

**REGULAR SESSION
APRIL 15, 2014**

The Trempealeau County Board of Supervisors met in Regular Session at the Government Center in the City of Whitehall, County of Trempealeau and State of Wisconsin on Tuesday, April 15, 2014 at 10:02 a.m. with Chair Ernest Vold presiding. The Pledge of Allegiance to the Flag of the United States of America was recited.

CALL

Dear Supervisor,

Please be advised that the Trempealeau County Board of Supervisors will meet at 10:00 a.m. on April 15, 2014 in the County Board Room. All County Board Members' Claims are due in the County Clerk's Office by noon on April 4, 2014 so they can be prepared for Audit Committee approval.

Sincerely,
/s/ Paul L. Syverson
County Clerk

Clerk Syverson read the call.

Chair Vold announced the open meeting law requirements have been complied with through postings and notifications to the members and media.

Clerk Syverson read the Certificate of Membership for the 2014 – 2016 terms and list of the County Board Supervisors according to the Board of Trempealeau County Canvassers.

SWEARING IN CEREMONY - JUDGE DAMON: Judge Damon welcomed the new and the returning members of the Board of Supervisors. He then swore them in and congratulated them.

Roll was called. A quorum was met with all 17 supervisors in attendance.

Chair Vold stepped down and Clerk Syverson took over the meeting. He opened the floor for nominations for the County Board Chair position. Rob Reichwein nominated Dick Miller, Michelle Haines nominated George Brandt and Michael Nelson nominated Ernest Vold. The clerk called three more times for any nominations. John Aasen made a motion to close nominations and Wayne Skroch seconded it. Motion carried unanimously. Richard Frey and Curtis Skoyen distributed and collected the ballots while all three nominees spoke for a few minutes as to why they felt qualified for the Chair position. Ballots were brought to the clerk who read the names aloud and the recording secretary tallied the votes as read. Nine votes were needed to be declared winner. Ballot #1 results: Dick Miller – 5, George Brandt – 5, Ernest Vold – 7. Ballot #2 results: Dick Miller – 6, George Brandt – 4, Ernest Vold – 7. Ballot #3 results: Dick Miller – 8, George Brandt – 2, Ernest Vold – 7. Brandt then withdrew his nomination. Ballot #4 results: Dick Miller – 10 and Ernest Vold -7. Dick Miller was declared the County Board Chair. He thanked everyone for their support and opened the floor for vice chair nominations. John Aasen nominated Michael Nelson and Michelle Haines nominated Douglas Winters. Chair Miller called for nominations three more times. John Aasen made a motion to close the nominations and Wayne Skroch seconded it. Motion carried

unanimously. Both nominees briefly spoke as to why they would like to be the vice chair. Richard Frey and Jeanne Nutter distributed and collected the ballots. Again, Clerk Syverson read the ballots aloud and the recording secretary tallied the votes. Ballot #1 results: Michael Nelson – 8 and Douglas Winters – 9. Winters was declared the winner of the vice chair position. He thanked everyone for their vote.

ADOPTION OF RULES OF PROCEDURE OF THE TREMPLEAU COUNTY BOARD:

Rob Reichwein made a motion to approve the resolution and Ernest Vold seconded it. Olin Fimreite made a motion to create an Ethics Committee, made up of citizen members who have no connection to any County Board Supervisor and the committee would oversee all elected and appointed members. John Aasen seconded it. Rian Radtke, Corporation Counsel referred to WI Stat.19.59 regarding local elected officials. Rian said if the board is interested in establishing an Ethics Committee then they should create an Ethics Ordinance. He then explained the current procedure to report an ethics complaint and recommended referring this back to committee. Much discussion held. Rob Reichwein made a motion and Richard Frey seconded it to refer this to Executive/Finance Committee to review and consider the creation of an ethics ordinance. Voice vote taken; motion carried unanimously. George Brandt handed out a proposal with several suggested changes. He made a motion on Rule #18 to add “or a roll call vote” and Wade Britzius seconded it. Richard Frey referred to Roberts Rules of Order and parliamentary procedures and said this addition was not necessary because any member can already call for a roll call vote. Rian Radtke agreed with Frey. Voice vote taken, motion carried. George Brandt made a motion to strike Rule #22, section (5), subsection (a) and John Aasen seconded it. Discussion held. Voice vote taken; motion carried unanimously. George Brandt made a motion to add language under subsection (a) to read “No County Board Supervisor or non-board citizen committee member shall serve on a committee if a relative is an employee in a department governed by such committee” and Tim Zeglin seconded it. Discussion was held. Voice vote taken; motion carried. George Brandt made a motion to strike Rule #22, section (6) and add the following language: “Committee meeting agendas are the responsibility of the committee chair and department head. Committee members may request items be placed on the agenda prior to the scheduled meeting” and Rob Reichwein seconded it. Discussion held. George Brandt made a motion and Rob Reichwein seconded it to substitute the word “request” with “submit”. Voice vote taken; motion carried unanimously. Voice vote was taken on County Board rules as amended, motion carried unanimously.

OPEN MEETING LAW/ETHICS – RIAN RADTKE: Rian talked about ethics with the supervisors. He said each member needs to be aware of what they, their family, or the organizations they belong to do, and how it may affect their vote and to consider if there would a financial gain by how they voted for themselves, their family or any organizations they belong to. He discussed if conflict does come up and the proper procedures with it. He reminded all supervisors to talk to him if any situation comes up so he can give an opinion as to their involvement level.

ELECTIONS/APPOINTMENTS – HIGHWAY COMMITTEE ELECTION: Chair Miller accepted nominations for the Highway Committee. John Aasen nominated Michael Nelson, Michael Nelson nominated Curtis Skoyen. Rob Reichwein nominated Douglas Winters, Curtis Skoyen nominated John Aasen, Michelle Haines nominated Ernest Vold, Olin Fimreite nominated Wayne Skroch. The chair called for nomination three more times, hearing none, Rob Reichwein made a motion to close nominations and Michel Nelson seconded it. Motion carried unanimously to close. Richard Frey and Jeanne Nutter handed out and collected the ballots. The Clerk reminded everyone to sign this ballot otherwise it wouldn’t count and a minimum of nine votes were needed. The clerk read the ballots aloud and the recording secretary tallied the votes. Results of ballot #1: Michael

Nelson – 15, Curtis Skoyen – 11, Douglas Winters – 14, John Aasen – 15, Ernest Vold – 12, and Wayne Skroch – 8. Several ballots were not counted because of a lack of signature. Nelson, Skoyen, Winters, Aasen and Vold were elected to the new Highway Committee.

