

**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING
PROCEEDINGS; THURSDAY, FEBRUARY 17, 2011**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, February 17, 2011 in the Administrative Center, Room B410. The Chief Deputy County Clerk, Ginny Dankmeyer, took attendance. 31 supervisors were present when Chair Doyle called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

District Name	Attendance
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Feehan, Bill	Present
4 Johnson, Jai	Excused
5 Konkell, Bradley	Present; Excused at 7:22 PM
6 Billings, Jill	Present
7 Plesha, Roger	Excused
8 Freedland, Maureen	Present
9 Hampson, Sharon	Present
10 Wood, Margaret	Present
11 Kader, Audrey	Present; Excused at 6:47 PM
12 Flood, Bridget	Present
13 Brockmiller, Bill	Present
14 Medinger, John	Present
15 Mach, Beverly	Present
16 Sebranek, Gerald	Present
17 Meyer, Donald	Present
18 Johnson, Tara	Present
19 Keil, Robert	Excused
20 Bina, Donald	Present
21 Manthei, Dennis	Present
22 Ebert, Ray	Present
23 Gamroth, Tammy	Present
24 Pfaff, Leon	Present
25 Schroeder, Jeffrey	Present
26 Burke, Vicki	Present
27 Pedretti, Marilyn	Present
28 Doyle, Steve	Present
29 Kruse, Monica	Present
30 Spiker, Charles	Present
31 Ferries, Dan	Present
32 Benrud, Arlene	Present
33 Berns, Jim	Present at 6:02 PM
34 Wehrs, Tina	Present
35 Bilskemper, Joe	Present

PLEDGE OF ALLEGIANCE

Supervisor Freedland asked for a moment of silence from the County Board in respect and recognition of our hard working and very valuable Wisconsin county public employees who serve our county so well, whether unionized or nonunionized.

COMMUNICATIONS AND ANNOUNCEMENTS:

County Board Chair Report - Steve Doyle

- Displays for Public Health Recognition Month will be in the hallway on Monday night before and after the Planning Meeting.
- Criminal Justice Management Council will be having a Town Hall meeting that will be held in our jail in one of the new pods on Thursday March 3 at 7:00 P.M. in conjunction with the La Crosse Tribune and Channel 19. Please show up early. A sign-up sheet was passed around for supervisors. If you do not sign up, you will not be allowed in the night of the Town Hall Meeting. Do not bring food or drink and your cell phone needs to be turned off.
- Supervisor Conference Reports:
 - Supervisor A. Benrud attended the WCA Legislative Exchange in Madison along with 10 other people from the County. They gave budget projections and process and it was very interesting but wasn't the best news. She also had a meeting with the Executive WCHA.
 - Supervisor M. Kruse attended the employee recognition for the County Health Department and was able to read the proclamation proclaiming February - Public Health Month in representing the County Board.
 - Supervisor J. Schroeder attended the WCA Legislative Conference in Madison and came away with one glimmer of hope. He met with the WI Secretary of Tourism, Stephanie Klett, and asked about her thoughts on promoting cycling, both motor and human power in the La Crosse County area. She directed him to Greg Smith who does Discover Wisconsin and he has agreed to come and meet with Administrator O'Malley and discuss what they can do with this area.

Administrator Report - Steve O'Malley

- **APPOINTMENT OF HIGHWAY COMMISSIONER – Ronald Chamberlain**
Administrator O'Malley has the pleasure and responsibility to make recommendation of appointments of department heads for appointed positions when they become vacant. Public Works & Infrastructure sat in with him on the interview process for the highway Commissioner. Ron comes from Adams County and has been their Highway Commissioner since 1998. Prior to Adams County, Ron was with the City of New Lisbon. This is the 7th department head recommendation and so far they have all been a great success. Ron thanked the County Board for the opportunity to come work with La Crosse County. In the 13 years with Adams County, he never heard a complaint about La Crosse County or the Board. He believes he brings innovations that we may or may not have been exposed to in the past, is progressive and likes to look at new processes and funding sources. His reputation shows he is gifted at finding money. Ron was welcomed aboard to a round of applause. He will be starting April 4, 2011.

Motion by J. Berns/ B. Brockmiller to approve the appointment of the Highway Commissioner passed on a unanimous vote with 32 ayes, 3 excused – J. Johnson, R. Keil and R. Plesha.

