



LEGAL AFFAIRS COMMITTEE MEETING – Thursday July 11, 2019

The Legal Affairs Committee meeting was called to order by Chair Mike Leis, at 11:30 a.m. on Thursday, July 11, 2019 in the County Board Room at the Courthouse Annex.

Members Present: Mike Leis, David Eggen, Justin Running and Kay Stanek. Dave Strudthoff was excused.

Others in attendance were Ron Hoff, Nikki Swayne, Diane McGinnis, Dennis Brault, Tim Hundt, Lonnie Muller, Gail Muller, Brandon Larson, JoAnn Nickelatti, Glenda Sullivan, Renee Tryggstad and Mike Windle.

Affirmation of proper public notice of meeting was given.

4. Review of the June 13, 2019 minutes. Motion to approve the minutes as written by Eggen, second by Stanek. Motion carried.

5. Review/approval of vouchers/budget status. Motion by Running, second by Eggen to approve the vouchers presented at the July 11, 2019 meeting. Motion carried.

6. Audience to Visitors – None

7. Brandon Larson, Emergency Management – Discussion/Possible action re: Possible Amendments to Vernon County Muni Code Ch. 18. Brandon Larson explained the changes that are crossed out or italicized in the County Muni Code Ch. 18. The main change is changing Emergency Government to Emergency Management throughout the document. Other changes included having the County Board Chair be the Chairperson of the Emergency Management Committee, closing out the grant at end of each grant cycle and changing the paragraph stating the emergency government director shall work half-time annually as needed. Motion by Eggen, second by Running to approve the County Muni Code Ch. 18 with the amendments discussed on the floor and send to the full County Board for their approval at the July 23, 2019 meeting. Motion carried.

8. Brandon Larson, Emergency Management – Discussion/Possible action on County Wide Burn Ban Ordinance. Larson explained the Ordinance to the committee. Larson stated the Municipal Ordinance would override the County's Ordinance unless the municipality is unincorporated. Larson went over the Ordinance changes. Larson discussed section 11 – 11.3 stated he will change the wording on stack height of 15 feet for outdoor wood furnace chimneys. Larson stated the Fire Chief can approve a lesser height chimney. Swayne suggested changing the wording to: The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Swayne stated 10.1 has a typo and will be corrected. Eggen feels this Ordinance can be very helpful for our municipalities. Swayne stated this Ordinance could be in Chapter 30 but will look into this more and make a recommendation. Motion by Running, second by Eggen to approve the Ordinance as amended and forward it to full County Board for their approval at the July 23, 2019 meeting. Motion carried. Larson stated he will have a public hearing on this Ordinance before the July 23, 2019 County Board meeting.

9. Committee member's reports/questions. Eggen asked about the letter to the towns for the \$10,000 Ho Chunk Funds and was told it should be finished in a few weeks.

10. Rules of the Board. Diane McGinnis stated the Revolving Loan Committee has made the following recommendations to the Legal Affairs Committee. McGinnis stated we will need a new name for the Revolving Loan Committee – Economic Development Loan Committee or Business Loan Committee. The description: To develop, administer and approve loans for promotion of economic development for the benefit of Vernon County. The committee shall consist of five supervisors and four community representatives. The community representatives shall represent the banking industry, real estate industry and local business owners. Eggen discussed if the County is liable for the past revolving loans of the past and found out we were. McGinnis stated we are only buying out the current loans. McGinnis stated portion of the loan payments are going to the County to repay the loan. Running stated we will need a committee to service the outstanding loans. Motion by Running, second by Eggen to name the new committee Economic Development Loan Committee. Motion carried. The committee discussed the size of the committee. Running stated we need representation from the banking, real estate and local business

industry on the committee. Motion by Eggen, second by Stanek to have five County Board Supervisors and up to four community representatives. Motion carried. Brault will appoint the new committee members. Leis stated this will be presented to the full County Board at their July 23, 2019 meeting.

Brault stated a second elected Vice Chair for the County Board is necessary. Brault stated if either the Chair or Vice Chair is absent from a meeting or during an emergency the second Vice Chair can step in. The second Vice Chair can be elected next April, 2020.

Brault stated in Chapter 2, Emergency Government needs to change to Emergency Management in all places of the rules.

Swayne stated page 4 where defines duties of standing committees it say Legal Affairs/Land Sales valuation study. Swayne asked if this was a recent change and was told yes. Swayne stated there is not a place in the rules that states Ordinances need to go through the Legal Affairs Committee. Swayne stated this is one of the duties of the Legal Affairs and should it be added into the rules. Swayne will bring a draft stating this to the next Legal Affairs meeting.

Brault suggested changing the rules for Supervisors attending the meeting by the phone. Brault feels it should change to a voice vote, not roll call vote. Leis stated he is still against Supervisors attending closed session by phone. Running stated he has attending meetings and they were not able to vote at the meeting. Motion by Running, second by Eggen modify the rule as follows: Any Supervisor attending a meeting by any electronic device since they cannot count as a quorum will not be a voting participate and to cease participation during closed sessions. Electronic participation may be greater than one. Motion carried. Swayne will bring a draft stating this to the next Legal Affairs meeting.

11. Bidding – Renewing Options for Corporation Counsel. Leis stated our contract with Abt Swayne Law comes due in December 2019. Leis asked the committee if they wanted to renew our present contract with Abt Swayne Law or put it out for bids. Motion by Running, second by Eggen to renew our contract with Abt Swayne Law for two years based on the same rate of pay. Motion carried.

12. Loss Control report & Workers Compensation report. Tryggestad reported loss control stating we still have open claims for the Nursing Home (1) and Human Resources (2) and Highway claims are closed. For 2019 Workers Compensation we have 25 claims, zero lost time and \$5,530.38 total paid.

13. Corporation Counsel Update with Nikki Swayne, Abt Swayne Law. Swayne stated she has been working closely with the Zoning Department on zoning violations. Swayne stated going back to the Board Rules she was wondering if she should add pending legations need to come through Legal Affairs and was told yes so she will add this to the duties of the Legal Affairs committee. Swayne will bring a draft adding this to the next Legal Affairs meeting.

14. Pending ERD claims of former County Employees Messer and Kica – The Chair will entertain a motion to enter into a closed session pursuant to Wisconsin Statute 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 motion is made and passed. (Roll call vote if motion is not unanimous). Motion by Eggen, second by Running to enter into closed session. Motion carried. The committee entered into closed session. **Reconvene in open session pursuant to Wis Stat.19.85 (2). Roll call vote if motion is not unanimous).** Motion by Running, second by Stanek to reconvene into open session. Motion carried.

Set next meeting. August 8, 2019 at 11:30 a.m. in Room 309, third floor Courthouse Annex.

Motion by Running, second by Eggen to adjourn at 1:24 p.m. Motion carried.

Minutes respectfully submitted by,
Ron Hoff, County Clerk