ADOPTION OF THE AMENDED AGENDA: It was moved by Wayne Skroch and seconded by Curtis Skoyen to adopt the 16 item amended agenda. Chair Miller asked that item 10 (E) and resolution 2014-04-01 be moved up. Motion carried unanimously by vote of acclamation to approve the amended agenda and rearranged as requested.

FRIENDS OF PUBLIC HEALTH AWARDS – SHERRY RHODA: Sherry Rhoda presented certificates of appreciation to Dr. Selkurt, who has served as the medical advisor and the physician citizen member on the Board of Health for over 20 years. She presented Pamela Nelson with a certificate of appreciation for serving as a nurse on the Board of Health and for volunteered time. She presented Eric Haas with a certificate for being a community member who has served on the Local Emergency Planning Committee and represents businesses regarding preparedness issues and has worked repeatedly with the Health Department. Sherry also presented Bonnie Kindschy, Trempealeau County Coroner, with a certificate of appreciation for offering CPR recertification training while bringing in her own equipment, working on preparedness issues and is very supportive of all the efforts of the Health Department.

**2014-04-01
RESOLUTION**

ORDINANCE FOR THE REZONE OF LAND IN TOWN OF PRESTON

WHEREAS William L. Lambright and Martha Lambright, Property owner in the Town of Preston have requested the rezone of a parcel of land, and

WHEREAS the rezone is on approximately one acre, more or less

WHEREAS a public hearing was held pursuant to Section 59.69 (5) of Wisconsin Statutes, and

WHEREAS the Town of Preston supports the rezone request, and

WHEREAS the Environment and Land Use Committee moved to rezone this parcel from Exclusive Agriculture 2 (EA2) to Commercial (C) and it appears that the zoning change request is appropriate under the circumstances,

THEREFORE BE IT RESOLVED that the County adopt the attached Ordinance amending the zoning district boundaries as indicated.

Dated this 15th day of April, 2014, at Whitehall, Wisconsin

Respectfully submitted,
/s/ George Brandt
/s/ Michael Nelson
/s/ Kathy Zeglin
ENVIRONMENT & LAND USE
COMMITTEE

(Ordinance is on file in the County Clerk's Office)

It was moved by John Aasen and seconded by Olin Fimreite to adopt the resolution. Kevin Lien, Director of Land Management, said the Town of Preston sent a letter of support. Roll call taken; motion carried with 17 yes votes; resolution adopted.

ORDINANCE

REZONE OF A PARCEL IN THE TOWN OF PRESTON

The County Board of Supervisors of the County of Trempealeau does ordain as follows:

The zoning districts for Trempealeau County and zoning map shall be amended to show that the following described real estate is rezoned from Exclusive Agriculture 2 (EA2) to Commercial (C).

Located in part of the NE ¼ of the SE ¼, Section 34, T22N, R7W, Trempealeau County, WI and described as: Starting at the East quarter corner of said Section 34; then S00°09'14"W along the east line of said Section 34 640.46 feet to the point of beginning; then continuing S00°09'14"W 164.80 feet; then N87°43'30"W 264.50 feet; then N00°09'14"E 164.80 feet; then S87°43'30"E 264.50 feet to the point of beginning. Containing approximately one acre, more or less

APPEARANCES: SHERIFF DEPARTMENT MONTHLY REPORT: Sheriff Anderson gave the statistics for March. There were 76 bookings consisting of 61 males and 15 females. Bookings by race were 61 White, 1 Black, 9 Hispanic, 2 Asian and 3 Native Americans. The average daily in county population was 28.03 and the out of county average was 2.74 and there were 7.77 people on electronic monitoring. There were also 2.32 people on Huber. The accident data reported was 13 car/deer crashes, 13 with property damage, 4 personal injuries and no fatalities. Sheriff Anderson invited the new county supervisors to come and see how his department works. Taavi McMahan, District Attorney, also introduced himself at this time and reported that he and the Sheriff's office are reaching out to schools and the community regarding the growing problem with opiate usage in the county.

Chair Miller recessed the meeting at 12:45 p.m. for lunch.

Chair Miller reconvened the meeting of the Trempealeau County Board of Supervisors. Roll was called. A quorum was met with 13 supervisors present. Coming in after the roll was called was Sally Miller, Wade Britzius, Michelle Haines and Olin Fimreite.

HIGHWAY PETITIONS: Clerk Syverson read the petitions from all 15 townships requesting \$400,000 in County Aid for one or several roads in each township.

PARLIMENTARY PROCEDURE AND OPEN MEETING LAW – RIAN RADTKE: Rian informed the supervisors that they are meeting for a governmental purpose. He reminded them that half of a committee is considered a quorum and went into detail on negative quorums and walking quorums. He also covered open meeting rules and laws and notices for the public. He suggested that each supervisor read the minutes over carefully. He also covered closed session, proper notices and violations. Supervisor Britzius asked if it would be possible to present the parliamentary procedure at next month's meeting. It was agreed to have Rian present that portion next month.

CERTIFICATES OF APPRECIATION (6): Clerk Syverson read six resolutions of recognition in honor of Arild Engeliem, Jay Low, Tom Bice, David Suchla, David Larson and Hensel Vold for their years of service on various committees, boards and commissions.

PROCLAMATION – LAW DAY: Clerk Syverson read the proclamation proclaiming April 30, 2014 as Law Day.

HIGHWAY DEPARTMENT UPDATE – JIM JOHNSON: Jim gave the Highway Department update for the winter of 2013 and 2014. They used 5,848 ton of salt and 4,200 gallons of liquid salt and magnesium chloride for state roads. For the County usage it was 2,100 ton and sand/salt mixture while the municipalities used 8,917 ton of sand/salt. As for prices for the upcoming road work season, paving mix is up 1.5%, sealcoat oil is up 8%, steel culvert prices are up 3.5% and plastic culvert pricing is down 9%. They have a centerline painting contract for \$506,700 with the DOT. Paving county highways depends on funding. There will be a detour between Beaches Corner and Galesville from the middle of June through the end of August. There is also a portion of Highway 93 being detoured.

COMMITTEE APPOINTMENTS: Jami handed out the list committees which the new supervisors now make up. She said when each committee meets for the first time, new Chair, Vice Chair and Secretary positions will need to be voted on and then she will send out an updated list to all supervisors and departments with that information as well.