- WCA Legislative Conference: The conference highlighted a number of difficult things on the horizon for the State, County and economy. Budget repair proposal had not been presented yet. What was promised by secretaries of the new administration was increase in flexibility, and so far has not seen answers on any mandates we are required to provide. Number of Board members asked what position we are in to deal with state budget cuts and what steps have been taken to be in this position.

(221-10/11)

The County could never be prepared for everything that will happen over the next biennium. Some of the steps taken are long term debt strategy to level general operating debt, short term debt highway payments by fund balance, review management to employee ratio, review of any position vacancies, scrutinizing out-of-state travel, preserving financial reserves, including interest stabilization, human services review of residential placements, long term contracts of laundry, food service and jail medical, VOIP for all phone service, multi-year Capital Improvement Plan, MVHS revenue now equaling \$1.2 million year, negotiating 1- year wage freeze with employees for 2011, no increase in health and dental premiums, voluntary unpaid time off by employees to save \$240,000, and two years in a row of no increase in operating levy.

- Update on Budget: Budget Repair Bill Overview – Legislative Fiscal Bureau indicated no need for repair, Governor has proposed anyway, \$137 million deficit made deeper by new tax cut legislation, overturns 40 plus years of labor relations, drastic steps disrespects local decision making and conditions, eliminates collective bargaining for most employees except on wages at Consumer Price Index, employer prohibited from bargaining on: conditions of employment, health insurance, steps and ranges, overtime and discipline, recertification of unions will be annually, employer cannot withhold dues, protective services is excluded but not supervisory staff in these field, shifts 50% of WRS to employees effective 1st payroll in April, many moving parts and unintended consequences so far including loss of \$45 million transit aid, makes all employees “at will”, impact on vacation/sick leave and past practices unclear. Final version may be changed. This will not affect any contract that is already signed. Very little is known about cuts at present time. Was told to expect cuts in ranges of 40%-70% of Shared Revenue. Cuts will be expected to anyone above 133% of the poverty level off Medicaid. Counties and employees did not cause the state deficit. Over the past 3 decades, there has been no increase in any major revenue. The state shifting of costs to Counties has kept the state deficit lower and driven property taxes. There is no justification to exempt protective service employees who already enjoy the highest pension contribution of 20.1%.
- Gary Ingvalson touched briefly on the handout given out regarding sales tax revenue. We would need to receive about \$800,000 from December to come in close to budget.

Corporation Counsel Report – William Shepherd

- The County is a member of Wisconsin Municipal Mutual Insurance Company (WMMIC) and has been chair of the board for the last 2 years. Starting January 1, 2011 the liability coverage increased from \$5 million to \$10 million.
- The case is listed as Stenberg vs the County but is better known as the Harter death claim. Individual was killed on the Clinton Street Bridge. Heirs of the estate filed suit against the County. The person who hit Harter was later caught and convicted of the crime and currently is in prison. The case has now been dismissed following motions for summary judgment. We are claiming without a trial there is no legal basis for this case to proceed. By not answering our counsel's motions, the plaintiff voluntarily signed a dismissal as long as we don't request attorney fees and cost against the plaintiff. The case being dismissed had to do with discretionary immunity. Snowplowing is an act covered with discretionary immunity. That December was one of the snowiest months and keeping the sidewalks clear was not a priority over keeping the interstates and highway safe for travelers. There is a three week period of time to remove such snow and the facts showed we were well within that window and had cleaned that sidewalk several times that December. Another thing that was present in this case was the issue of the decedent's failure to observe the rules of traffic safety when walking on a highway. This individual walked on the right side of the highway, with no sidewalk, and back to traffic on New Year's Eve wearing dark clothing.

CHAIR CHANGE

Vice Chair T. Johnson took the chair.

APPOINTMENTS

Re-Appoint **Barb Kooiman** to the Historic Sites Preservation Committee for the remainder of a term to expire on December 31, 2012; Appoint **Steve Earp** to the Harbor Commission to replace Dale Wetterling for the remainder of a term to expire July 31, 2013.

Motion by S. Doyle/J. Schroeder to approve the appointments passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

CHAIR CHANGE

Chair S. Doyle resumed the chair.

