (Construction Easements) will be necessary to install infrastructure and grading.

NOW, BE IT THEREFORE RESOLVED, by the Vernon County Board of Supervisors to approve the Certified Survey Maps and Easements for Phase 1 of the Business Park.

Amendment – to add temporary limited construction easement.

Dated June 18, 2019

Submitted by the Building and Facilities Planning Committee, James Servais, Chair

Was discussed on floor earlier in meeting. Resolution 2019-19 Certified maps and Easements for Phase 1 of the Business Park. Carried all voice vote.

Resolution # 2019 - 20

Title: DOT and GTA

WHEREAS, Transportation funding continues to decrease: and

WHEREAS, the increasing cost of material and equipment has hampered the highway department's ability to maintain Vernon County's infrastructure; and

WHEREAS, Vernon County highways have sustained \$1,000,000 in flood damage the last three years; and

WHEREAS, the severity of the 2018/2019 winter has already exceeded winter maintenance budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Vernon County Highway Department Request to exceed its budget by \$500,000 for 2019 with funds coming from the ~~Ho-Chunk Infrastructure Fund~~ or General Fund.

Dated June 13, 2019

Submitted by the Highway Committee, Jo Ann Nickelatti, Chair

Motion by Running, 2nd by Mitchell. Hewitt explained \$500,000.00 needed for road maintenance that would give the County General fund approximately 20% return with General Transportation Aid Fund. Discussed amount of Ho Chunk Infrastructure Fund. Motion by Ofte, 2nd by Leis to amend and strike Ho Chunk from Resolution. Carried Voice.

Amelse feels we need details for projects cost, will be approximately \$600,000 or more for new JJ Bridge. Finance Committee should review this and bring back to the July 23, 2019 meeting.

William asked why we are helping Villages and Towns and not our own County Roads. Motion by Servais to table and send to Finance, 2nd by Stanek. Carried Voice.

Resolution # 2019

TITLE: Supporting a Constitutional Amendment – Citizens United

Whereas, government of, by, and for the people has long been a cherished American value, and;

Whereas, free and fair elections are essential to democracy and effective self-governance, and;

Whereas, corporations are not and never have been human beings or persons, and therefore are rightfully subservient to human beings and governments as our legal creations; and rightly are provided ONLY privileges by the states, and;

Whereas, interpretation of the U.S. Constitution by appointed Supreme Court Justices to include corporations in the term "persons" has long denied We the People's exercise of self-governance by endowing corporations with Constitutional protections intended by the Framers for ONLY We the People, and;

Whereas, in 1976 in the ruling on *Buckley v. Valeo*. The untenable decision of the Supreme Court changed the course of American elections and established the doctrine that spending money to influence elections is a form of speech; and;

Whereas, on January 10, 2010, in *Citizens United v. Federal Elections Commission*, the Supreme Court overturned a century of precedence by ruling that corporate spending on elections cannot be limited under the First Amendment; now therefore,

Now Therefore be it Resolved, that the Vernon County Board of Supervisors, in legal session assembled, does hereby approve that the following question be placed on the April 7, 2020 Spring Election ballot as an advisory referendum question:

Question: Should the Wisconsin Legislature enact resolutions and legislation to advance the following effort:

That “We the People” of the County of Vernon, Wisconsin, seek to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unregulated political contributions and spending. We stand with communities across the country to support passage of an amendment to the United States Constitution stating:

1. Only human beings are endowed with constitutional rights — not corporations, unions, nonprofits or other artificial entities, and
2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to limiting speech.

YES _____ NO _____

Explanation: On January 10, 2010, in *Citizens United v. Federal Elections Commission*, the Supreme Court overturned a century of precedence by ruling that corporate spending on elections cannot be limited under the First Amendment. This Supreme Court decision results in an expansion of corporate personhood rights and a corrupting influence of unregulated political contributions and spending.

A YES vote indicates that you support the Wisconsin Legislature enacting resolutions and legislation to advance efforts to pass an amendment to the United States Constitution stating that (1) only human beings are endowed with constitutional rights — not corporations, unions, nonprofits or other artificial entities; and, (2) money is not speech, and therefore limiting political contributions and spending is not equivalent to limiting speech.

A NO vote indicates that you do not support the Wisconsin Legislature enacting resolutions and legislation to advance efforts to pass an amendment to the United States Constitution stating that (1) only human beings are endowed with constitutional rights — not corporations, unions, nonprofits or other artificial entities; and, (2) money is not speech, and therefore limiting political contributions and spending is not equivalent to limiting speech.

OR the following YES/NO Vote Explanations:

A YES vote supports amending the United States Constitution to make clear that corporations, unions, and other artificial entities do not have inalienable human rights, and supports limiting spending by corporations, unions, and other artificial entities related to elections.

A “NO” vote supports the position that corporations, unions, and other artificial entities have inalienable human rights, and supports unlimited spending by corporations, unions, or other artificial entities in elections.

And be it Further Resolved, that the Corporation Counsel prepare a Notice of Referendum to be published by the Vernon County Clerk in accordance with statutory requirements; and,

And be it Further Resolved, that this Resolution and the Referendum shall be filed with the Vernon County Clerk no later than 70 days prior to the election at which the question will appear on the ballot.

Dated: May 9, 2019.

Submitted by Legal Affairs Committee, Mike Leis Chair

Motion by Eggen, 2nd by Leis. Eggen brought this to Legal affairs and would like a referendum on the April 2020 ballot. Brault stated the 14th amendment states who can vote, and he read parts of it to board. Call asked cost, Hoff explained, anywhere from \$3,500 to 7,500. Olerud asked, have other counties done this and what was accomplished. Nothing yet, just sent to Federal Election Delegates and Representatives. Call asked if WCA could work on this, or we could do as a Resolution. Clark agrees with Call, and cannot justify the cost. Amelse feels if we do a referendum it should closely fit with County operations. Motion by Larson, 2nd by Williams to table and send back to Legal Affairs for a resolution.

Ordinances - None

The next County Board meeting will be July 23, 2019 at 9:30 am in the County Board Room at the Courthouse Annex. With the meeting concluded, a motion was made by Eggen, 2nd by Williams, to adjourn. Motion carried by all. Meeting adjourned at 11:42 am.

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 July 2, 2019, as indicated in transcription taken personally by me.

(Seal)

/s/ Ron Hoff
Vernon County Clerk