**2014-04-02
RESOLUTION**

REVISE COMPREHENSIVE ZONING ORDINANCE CHAPTER 4.09 (3)

WHEREAS the state budget for the 2013-14 biennium, 2013 Wisconsin Act 20, was published on July 1, 2013 and became law the next day, and

WHEREAS a new statute was passed as part of the state budget, Wis. Stat. § 66.0404, that limits local control over the siting of mobile service/cell towers, and

WHEREAS, the current regulating of Communication Towers, Antennas, Transmitters within Chapter 4.09 (3) is not in conformity with § 66.0404, creating an unenforceable ordinance, and

WHEREAS revisions were made to meet the newly established fees, limitations, and review protocol for applicants as written in § 66.0404, and

WHEREAS a public hearing was held on February 13, 2014 pursuant to Section 59.69 (5) of Wisconsin Statutes with opportunity for public input/discussion, and

WHEREAS the proposed ordinance revisions will bring the Communication Towers, Antennas, Transmitters Chapter 4.09 (3) into compliance under § 66.0404.

NOW THEREFORE BE IT RESOLVED that the Trempealeau County Board of Supervisors adopt the attached revised Chapter 4.09 (3) of the Trempealeau County Comprehensive Zoning Ordinance.

Dated at Whitehall, Wisconsin this 15th day of April 2014

Respectfully submitted,
/s/ George Brandt
/s/ Michael Nelson
/s/ Kathy Zeglin
ENVIRONMENT & LAND USE
COMMITTEE

(Ordinance is on file in the County Clerk's Office)

It was moved by George Brandt and seconded by Olin Fimreite to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

4.09 Miscellaneous use requirements.

(3) Communication towers, antennas, transmitters.

(a) A land use permit shall not be required for communication towers which do not exceed 35 feet in height. A conditional use permit shall be required for all communication towers greater than 35 feet but less than 70 feet in height in the R-8, R-20, C, and IND districts. A conditional use permit shall be required for all communication towers 70 feet or greater in height. See Section 2.05 "Table of Uses".

(b) Application. To avoid the needless proliferation of communication towers, the application for any new commercial communication tower shall be accompanied by the following in addition to information required in Section 10.04:

1. Statements from the owners/operators of existing communication towers in Trempealeau County that the proposed commercial uses cannot be accommodated on the existing towers. This requirement shall not apply to towers not needing a land use permit or conditional use permit.

2. A map showing a proposed grid for the location of any future towers in Trempealeau County.

3. A statement from the owner/operator that such tower will be constructed to accommodate at least two additional communication facilities, and that such additional facilities will be made available to commercial users at competitive rates. This requirement may be waived by the Zoning Committee.

4. A plan for abandonment of the communication tower, together with such surety as the committee may require to cover the cost of abandonment should the owner default.

(c) Lighting or painting of towers shall conform to all FAA standards. Flashing or strobe type lights shall only be installed if required by FAA regulations and if specified in the application. Strobe lights shall not be used during hours of darkness.

(d) Ancillary uses and structures associated with the tower, such as receivers, transmitters, other equipment, sheds, buildings, guy wires, lighting and fences, shall be included in the application.

(e) There shall be no change in the height of the tower, lighting or lighting intensity, facility use, or other changes in a tower or related structure unless a new land use permit or modification to the conditional use permit is obtained.

(f) Setbacks from all property lines for all towers except noncommercial towers less than 100 feet shall be a minimum of fifty feet plus the height of the tower. For noncommercial towers less than 100 feet the setback from all property lines shall be the height of the tower plus 10% of the height of the tower. All guy wires, supports, or structures associated with a communication tower shall be at least fifty feet from any adjoining property line. The height of communication towers shall include all antennas and other equipment.

(g) Towers and antennas exceeding 200 feet in height shall be subject to the following:

1. Security. The base of towers or antennas at the point of entry into the earth shall be enclosed within security fencing. Any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward.

2. Access. The service drive providing access to the facility shall be the minimum necessary to provide maneuverability for service or emergency vehicles.

(3) Mobile Tower Siting Regulations

(a) DEFINITIONS. All definitions contained in s. 66.0404(1), Wis. Stat. are hereby incorporated by reference.

- (1) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) "Application" means an application for a permit under this section to engage in an activity specified in sub. (3)(b),(c), or (d).
- (3) "Building permit" means a permit issued by the county that authorizes an applicant to conduct construction activity that is consistent with the county's building code.
- (4) "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- (5) "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- (6) "Collocation" means class 1 or class 2 collocation or both.
- (7) "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (8) "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (9) "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the county.
- (10) "Fall zone" means the area over which a mobile support structure is designed to collapse.
- (11) "Mobile service" has the meaning given in 47 USC 153(33).
- (12) "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
- (13) "Mobile service provider" means a person who provides mobile service.
- (14) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.
- (15) "Permit" means a permit, other than a building permit, or approval issued by the county which authorizes any of the following activities by an applicant:
- a. A class 1 collocation.
 - b. A class 2 collocation.
 - c. The construction of a mobile service support structure.
- (16) "Public utility" has the meaning given in s. 196.01(5), Wis. Stat.
- (17) "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (18) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
- a. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
 - b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
 - c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
 - d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- (19) "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (20) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d), Wis. Stat.; public utility, as defined in s. 196.01(5), Wis. Stat.; telecommunications utility, as defined in s. 196.01 (10), Wis. Stat.; political subdivision; or cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for

telecommunications service, as defined in s. 182.017(1g)(cq), Wis. Stat.; for video service, as defined in s. 66.0420 (2) (y), Wis. Stat.; for electricity; or to provide light.

(b) NEW CONSTRUCTION OF MOBILE SERVICE SUPPORT STRUCTURES

(1) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities.

(2) A written permit application must be completed by any applicant and submitted to the county. The application must contain the information required in 10.04 and the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

e. An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

f. A statement from the applicant that such mobile service support structure will be constructed to accommodate at least two additional mobile service facilities, and that such additional facilities will be made available to commercial users at competitive rates.

g. A plan for abandonment of the mobile service support structure, together with such surety as the county may require to cover the cost of abandonment should the structure be abandoned.

(3) A permit application will be provided by the county upon request to any applicant.

(4) If an applicant submits to the county an application for a permit to engage in an activity described in this section, which contains all of the information required under this ordinance, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(5) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90 day period:

a. Review the application to determine whether it complies with all applicable aspects of the county's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(6) The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (b)(2)e.

(7) If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, then the zoning ordinance establishing such setback does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

(8) Lighting or painting of mobile service support structures shall conform to all FAA standards. Flashing or strobe type lights shall only be installed if required by FAA regulations and if specified in the application. Strobe lights shall not be used during hours of darkness.

(9) Mobile service support structures which exceed 200 feet in height shall be subject to the following:

a. Security. The base of structures at the point of entry into the earth shall be enclosed within security fencing. Any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward.

b. Access. The service drive providing access to the structure shall be the minimum necessary to provide maneuverability for service or emergency vehicles.

(10) The fee for the permit is \$1,500.00.

(c) CLASS 1 COLLOCATION.

(1) A conditional use permit is required for a class 1 collocation.