CONSENT AGENDA

Motion by J. Billings/G. Sebranek to approve the minutes of the County Board of Supervisors Planning Meeting held January 10, 2011 and the monthly meeting held January 20, 2011 and approval of the Claims List for \$6,777,716.99 passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

ZONING ORDINANCE NO. Z255-2/11 RE: PETITION NO. 1861 FILED BY JOHN H NOYES, ACTING ON BEHALF OF C-M ROBERS LLC TO REZONE FROM AGRICULTURE DISTRICT "A" AND INDUSTRIAL DISTRICT TO COMMERCIAL DISTRICT "C" IN THE TOWN OF CAMPBELL

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1861 to amend the La Crosse County Zoning Ordinance filed by: John H Noyes, 816 Bainbridge St., La Crosse, WI 54603; acting on behalf of C-M Robers LLC, 816 Bainbridge St, La Crosse WI 54603 and having held a public hearing on the 31st day of January 2011 to rezone from Agriculture District "A" and Industrial District to Commercial District "C" the following described land in the Town(s) of Campbell Part of Block 8 of the Plat of West La Crosse and part of Government Lot 6, Section 30, T16N, R7W, described as follows: Commencing at the northeast corner of said Section 30; thence S68°32'44"W 3610.54' to the west right-of-way line of Bainbridge St., the south right-of-way line of Usher St. & the POB; thence west along said south right-of-way line of Usher St. 319.93', more or less, to the east line of the parcel with tax parcel number 4-1271-0; thence south along said east line 148.86' to the centerline of a vacated alley; thence westerly along said centerline 42.25' to the east right-of-way line of La Crescent St.; thence along said east right-of-way line S2°24'25"E 10.17'; thence N87°35'34"E 361.02' to said west right-of-way line of Bainbridge St; thence along said west right-of-way line N1°59'23"E 159.58' to the POB. Town of Campbell. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: **Approve**. By a vote of 5 in favor; 0 opposed; (2 excused – Keil & Manthei) the Committee recommended approval to rezone to Commercial District "C" subject to a recording indicating the Town of Campbell has amended its Land Use Plan to show this parcel's land use classification has been changed to reflect uses in this zoning district. (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s. 59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 17th day of February 2011. Approved the petition with conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Bina to approve as recommended by the Committee. Discussion ensued. The motion passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RESOLUTION NO. 74-2/11 RE: AUTHORIZATION TO SUPPORT AN APPLICATION TO THE WISCONSIN WORKING LANDS INITIATIVE PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT PROGRAM (PACE)

WHEREAS, the Farmland Preservation Committee has received applications from property owners in La Crosse County for the purchase of an agricultural conservation easement on their properties; and, **WHEREAS**, the Farmland Preservation Committee has assessed these applications and determined that the properties listed on attached EXHIBIT A meet the general purposes, objectives and provisions of the PACE program set forth in Chapter 32 and that purchase of agricultural conservation easements on said properties is compatible with the County's long-range goals regarding farmland preservation, and that said properties are located within areas designated for farmland preservation in the La Crosse County Comprehensive Plan and Farmland Preservation Plan, and, **WHEREAS**, each landowner's commitment to convey a conservation easement on their property and the County's commitment to accept such an easement is contingent upon the agricultural conservation easement being eligible to receive the state grant funding acceptable to the landowner in lieu of a local match and the parties successfully negotiating the language of the conservation easement; and, **WHEREAS**, the Planning, Resources & Development Committee has reviewed the recommendations of the Farmland Preservation Committee and approves the applications for the conservation easements listed on EXHIBIT A and recommends that the County Board approve such applications for submittal to the Wisconsin Department of Agriculture, Trade and Consumer Protection. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the applications to convey conservation easements set forth on EXHIBIT A and certifies that the purchase of the easements on the nominated properties are compatible with the long-range farmland preservation goals of La Crosse County. **BE IT FURTHER RESOLVED**, that each landowner accepted for the PACE Program shall incur the costs associated with the conveyance of the conservation easement on their property to La Crosse County. **BE IT FURTHER RESOLVED**, that the County Planner shall submit this resolution and other necessary documentation to the Wisconsin Department of Agriculture, Trade and Consumer Protection for consideration of the grant funding and the landowners shall also be notified of the approval of their application by the County Board. **FISCAL NOTE:** Funding for staff work on the PACE Program was included in the 2011 budget. All other funding for the program will come from state grants and payment by each landowner to La Crosse County for the costs incurred for the conveyance of the easement on their property.