(2) A written permit application must be completed by any applicant and submitted to the county. The application must contain the information required in 10.04 and the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. A construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(3) A permit application will be provided by the county upon request to any applicant.

(4) If an applicant submits to the county an application for a permit to engage in an activity described in this section, which contains all of the information required under this ordinance, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(5) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90 day period.

a. Review the application to determine whether it complies with all applicable aspects of the county's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(6) If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, then such ordinance establishing a setback does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

(7) The fee for the permit is \$1,500.00.

(d) CLASS 2 COLLOCATION

(1) A class 2 collocation is a permitted use in the county but still requires the issuance of the county land use permit.

(2) A written permit application must be completed by any applicant and submitted to the county. The application must contain the information required in 10.01 and the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

(3) A permit application will be provided by the county upon request to any applicant.

(4) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(5) If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(6) *Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 45 day period:*

a. Make a final decision whether to approve or disapprove the application.

b. Notify the applicant, in writing, of its final decision.

c. If the application is approved, issue the applicant the relevant permit.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(7) *The fee for the permit is the lesser of \$500.00 or the amount charged by the County for a building permit for any other type of commercial development or land use development.*

(e) *LIMITATIONS*

(1) *The county may not (mandatory) do any of the following:*

a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

b. Charge a mobile radio service provider any recurring fee for an activity described in sub. (3)(b),(c), or (d).

c. Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

d. Disapprove an application to conduct an activity described under sub. (3)(b) or (c) based solely on aesthetic concerns.

e. Disapprove an application to conduct an activity described under sub. (3)(d) on aesthetic concerns.

f. Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the county which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

g. Prohibit the placement of emergency power systems.

h. Require that a mobile service support structure be placed on property owned by the county.

i. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

j. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the county at less than the market rate, or to provide the county other services via the structure or facilities at less than the market rate.

k. Limit the duration of any permit that is granted.

L. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

m. Disapprove an application based on an assessment by the county of the suitability of other locations for conducting the activity.

n. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

o. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

p. Consider an activity a substantial modification under sub. (a)(18)a. or b. if a greater height is necessary to avoid interference with an existing antenna.

q. Consider an activity a substantial modification under sub. (a)(18)c. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

r. Limit the height of a mobile service support structure to under 200 feet.

s. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the county in connection with the county's exercise of its authority to approve the application.

t. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the county to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the county or an entity in which the county has a governance, competitive, economic, financial or other interest

**2014-04-03
RESOLUTION**

ANIMAL WASTE MANAGEMENT ORDINANCE

WHEREAS the Trempealeau County Land Conservation Committee adopted the Animal Waste Management Ordinance on October 21, 1986 to protect ground and surface water for the essential health, safety and welfare of the County's citizens, farms, businesses and industries, and

WHEREAS the County Board Rules authorize the County Board's Environment and Land Use Committee to prepare and submit ordinance revisions for comprehensive zoning, and

WHEREAS the Environment and Land Use Committee has determined that the proposed Animal Waste Management Ordinance changes would be in the best interest of the health, safety and welfare of County residents and would better protect the County's Land and Water resources, and

WHEREAS the Environment and Land Use Committee conducted a public hearing on March 19, 2014 on the proposed ordinance revisions pursuant to Section 59.69(5) of Wisconsin Statutes and there was no opposition provided by the public to the proposed ordinance revisions.

NOW THEREFORE BE IT RESOLVED that the Trempealeau County Board of Supervisors adopt the attached revised Animal Waste Management Ordinance.

Dated at Whitehall, Wisconsin this 15th day of April 2014

Respectfully submitted,
/s/ George Brandt
/s/ Michael Nelson
/s/ Kathy Zeglin
ENVIRONMENT & LAND USE
COMMITTEE

(Ordinance is on file in the County Clerk's Office)

It was moved by Wayne Skroch and seconded by George Brandt to adopt the resolution. Kevin Lien explained the changes. Roll call taken; motion carried with 17 yes votes; resolution adopted.

ORDINANCE

SECTION 1

Introduction

1.01 Authority

This ordinance is adopted by the County Board under the authority granted by Sections 59.70(1) and 92.16, Wisconsin Statutes.

1.02 Title

This ordinance shall be known as, referred to, and may be cited as the Trempealeau County Animal Waste Management Ordinance and is hereinafter referred to as the ordinance.

1.03 Findings and Declaration of Policy

The Trempealeau County Board of Supervisors finds that storage of animal waste in storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Trempealeau County, and may result in actual or potential harm to the health of county residents and transients;

to livestock, aquatic life and other animals and plants; and to the property tax base of Trempealeau County; The Trempealeau County Board of Supervisors also finds that improper management of animal waste storage facilities, and utilization, including land application, of stored animal waste, may cause pollution of the ground and surface waters of Trempealeau County.

The Trempealeau County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resources Conservation Service and adopted by the Trempealeau County Environment and Land Use Committee provide effective, practical, and environmentally safe methods of storing [and utilizing] animal waste.

1.04 Purpose

The purpose of this ordinance is to regulate the location, design, construction, installation, alteration, closure, transfer of ownership and use of animal waste storage facilities, and the application of waste from these facilities in order to prevent water pollution and hereby protect the health of Trempealeau County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Trempealeau County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

1.05 Applicability

This ordinance applies to the entire geographical area of Trempealeau County.

1.06 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Trempealeau County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 Severability Clause

If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

1.08 Effective Date

This ordinance shall become effective upon its adoption by the Trempealeau County Board of Supervisors and publication.

SECTION 2

Definitions

1. "Animal Waste" means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal waste handling operations.
2. "Animal Waste Storage Facility" means a concrete, steel, or otherwise fabricated structure, or an excavated or earthen impoundment used for temporary storage of animal waste or other organic waste.
3. "Applicant" means any person who applies for a permit under this ordinance.
4. "Closure" means when a manure storage facility ceases operation or manure has not been added or removed from the facility for a period of 24 months.
5. "Earthen Animal Waste Storage Facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.
6. "Permit" means the signed, written statement issued by the (administrative authority) under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an animal waste storage facility, and to use or dispose of waste from the facility.
 7. "Permit Holder" means any person to whom a permit is issued under this ordinance.
8. "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

9. *“Substantially Alter” means a change initiated by the permit holder that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a structure or facility including replacement of a liner in a manure storage structure, and an increase in the volumetric capacity or area of a structure or facility by greater than 20% or a change in a structure or facility related to a change in livestock management from one species of livestock to another, such as cattle to poultry.*
10. *“Technical Guide” means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide as adopted by the Trempealeau County Environment and Land Use Committee.*
11. *“Transfer of Ownership” means the purchase, re-organization, re-titling, donation or other change in property ownership requiring filing of a deed at the County Register of Deeds Office.*
12. *“Water Pollution” means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.*

SECTION 3

Activities Subject to Regulation

3.01 General Requirement

Any person who constructs, installs, reconstructs, enlarges, substantially alters, closes or transfers ownership of an animal waste storage facility; or who employs another person to do the same, on land subject to this ordinance, shall be subject to the provisions of this ordinance.

3.02 Compliance with Permit Requirements

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, receives a permit from the Department of Land Management before beginning activities subject to regulation under this section, and complies with the requirements of the permit.

SECTION 4

Standards

4.01 Standards for Animal Waste Storage Facilities

The standards for design and construction of animal waste storage facilities are those in standards 313, 367 and 634 of the field office technical guide.

4.02 Standard for Animal Waste Management and Utilization

The standards for management of animal waste facilities and utilization of animal waste are those within standard 590 of the field office technical guide.

4.03 Standard for Closure of Waste Impoundments

The standards for design and construction of an animal waste storage facility closure are those within standard 360 of the field office technical guide.

Closure shall take place when operation ceases use for 24 months or an alternative use has been pre-approved by the Department of Land Management.

4.04 Temporary, Unconfined Stacks of Manure and Derivatives Outside the Animal Production Area

The specific criteria for temporary, unconfined stacks of manure and derivatives outside the animal production area are those within the 313 standard – table 10.

SECTION 5

Application for and Issuance of Permits

5.01 Permit Required

No person may undertake an activity subject to this ordinance without obtaining a permit from the Department of Land Management prior to beginning the proposed activity.

5.02 Exception to Permit Requirement

Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. If repairs will substantially alter the original design and construction of the facility, a report shall be made to the Department of Land Management within (1) day of the emergency for a determination by the Department of Land Management on whether a permit will be required for any additional alteration or repair to the facility. The Department of Land Management's determination shall be rendered within (3) days of the reporting.

5.03 Fee

Permit fees which apply to this ordinance are established by the Trempealeau County Environment and Land Use Committee and are listed in the Trempealeau County Department of Land Management fee schedule. Copies of the current fee schedule shall be kept on file at the Trempealeau County Department of Land Management.

5.04 Animal Waste Storage Facility Plan Required

Each application for a permit under this section shall include an animal waste storage facility plan. The plan shall specify:

- 1. The number and kinds of animals for which storage is provided.*
- 2. A sketch of the facility and its location in relation to buildings within 250 feet and homes within 500 feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than 1 inch = 50 feet.*
- 3. The structural details, including dimensions, cross sections, and concrete thickness.*
- 4. The location of any wells within 300 feet of the facility. The setback for a waste storage structure from a well must meet the 313 Standard.*
- 5. The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.*
- 6. The setback for a waste storage structure - 350 feet from any property line, or within 350 feet of the nearest point of any public right-of-way, per ATCP 51.12 (2).*
- 7. The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.*
- 8. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within 300 feet of the facility, the location and distance to the body of water shall be shown.*
- 9. The scale of the drawing and the north arrow.*
- 10. A time schedule for construction of the facility.*
- 11.-A description of the method in transferring animal waste into and from the facility.*
- 12. An emergency response plan identifying the names and phone numbers of individuals or others to be notified in the event of any leaks, spills or other system failures that could discharge manure.*
- 13. Plans for utilization of the animal waste, including the amount of land available for application of waste, identification of the areas where the waste will be used, soil types and any limitations on waste application due to soil limitations, type and proximity of bedrock or water table, slope of land, and proximity to surface water.*

5.05 Application for Manure Storage Facility Closure - Requirements

Any application for the closure of a manure storage facility shall include the following:

- 1. Provisions to remove and properly dispose of all accumulated wastes in the manure facility.*
- 2. Provisions to remove any concrete or synthetic liner or properly use pieces of the concrete or synthetic liner as clean fill at the site.*
- 3. Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.*
- 4. Provisions to remove any soils, to the depth of significant manure saturation or two (2) feet, whichever is less, from the bottom and sides of a facility without a constructed liner.*

5.06 Application for a Transfer of Ownership Permit - Requirements

Any application for the transfer of ownership of a permit shall include the following:

1. Any available designs, plans or construction documents from the original installation.
2. Proposed livestock operation details.
3. An inspection and determination of adequacy performed by the Department of Land Management Staff or by a private engineer that includes an inspection of all transfer and storage components of the system. This inspection may require the emptying and cleaning of the storage facility and the possible testing of lining materials to determine plasticity and strength. All joints and seams shall be watertight. Costs incurred to prove the adequacy of an existing facility will be the responsibility of the present owner. Existing facilities determined not to provide adequate resource protection will be required to be brought into compliance with the current 313 or 634 standard or closed.

5.07 Review of Application

The Department of Land Management shall receive and review all permit applications. The Department of Land Management shall determine if the proposed facility meets required standards set forth in Section 4 of this ordinance. Within 30 days after receiving the completed application and fee, the Department of Land Management shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department of Land Management shall so notify the permit applicant. The Department of Land Management has 30 days from the receipt of the additional information in which to approve or disapprove the application.

5.08 Permit Conditions

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

1. Animal Waste Storage Facility design, construction, management, and utilization activities shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 4 of this ordinance.
2. The permit holder shall give 2 working days notice to the Department of Land Management before starting any construction activity authorized by the permit.
3. Approval in writing must be obtained from the Department of Land Management prior to any modifications to the approved animal waste facility plan.
4. The permit holder and, if applicable, the contractor, shall certify in writing that the facility was installed or that the closure was completed as planned.
Activities authorized by permit must be completed within 2 years from the date of issuance after which such permit shall be void.

5.09 Permit revocation

The Department of Land Management may revoke any permit issued under this ordinance if the permit holder has misrepresented any material fact in the permit application or animal waste facility plan, or if the permit holder violates any of the conditions of the permit.

SECTION 6

Administration

6.01 Delegation of Authority

Trempealeau County hereby designates the Department of Land Management to administer and enforce this ordinance.

6.02 Administrative Duties

In the administration and enforcement of this ordinance, the Department of Land Management shall:

1. Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
2. Review permit applications and issue permits in accordance with Section 5 of this ordinance.
3. Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications.
4. Investigate complaints relating to compliance with the ordinance.

5. Perform other duties as specified in this ordinance.

6.03 Inspection authority

The Department of Land Management is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permit holder, entry by the Department of Land Management shall be according to Section 66.0119, Wis. Stats.

6.04 Enforcement Authority

The Department of Land Management is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance within 5 days. Any permit revocation or order stopping work shall remain in effect unless retracted by the Board of Adjustment or by a court of general jurisdiction; or until the activity is brought into compliance with the ordinance. The Department of Land Management is authorized to refer any violation of this ordinance or of any order stopping work issued pursuant to this ordinance to the corporation counsel office for commencement of further legal proceedings.