FARMLAND PRESERVATION COMMITTEE

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by M. Pedretti/L. Pfaff to approve. Discussion ensued. Supervisor Wehrs responded to questions from the board. The motion to approve passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RESOLUTION NO. 75-2/11 RE: ACKNOWLEDGE "THE BEST OF PUBLIC SERVICE"

WHEREAS, the following employees have been a faithful part in providing "The Best of Public Service" to La Crosse County:

<u>NAME</u>	<u>DEPARTMENT</u>	<u>YEARS</u>
Janet A. Twining	Lakeview Health Center	30+
Barbara A. Brown	Hillview Health Care Center	14+

WHEREAS, it is the wish of the County Board of Supervisors to acknowledge long and faithful service on behalf of the citizens of La Crosse County; **NOW THEREFORE BE IT RESOLVED**, that a resolution extending our congratulations be recorded in La Crosse County Board Proceedings and a certificate of our actions be presented as an expression of our gratitude.

STEVEN P. DOYLE
GINNY DANKMEYER

EXECUTIVE COMMITTEE

Motion by T. Johnson/M. Wood to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RESOLUTION NO. 76-2/11 RE: APPOINTMENT OF COUNTY CLERK

WHEREAS, The elected county clerk of La Crosse County, Linda Stone, has retired prior to the end of her elected term of office, creating a vacancy effective January 6, 2011; and, **WHEREAS**, it is not possible to have a Spring special election, due to statutory notice periods required, and the County Board has chosen to appoint a successor for the remainder of the current term of office; and, **WHEREAS**, The Executive Committee requested members of the public to express interest in serving as County Clerk, and 26 people responded and were screened for qualifications; and, **WHEREAS**, four individuals were interviewed by Executive Committee members for qualifications and knowledge of the elements of the County Clerk's position based on statutory and job description requirements, and one person chosen as the most capable of serving the County Board as County Clerk; and, **WHEREAS**, The Executive Committee recommends to the County Board the appointment of Virginia E. Dankmeyer as the County Clerk for the remainder of the term of Linda Stone; **NOW THEREFORE BE IT RESOLVED**, That Virginia E. Dankmeyer, be appointed as the County Clerk for the remainder of the term of Linda Stone; and, **BE IT FURTHER RESOLVED**, that the Records of La Crosse County be amended to show that Virginia E. Dankmeyer is the County Clerk for the purposes of carrying out the duties of that statutory office and the intent of this resolution. **FISCAL NOTE:** The County Clerk will assume the compensation posted for this elected position, which has been fully budgeted for 2011.

EXECUTIVE COMMITTEE

Motion by T. Johnson/D. Meyer to approve. Chair Doyle asked three times for further nominations. Motion by R. Geary/J. Schroeder that nominations be closed and a unanimous ballot be cast for Ginny Dankmeyer. The motion to approve passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RESOLUTION NO. 77-2/11 RE: ADOPTION OF CONTRACT FOR HILLVIEW LOCAL 150 UNION EMPLOYEES

WHEREAS, La Crosse County and the Hillview Local 150 Union have concluded collective bargaining negotiations for a successor union contract covering the period 2011, and; **WHEREAS**, the parties have reached tentative agreement on all issues raised through collective bargaining. **NOW THEREFORE BE IT RESOLVED**, that the tentative agreements of the parties for changes to this contract for the year 2011, including across the board wage increases of 0.0% for calendar year 2011, a copy of which tentative agreements are attached, be ratified as the changes to the working agreement between La Crosse County and the Hillview Employees Union, SEIU Local 150, effective as specified in the agreement when ratified by the Union. **BE IT FURTHER RESOLVED**, that the Personnel and Finance departments are authorized and directed to take such action as is necessary to put said working agreement into effect and carry out the intent of this resolution. **FISCAL NOTE:** The estimated increase in cost of rollups for 2011 is \$22,900, a .41% for which contingency funding was budgeted. There are approximately 140 employees in the Hillview bargaining unit.

EXECUTIVE COMMITTEE

Motion by T. Johnson/M. Kruse to approve. Discussion ensued. Administrator Steve O'Malley responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 30 ayes, 5 excused - M. Freedland, J. Johnson, A. Kader, R. Keil and R. Plesha.

(225-10/11)

RESOLUTION NO. 78-2/11 RE: RECOGNIZING THE LIFE AND SERVICE OF GENERAL VANG PAO

WHEREAS, General Vang Pao the charismatic Laotian general who commanded a secret army of his people in a long losing campaign against communist insurgents on behalf of U.S. interests during the Vietnam War, died at the age of 81 in January 2011 in Clovis, California; and **WHEREAS**, General Pao is much revered and admired by the Hmong people as the primary leader responsible for uniting the 18 clans and guiding the emigration of Hmong people to the United States; and, **WHEREAS**, La Crosse County is home to one of the largest Hmong communities in the State of Wisconsin and their addition to our community has enriched our County with their hard work, dedication, contributions and service; and, **WHEREAS**, acknowledging the passing of such an esteemed person to the Hmong people is an appropriate action by the County Board of Supervisors as one means of demonstrating respect and appreciation for the Hmong who have chosen to make our community their home. **NOW THEREFORE BE IT RESOLVED** that the La Crosse County Board hereby recognizes the importance of the life and service of General Vang Pao to the people of the United States, to the Hmong community and to the people of La Crosse County and expresses our condolences at the loss of such a great and important leader. **BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the La Crosse Area Hmong Mutual Assistance Association, Inc. (HMAA) **FISCAL NOTE:** There is no budgetary expense for this recognition.

EXECUTIVE COMMITTEE

Motion by T. Johnson/J. Medinger to approve. Discussion ensued. Several Supervisors spoke highly of General Vang Pao and their interactions with him. The motion to approve passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RESOLUTION NO. 79-2/11 RE: CHARGING OF FEES FOR NIVD ACTIVITIES

WHEREAS, the La Crosse County Child Support Agency (hereinafter "CSA") provides federally funded child support enforcement services under a program known as IVD (pronounced as 4-D); and, **WHEREAS**, the IVD cases are actively worked by CSA staff to establish paternity, child support obligations and enforcement as a result of a referral to CSA by the Human Services Department due to the parties in the case receiving public assistance or because the customer applied for CSA services; and, **WHEREAS**, the CSA also provides services to NIVD (pronounced as Non-4D) cases where there is not a request for CSA services and/or there is no public assistance being received by the parties in the case; and **WHEREAS**, although attorneys typically represent the parties in NIVD cases, the cases are entered into the KIDS system by CSA for tracking financial billing and payments; however, CSA receives no federal reimbursement for work conducted on these types of cases; and, **WHEREAS**, it is estimated that CSA loses about \$5000/year for work conducted on NIVD cases; and, **WHEREAS**, if fees were charged for NIVD clients for certain services, this would offset the CSA's costs as well as provide clients with the incentive to enroll in the IVD Program; and, **WHEREAS**, the movement of more NIVD cases to a IVD caseload is beneficial to CSA beyond the cost of payment for services because NIVD cases are statistically better paying cases and this would have a positive effect on agency performance goals and, additionally, the increase in the IVD caseload size would provide the CSA with a larger percentage of federal incentive funds; and, **WHEREAS**, counties may elect to charge fees for NIVD services; and, **WHEREAS**, a list of the fees that are recommended by CSA to be charged for NIVD services are set forth in Attachment A. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the fees for NIVD services to be charged by CSA commencing March 1, 2011 as set forth in Attachment A and incorporates said fees as a part of the Comprehensive Master List of fees charged by County Departments. **Fiscal Note:** The revenue resulting from charging fees to the NIVD cases is estimated to be \$5,000/year.

EXECUTIVE COMMITTEE

Motion by T. Johnson/D. Meyer to approve. Discussion ensued. Corporation Counsel William Shepherd responded to questions from the Board. The motion to approve passed on a voice vote with 29 ayes, 1 nay - D. Bina, 1 abstention - B. Feehan, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

Supervisor T. Johnson asked for suspension of the rules and take the Addendum Item out of order. No objections.

CLOSED SESSION

Motion by T. Johnson/J. Billings to go into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e) for purposes of deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, TO WIT: formulate strategy regarding negotiations with La Crosse County collective bargaining units, except for Hillview Local 150 Union passed on a unanimous voice vote with 31 ayes, 4 excused - J. Johnson, A. Kader, R. Keil and R. Plesha.

RECONVENE INTO OPEN SESSION

Motion by R. Geary/B. Brockmiller to reconvene into open session passed on a unanimous voice vote with 30 ayes, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkel and R. Plesha.

Chair Doyle noted that no actions were taken in closed session.

SECOND CONSIDERATION OF ORDINANCE NO. 88-2/11 TO AMEND SECTIONS IN CHAPTER 11 ENTITLED "PUBLIC HEALTH & HUMAN SERVICES" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Section 11.28 entitled "Communicable Diseases" is amended to read:

11.28 COMMUNICABLE DISEASES. Chapter 252, Wis. Stats., and Wisconsin Administrative Code, Chapter DHS 145, is hereby adopted by reference as though fully set forth herein.