SECTION 7

Violations

7.01 Penalties

Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of not more than \$200.00 plus costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

7.02 Enforcement of Injunction

As a substitute for or an addition to forfeiture actions, Trempealeau County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

SECTION 8

Appeals

8.01 Authority

The Trempealeau County Board of Adjustment, created under Section 59.694, Wis. Stats., and under Section 9.02 of the County Comprehensive Zoning Ordinance, and acting as an appeal authority under Section 59.694(7)(a), Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Department of Land Management in administering this ordinance.

8.02 Procedure

The rules, procedures, duties, and powers of the Board of Adjustment pursuant to Section 59.694, Wisconsin Statutes, shall apply to this ordinance.

8.03 Who May Appeal

Appeals may be taken by any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made by the Department of Land Management.

**2014-04-04
RESOLUTION**

2013 DEPARTMENTAL OVERRUNS

WHEREAS the expenditure of funds exceeding those provided in the budgeting process or by resolution of the County Board is contrary to the Wisconsin Statutes, and

WHEREAS various departments have reviewed appropriations, expenditures and possible overdrafts in their respective accounts, and

WHEREAS the following departments were presented to the Executive & Finance Committee showing deficits in their accounts

NOW THEREFORE BE IT RESOLVED that funds be transferred from the County Unassigned General Fund to the following accounts in the amounts as noted.

51312	Diversion Coordinator	\$6,065.31
51415	Spec. Accounting & Audit	\$5,536.00
51430	Human Resources	\$4,693.52
51450	Data Processing (IT)	\$6,228.37
51530	Assessment of Property	\$33.60
51710	Register of Deeds	\$5,362.77
55200	Parks	\$9,552.10
	Total	\$37,471.67

Dated this 15th day of April, 2014 at Whitehall, Wisconsin

Respectfully submitted,
/s/ Ernest Vold
/s/ Tom Bice
/s/ Michael Nelson
/s/ David Suchla
/s/ John Aasen
EXECUTIVE/FINANCE COMMITTEE

It was moved by John Aasen and seconded by Ernest Vold to adopt the resolution. The Clerk explained the various reasons why the departments were over budget in 2013. The Diversion Coordinator budget had to pay back the state so it was a timing issue. For the Special Accounting & Auditing account, they are charging more for audits. Under the Human Resources account, recruiting expenses have jumped greatly with lots of positions continually opening up. Under the Data Processing (IT) account, they supply all offices with ink and toners which went up in usage. They also replaced a number of printers that they hadn't anticipated. The Assessment of Property account is over because of mileage to meetings. The Register of Deeds account is over because of a leak from the jail above them on second floor leaking down on their records and flooring. The Parks

account is over because of a heating system, and dump station and a water softener installed. The Clerk said the Coroner and Maintenance need to come back to Executive/Finance Committee to explain why they are over budget for 2013. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2014-04-05
RESOLUTION**

CARRYOVER 2013 VETERANS SERVICE FUNDS

WHEREAS the 2013 Budget for Veterans Services included funding for the Retirement Payout of Vacation and Sick Leave for the Veteran Services Director, and

WHEREAS the Veteran Services Director did not retire in 2013, so the funding was not utilized in 2013, and

WHEREAS carrying over these balances to the Veteran Services 2014 Budget would avoid levying again for these payouts

NOW THEREFORE BE IT RESOLVED that the balance of the 2013 Sick Leave payout and the Vacation payout funding in the amount of \$12,483.31 and \$3,120.83, respectively be carried over to the 2014 Budget (101.54702.191 and 101.54702.192) for the purpose of paying out retirement benefits for the Veterans' Service Director.

Dated at Whitehall, Wisconsin, this 15th day of April, 2014

Respectfully submitted,
/s/ Michael Nelson
/s/ Ernest Vold
/s/ John Aasen
EXECUTIVE/FINANCE COMMITTEE

It was moved by Olin Fimreite and seconded by John Aasen to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2014-04-06
RESOLUTION**

Compensation of Condemnation Commissioners

WHEREAS a resolution was adopted on January 15th, 1979 establishing the compensation for County Condemnation Commissioners, and

WHEREAS Section 32.08(4) of the Wisconsin Statutes provides that County Condemnation Commissioners shall be compensated for actual service at an hourly rate fixed by the County Board, and

WHEREAS the hourly rate of pay of \$7.50 has not been adjusted since 1979, and

WHEREAS factoring the inflation rate to the 1979 hourly wage of \$7.50 would result in a \$24.25 per hour equivalent in 2014, and

WHEREAS it would be in the best interests of Trempealeau County to adjust the hourly rate for County Condemnation Commissioners when all County employees wages are established

NOW THEREFORE BE IT RESOLVED that the hourly rate of pay for County Condemnation Commissioners be set at \$24.25 for 2014

BE IT FURTHER RESOLVED that increases in the rate of pay shall be reviewed annually at the same time as other part-time county employees

AND BE IT FURTHER RESOLVED, that the mileage reimbursement shall be at the IRS rate, which is presently being done

Dated at Whitehall, Wisconsin this 15th day of April, 2014

Respectfully submitted,
/s/ Michael Nelson
/s/ Ernest Vold
/s/ John Aasen
EXECUTIVE/FINANCE COMMITTEE

It was moved by Ernest Vold and seconded by Wayne Skroch to adopt the resolution. Jami Kabus asked for clarification regarding the resolution language and how often pay increases should take place. Discussion held. John Aasen made a motion to change the resolution language from “rate of pay shall be established at the same time as increases for all other county employees” to “rate of pay shall be reviewed annually at the same time as other part time/fill-in employees” and Richard Frey seconded it. Voice vote taken on language change carried unanimously. Roll call taken on the resolution as amended; motion carried with 17 yes votes; resolution adopted.

**2014-04-08
RESOLUTION**

HIGHWAY AID UNDER SECTION 83.03

WHEREAS, Section 83.03, subsection (2), of the Statutes, provides that if any County Board shall determine to improve any portion of the County Trunk System of Perspective State Highways with County Funds, it may assess not more than Forty (40) per cent of such improvement against the town, village or city in which the improvement is located, provided the amount of such tax shall not exceed one thousand dollars (\$1,000.00) in any year, and

WHEREAS the County Clerk shall certify such tax to the town, village or City Clerk who shall put same in the tax roll to be collected and paid to the County Treasurer in the next year.