Section 2. Section 11.34 entitled "Regulation of Restaurants, Taverns and other Eating and Drinking Establishments" is amended to read:

11.34 REGULATION OF RESTAURANTS, TAVERNS AND OTHER EATING AND DRINKING ESTABLISHMENTS.

(1) Incorporation of Code by Reference. Chapter DHS 196, Wisconsin Administrative Code, entitled "Restaurants," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Survey and Sampling.

(a) The Health Department representative shall survey every restaurant and other eating and drinking place located within the Department's jurisdiction as listed in the state contract.

(b) Samples of food, drink and other substances may be taken and examined by the Department as often as may be necessary for the detection of unwholesomeness or adulteration.

(3) Bacteriological Standards.

(a) Average bacterial plate count per utensil service examined shall not exceed 100. Samples may be collected and examined as needed according to Standard Methods for Bacteriologic Examination of Food Utensils of the American Public Health Association.

(b) Sanitary procedures in the processing, hauling and storage of ice cream, ice milk, sherbet, ices or any other similar frozen desserts shall be such that the finished products shall have a bacterial plate count not to exceed 50,000/ml. and the coliform count not to exceed 10/ml. Samples of frozen desserts, used to determine compliance with bacteriologic requirements, may be obtained from the supplies owned by or in the possession of the establishment's operator. (Technical Change)

(227-10/11)

(4) Permits, Licenses and Fees. The County Health Department shall issue an annual permit to each restaurant, tavern, school kitchen and other eating and drinking establishment in the County. Each additional physically separate food handling, serving or preparation areas in restaurants shall be charged an additional fee per agent status pursuant to s. 13.05 of this Code. Establishments noted in this section shall comply with the appropriate section(s) of Chapter DHS 196, Wisconsin Administrative Code.

(5) Noncompliance. Noncompliance with the provisions of this section and/or DHS 196, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

Section 3. Sections 11.37(1) and (3) regarding "Hotels and Motels Regulations" are amended to read:

11.37 HOTELS AND MOTELS REGULATIONS.

(1) Incorporation of Code by Reference. Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, entitled "Hotel, Motels and Tourist Rooming Houses" and "Bed and Breakfast Establishments," are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

Section 4. Section 11.38 entitled "Vending of Foods and Beverages" is amended to read:

11.38 VENDING OF FOODS AND BEVERAGES.

(1) Incorporation of Code by Reference. Chapter DHS 198, Wisconsin Administrative Code, entitled "Vending of Foods and Beverages," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 198, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

Section 5. Sections 11.39(1)(a) and (1)(c) regarding "Public Swimming Places" are amended to read:

11.39 PUBLIC SWIMMING PLACES.

(1) Pools.

(a) Incorporation of Code by Reference. Chapters DHS 172 and COM 90, Wisconsin Administrative Code, entitled "Public Swimming Places" and "Design and Construction of Public Swimming Pools", is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(c) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 172 and COM 90, Wisconsin Administrative Code, as adopted by reference, will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, or instead of, action detailed in sub. (d) of this section.

Section 6. Sections 11.41(1) and (3) regarding "Recreational and Educational Camps" are amended to read:

11.41 RECREATIONAL AND EDUCATIONAL CAMPS.

(1) Incorporation of Code by Reference. Chapter DHS 175, Wisconsin Administrative Code, entitled "Recreational and Educational Camps," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 175, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

Section 7. Section 11.42 entitled "Campgrounds" is amended to read:

11.42 CAMPGROUNDS.

(1) Incorporation of Code by Reference. Chapter DHS 178, Wisconsin Administrative Code, entitled "Campgrounds", is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Licenses, Permits and Fees.

(a) The County Health Department shall issue an annual permit for all campgrounds defined in DHS 178.

(228-10/11)

(b) The County Health Department shall issue a special event campground permit for each special event as defined in DHS 178.

(c) The permit fee for campgrounds and special event campgrounds shall be pursuant to s. 13.05 of this Code.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 178, Wisconsin Administrative Code will be cause for enforcement pursuant to s. 11.25 of this Code.

Section 8. Sections 11.46(1) and (3) regarding "Tattooing and Body Piercing" are amended to read:

11.46 TATTOOING AND BODY PIERCING.

(1) Adoption of Wisconsin Administrative Code Provisions. The provisions of Wisconsin Administrative Code, Chapter DHS 173, entitled "Tattooing and Body Piercing", and any amendments, revisions and modifications of such code provisions are hereby adopted by reference for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(3) Enforcement. Noncompliance with this section and/or Wisconsin Administrative Code, Chapter DHS 173, shall result in enforcement procedures pursuant to s. 11.25 of this Code and/or Wisconsin Administrative Code, s. DHS 173.12.

Section 9. This Ordinance shall take effect the day after passage and publication as required by law.

STEVE DOYLE, County Board Chair

GINNY DANKMEYER, Chief Deputy County Clerk

HEALTH AND HUMAN SERVICES BOARD

Motion by S. Hampson/J. Billings to approve. Discussion ensued. Supervisor S. Hampson and Supervisor B. Feehan responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 30 ayes, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkel and R. Plesha.

RESOLUTION NO. 80-2/11 RE: APPROVAL OF EXTENSION OF LEASE WITH GOOSE ISLAND CAMPGROUND CONCESSIONAIRE

WHEREAS, La Crosse County entered into a 5 year lease with Nancy Ida Christenson (hereinafter referred to as "Concessionaire") to provide certain accommodations and services to the general public at Goose Island Campground for a term beginning January 1, 2007 and ending December 31, 2011; and, **WHEREAS**, Concessionaire has provided excellent services during the past 4 years of the lease agreement with the County; and,

WHEREAS, Concessionaire has requested a 5 year extension of the lease, with the additional changes that the commission received per seasonal camping unit be increased from \$65 to \$75 per year and La Crosse County will provide telephone service to the campground store which will provide remote access to the Goose Island Campground county-owned computer for both Facilities and the IT departments saving travel time for department staff to both copy files, troubleshoot problems and service the computer; and,

WHEREAS, the Public Works and Infrastructure Committee recommends that the present lease be extended for 5 years in recognition of the excellent services provided by the Concessionaire; and, **WHEREAS**, the Concessionaire provides a unique service in the operation of the Goose Island Campground based on the successful performance on the lease terms in the past. **NOW THEREFORE BE IT RESOLVED**, that the County Board Chair and County Clerk are authorized to sign an addendum to the lease with the Concessionaire in accordance with the above terms, extending the term for 5 years beginning January 1, 2012 and ending December 31, 2016, after approval by Corporation Counsel.

BE IT FURTHER RESOLVED, that the La Crosse County Board does hereby waive the bidding rules and utilizes s. 4.11(7)(g) of the County Purchasing Ordinance indicating a sole source vendor choice for said lease extension. **FISCAL NOTE:** Gross Camping Receipts Revenue for 2010 was \$317,350, of which \$278,465 remained with La Crosse County and \$38,885 was the Concessionaire's portion.

(229-10/11)

PUBLIC WORKS AND INFRASTRUCTURE

Motion by C. Spiker/A. Benrud to approve. Discussion ensued. Facilities Director Jim Speropulos responded to questions from the Board. Discussion continued. Corporation Counsel responded to questions from the Board. The motion to approve passed on a voice vote with 26 ayes, 4 nays - J. Billings, B. Feehan, M. Freedland and G. Sebranek, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkell and R. Plesha.

RESOLUTION NO. 81-2/11 RE: DETERMINATION OF NECESSITY TO ACQUIRE SCHROEDER PROPERTY ON STATE ROAD 16

WHEREAS, the Schroeder Property located at W5151 State Road 16, La Crosse, Wisconsin consisting of 4.64 acres which is immediately north of the La Crosse Disposal Complex is being offered for sale by the owners; and **WHEREAS**, Wis. Stats. s. 32.06(1) requires the County to make a determination of its need for the Schroeder Property by making a determination of necessity in order to proceed with acquisition of the title to the property; and **WHEREAS**, the acquisition of the Schroeder Property is a public necessity for the Solid Waste Department and La Crosse County for the following reasons:

- **Safety** – The current landfill entrance does not provide adequate space to allow the queuing of customers' trucks when they are waiting to access the landfill resulting in a traffic hazard on Landfill Road, Berlin Drive and on State Road 16.
- **Alignment** – The current landfill entrance does not have a straight alignment with the scale resulting in accidents when larger vehicles drive off the scale.
- **Traffic to Industrial Park** – Trucks waiting to access the entrance to the landfill often have to wait on Berlin Drive which interferes with the movement of traffic to and from the Industrial Park.
- **Volume of Traffic** – The entrance presently allows a maximum of two trucks to be in line waiting for the scale. The current volume of trucks using the landfill varies from 100 to 150 trucks per day resulting in back-ups that extend onto the public streets and highway.
- **Conflicting Site Usage** – The entrance is used by both Household Hazardous Materials (HHM) collection site customers and commercial trucks using the landfill resulting in significant congestion on Wednesdays and moderate congestion on Tuesdays and Thursdays.
- **Buffer Zones** – The entrance does not provide an adequate buffer zone from the public right-of-way and adjacent properties resulting in aesthetic issues and safety problems.
- **Economic Development** – Acquisition of the Schroeder Property will provide for future public road access to adjacent properties for commercial and/or industrial development.
- **Long Term Plans** – Construction of a new landfill entrance will be made possible by the acquisition of this property and will prevent the Schroeder Property from being developed in a manner that conflicts with the landfill and will help preserve the use of the landfill for the 30 to 50 years of its available disposal capacity.