THEREFORE BE IT RESOLVED, that by virtue of the authority granted by Section 83.03, subsection (2), the following improvements be made on the County Trunk Highway System of Perspective State Highways:

<u>TOWN OF</u>	<u>ROAD</u>	<u>LOCAL</u>	<u>COUNTY</u>
Albion	County Trunks	\$ 1,000.00	\$ 1,500.00
Arcadia	County Trunks	1,000.00	1,500.00
Burnside	County Trunks	1,000.00	1,500.00
Caledonia	County Trunks	1,000.00	1,500.00
Chimney Rock	County Trunks	1,000.00	1,500.00
Dodge	County Trunks	1,000.00	1,500.00
Ettrick	County Trunks	1,000.00	1,500.00
Gale	County Trunks	1,000.00	1,500.00
Hale	County Trunks	1,000.00	1,500.00
Lincoln	County Trunks	1,000.00	1,500.00
Pigeon	County Trunks	1,000.00	1,500.00
Preston	County Trunks	1,000.00	1,500.00
Sumner	County Trunks	1,000.00	1,500.00
Trempealeau	County Trunks	1,000.00	1,500.00
Unity	County Trunks	1,000.00	1,500.00
<u>CITY OF</u>			
Arcadia	County Trunks	1,000.00	1,500.00
Blair	County Trunks	1,000.00	1,500.00
Galesville	County Trunks	1,000.00	1,500.00
Independence	County Trunks	1,000.00	1,500.00
Osseo	County Trunks	1,000.00	1,500.00
Whitehall	County Trunks	1,000.00	1,500.00
<u>VILLAGE OF</u>			
Eleva	County Trunks	1,000.00	1,500.00
Ettrick	County Trunks	1,000.00	1,500.00
Pigeon Falls	County Trunks	1,000.00	1,500.00
Strum	County Trunks	1,000.00	1,500.00
Trempealeau	County Trunks	1,000.00	1,500.00
		<u>\$26,000.00</u>	<u>\$39,000.00</u>

Dated this 15th day of April, 2014

Respectfully submitted,
 /s/ John Aasen
 /s/ Michael Nelson
 /s/ Curtis Skoyen
 /s/ David Larson
 /s/ Douglas Winters
 HIGHWAY COMMITTEE

It was moved by John Aasen and seconded by Jeanne Nutter to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2014-04-07
RESOLUTION**

SALE OF REAL ESTATE TO ORC INDUSTRIES, INC

WHEREAS in 1978, Trempealeau County acquired real estate located in the City of Arcadia and constructed a vocational rehabilitation building, which was originally utilized by Mississippi River Human Services Center, a private non-profit organization, for sheltered workshop services until the end of 1981;

WHEREAS in November, 1981, the Trempealeau County Board of Supervisors agreed to continue to make the vocational rehabilitation building available for a service provider to provide sheltered workshop services;

WHEREAS the County bid out vocational services and awarded the contract to ORC Industries, Inc. ("ORC"), commencing January 1, 1982, and ORC utilized the County's building to provide the services. Presently, the County no longer directly contracts for vocational services, but ORC continues to utilize the County's building for the purposes of vocational services;

WHEREAS in 1982, ORC entered into a verbal lease with the County whereby ORC agreed to do all remodeling, upkeep and maintenance, and pay insurance, in exchange ORC was allowed to use the building rent free. At present, ORC continues use the County's building under the same arrangement;

WHEREAS \$240,000 of the funds needed to construct the vocational rehabilitation building came from a federal grant and rest (\$18,481) was paid by the County. In 2009, the federal government released their interest in the property and the County is free to do with the property as it sees fit;

WHEREAS Trempealeau County desires to sell the vocational rehabilitation building/property to ORC for the sum of \$210,000.00

WHEREAS attached hereto is a WB-15 Commercial Offer to Purchase agreement which provides for the terms of the sale of said property

NOW THEREFORE BE IT RESOLVED that the Trempealeau County Board of Supervisors authorizes its Chairperson to sign the attached Commercial Offer to Purchase agreement binding the County to the terms of such agreement

BE IT FURTHER RESOLVED that the Trempealeau County Board of Supervisors authorizes the County Clerk to execute any deed necessary to convey the real estate in accordance with the Commercial Offer to Purchase agreement

Dated at Whitehall, Wisconsin, this 15th day of April, 2014

Respectfully submitted,
/s/ Michelle Haines
/s/ David Larson

/s/ Dick Miller
 /s/ David Suchla
 PROPERTY COMMITTEE

It was moved by Michelle Haines and seconded by Rob Reichwein to adopt the resolution. John Aasen made a motion and Jeanne Nutter seconded it to convene into closed session per WI Stat 19.85 (1) (e) to deliberate or negotiate or develop negotiating strategies regarding the sale or lease of the ORC building in Arcadia, requiring a closed session. Roll call taken; motion carried with 17 yes votes; they convened into closed session at 3:23 p.m. John Aasen made a motion and Michael Nelson seconded it to reconvene into open session at 3:53 p.m. Roll call taken; motion carried with 16 yes votes. Roll call taken on the resolution; motion carried with 16 yes votes; resolution adopted. Supervisor Wayne Skroch left during closed session.

**2014-04-09
 RESOLUTION**

HIGHWAY AID UNDER SECTION 83.14

WHEREAS the various Towns, hereinafter named, have filed petitions for County Aid for roads under the provisions of Section 83.14 of the Wisconsin Statutes

THEREFORE BE IT RESOLVED that said revised petitions are hereby granted and County appropriations for the year 2015 are made as follows:

<u>TOWN OF:</u>	<u>ROAD</u>	<u>LOCAL</u>	<u>COUNTY</u>	<u>TYPE OF WORK</u>
Albion	Norden Ridge	\$26,522.69	\$17,681.79	Reconstruct
Arcadia	Norway Valley	\$45,000.00	\$30,000.00	Seal Coat
	River Valley	\$51,592.76	\$34,395.18	Seal Coat
Burnside	Garlick	\$14,377.94	\$ 9,585.30	Seal Coat
Caledonia	Hess	\$30,561.75	\$20,374.50	Pave
Chimney Rock	Kolve Valley	\$11,993.11	\$ 7,995.40	Reconstruct
Dodge	Schmickle Valley	\$19,533.60	\$13,022.40	Resurface
Ettrick	Joe Coulee	\$24,061.88	\$16,041.26	Seal Coat
	Kittleson	\$18,263.87	\$12,175.91	Seal Coat
	Washington Coulee	\$15,654.72	\$10,436.48	Seal Coat
Gale	Crystal Valley	\$45,049.97	\$30,033.31	Reconstruct & Blacktop
Hale	Roskos	\$35,979.32	\$23,986.22	Over-Lay
	Steig	\$35,979.32	\$23,986.21	Over-Lay
Lincoln	Gierok	\$24,951.18	\$16,634.12	Reconstruct
Pigeon	Fly Creek	\$38,143.60	\$25,429.06	Reconstruct
Preston	Arneson Ridge	\$54,796.09	\$36,530.73	Grind, Rock & Pave
Sumner	Anderson	\$ 6,721.94	\$ 4,481.29	Seal Coat
	East Prairie Road	\$18,174.10	\$12,116.07	Seal Coat
Trempealeau	Bear Coulee	\$49,543.94	\$33,029.29	Construct, Widen & Pave
Unity	Chief Inn	\$33,098.22	\$22,065.48	Reconstruct
TOTALS		\$ 600,000.00	\$400,000.00	

Dated at Whitehall, Wisconsin, this 15th day of April, 2014

Respectfully submitted,
/s/ John Aasen
/s/ Michael Nelson
/s/ Curtis Skoyen
/s/ David Larson
/s/ Douglas Winters
HIGHWAY COMMITTEE

It was moved by Ernest Vold and seconded by Jeanne Nutter to adopt the resolution. Roll call taken; motion carried with 16 yes votes; resolution adopted.