WHEREAS, although the owners of the property caused an appraisal of the property to be prepared as of October 22, 2009 by Midwest Professional Appraisal, Inc., state law requires the County to cause at least one appraisal to be made of the property proposed to be acquired; and **WHEREAS**, it is in the best interest of La Crosse County to authorize the County Administrator to hire a qualified appraiser to determine the fair market value of the Schroeder Property and prepare a full narrative appraisal; and **WHEREAS**, upon the completion of the appraisal, County staff designated by the County Board Chair and/or County Administrator shall provide the owners with a copy of the appraisal, inform the owners of their right to obtain an appraisal at County expense and then attempt to negotiate personally with the owners or the owners' representative for the purchase of the needed property. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby make a determination of necessity for acquiring the Schroeder Property to provide for the alterations to the landfill entrance that will increase safety, prevent backup of trucks on public roads, minimize interference with the Industrial Park traffic, allow citizen

users of the HHM collection site to avoid truck traffic, enhance the appearance and provide a buffer zone to the landfill complex and provide control that future development of adjacent properties will be compatible with the landfill operation.

BE IT FURTHER RESOLVED, that the La Crosse County Board does hereby authorize the County Administrator to hire a qualified appraiser to determine the fair market value of the Schroeder Property and the Auditor/Finance Director is authorized to transfer any necessary funds to pay for this work and for the owners' appraisal, if requested by them. **BE IT FURTHER RESOLVED**, that upon completion of the appraisal of the property, this matter shall be referred to the Public Works and Infrastructure Committee. **FISCAL NOTE:** Any funds required for the appraisals and purchase of the property shall be transferred from the Solid Waste "Fund Balance Surplus" Account #6500-39100 to "Land Property Acquisition" Account #6500-79047. The owners' appraiser, Midwest Professional Appraisal, Inc. determined the market value of the property as of October 22, 2009 to be \$675,000. The County's cost for appraisal of the property is estimated to be \$1,500 - \$2,500. If the owners obtain an appraisal at County expense, the cost is unknown at this time, but according to the state statute it must be a reasonable cost.

EXECUTIVE COMMITTEE

PUBLIC WORKS AND INFRASTRUCTURE

Motion by C. Spiker/L. Pfaff to approve. Discussion ensued. Motion by R. Geary/R. Ebert to amend by deleting the final Be It Further Resolved paragraph and replace it with; Be It Further Resolved, that upon completion of the appraisal of the property, this matter shall be referred back to the Public Works & Infrastructure Committee passed on a unanimous voice vote with 30 ayes, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkell and R. Plesha. Lengthy discussion continued. County Planner Charlie Handy, Mapper Brian Fukuda, and Solid Waste Director Hank Koch responded to questions from the Board. Motion by J. Medinger/D. Meyer to close debate passed on a voice vote with 24 ayes, 6 nays - J. Berns, R. Ebert, D. Ferries, B. Flood, M. Freedland and R. Geary, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkell and R. Plesha. The motion to approve as amended passed on a roll call vote with 23 ayes, 7 nays - D. Bina, R. Ebert, B. Feehan, D. Ferries, B. Flood, D. Manthei and J. Schroeder, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkell and R. Plesha.

SUGGESTIONS FOR FUTURE AGENDA TOPICS

Supervisor M. Pedretti would like to have the order of business rotated each month. Supervisor R. Geary asked for suggestions on cost savings from the IT Director. Supervisor S. Hampson asked for a presentation on the care center for their development so far.

ADJOURN

Motion by G. Sebranek/B. Brockmiller to adjourn passed on a unanimous voice vote with 30 ayes, 5 excused - J. Johnson, A. Kader, R. Keil, B. Konkell, and R. Plesha.

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

I, Ginny Dankmeyer, La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the La Crosse County Board of Supervisors Monthly Meeting held Thursday, February 17, 2011 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 23 OF FEBRUARY 2011.