**2014-04-10
RESOLUTION**

HIGHWAY DEPARTMENT TRANSFER FROM GENERAL FUND

WHEREAS the Trempealeau County Highway Department has had limited funds for highway maintenance and improvements, and

WHEREAS the costs of projects keep going up due to the increase cost of materials and fuel, and

WHEREAS traffic counts and the type of equipment using our road systems have changed over the years, have an adverse affect on our county highways, and

WHEREAS improvements such as overlays, reclaim and construction, wedging/rut filling, sealcoats, and pavement markings are important to maintain our highway system, and

WHEREAS with these improvements there will be significant improvement to the safety for vehicles and pedestrians on and along improved sections of county highways

NOW THEREFORE BE IT RESOLVED that \$550,000.00 be transferred from the Undesignated General Fund (Acct. 101.32100) to the 2014 Highway Department Budget (Acct. 701.53318.999) for the County Highway improvements.

Dated at Whitehall, Wisconsin, this 15th day of April, 2014

Respectfully submitted,
/s/ John Aasen
/s/ Michael Nelson
/s/ Curtis Skoyen
/s/ David Larson
/s/Douglas Winters
HIGHWAY COMMITTEE

/s/ Michael Nelson
/s/ John Aasen
/s/ Tom Bice
/s/ Ernest Vold
/s/ David Suchla
EXECUTIVE/FINANCE COMMITTEE

It was moved by Douglas Winters and seconded by Olin Fimreite to adopt the resolution. George Brandt said we need to have a formula for moving forward as to how to get a fund and how to keep it at \$1 million and then how to spend it. Discussion was held on other departments returning funds to help replenish the general fund. Richard Frey asked if the funding can wait for one to two months. Jim Johnson said it helps with planning and scheduling to know the money is there for future

spending. Richard Frey made a motion to table this until next month and Michael Nelson seconded it. Roll call taken; motion failed with 7 yes votes and 9 no votes. The no votes were Brandt, Aasen, Zeglin, Fimreite, Nutter, Skoyen, Vold, Winters and S. Miller. Jeanne Nutter made a motion and Tim Zeglin seconded it to refer it to Executive/Finance Committee for consideration to look at where the money is and bring it back next month. Roll call taken; motion carried with 9 yes votes and 7 no votes; resolution tabled. The no votes were Vold, Winters, Brandt, Aasen, Fimreite, Nelson and Skoyen.

**2014-04-11
RESOLUTION**

CLAIMS OF MEMBERS

Your Audit Committee hereby respectfully reports that they have audited the following claims and recommend that they be allowed as follows:

NAME	PER DIEM	EXPENSES	TOTAL
John Aasen	\$140.00	\$24.64	\$164.64
Tom Bice	\$0.00	\$0.00	\$0.00
George Brandt	\$140.00	\$99.68	\$239.68
Arild Engelién	\$140.00	\$107.52	\$247.52
Olin Fimreite	\$105.00	\$0.00	\$105.00
Michelle Haines	\$70.00	\$28.00	\$98.00
David Larson	\$140.00	\$100.80	\$240.80
Jay Low	\$0.00	\$0.00	\$0.00
Dick Miller	\$140.00	\$40.32	\$180.32
Sally Miller	\$0.00	\$0.00	\$0.00
Michael Nelson	\$140.00	\$51.52	\$191.52
Robert Reichwein	\$0.00	\$0.00	\$0.00
Curtis Skoyen	\$210.00	\$118.16	\$328.16
David Suchla	\$70.00	\$15.68	\$85.68

Ernest Vold	\$245.00	\$140.00	\$385.00
Douglas Winters	<u>\$70.00</u>	<u>\$64.96</u>	<u>\$134.96</u>
TOTALS	\$1,610.00	\$791.28	\$2,401.28
YTD Totals	\$5,545.00	\$2,612.37	\$8,157.37

Dated at Whitehall, Wisconsin, this 15th day of April, 2014

Respectfully submitted,
Ernest Vold
/s/ Douglas Winters
AUDIT COMMITTEE

It was moved by George Brandt and seconded by Jeanne Nutter to adopt the resolution. Roll call taken; motion carried with 16 yes votes; resolution adopted.

ANNOUNCEMENTS/APPOINTMENTS– Clerk Syverson read a letter from Lori Paulson, Housing Authority Executive Director, requesting the re-appointment of Curtis Johnson to the Board of Directors of the Housing Authority of Trempealeau County. Olin Fimreite made a motion and Ernest Vold seconded it supporting the re-appointment of Curtis Johnson. Voice vote taken; motion carried unanimously.

COMMITTEE REPORTS: EXECUTIVE /FINANCE COMMITTEE BUDGET UPDATE REPORT: Reports are on everyone’s desks for review.

CORRESPONDENCE: THANK YOU LETTER FROM ARCADIA PUBLIC LIBRARY: Clerk Syverson read a letter from the Arcadia Public Library thanking the county for the appropriation check they received.

CLOSING: It was moved by Ernest Vold and seconded by George Brandt to instruct the Clerk to pay mileage and per diem; roll call vote; motion carried with 16 yes votes.

ADJOURNMENT: Chair Miller declared the meeting adjourned at 4:29 p.m. until May 19, 2014 at 7:00 p.m.

Recording Secretary,
Mary Martin

Dist #	SUPERVISOR	PER DIEM	# Of MILES	MILEAGE
1	RICHARD FREY	\$70.00	62	\$34.72
2	DOUGLAS WINTERS	\$70.00	60	\$33.60
3	SALLY MILLER	\$70.00	52	\$29.12
4	WADE BRITZIUS	\$70.00	50	\$28.00
5	JON SCHULTZ	\$70.00	48	\$26.88
6	GEORGE BRANDT	\$70.00	34	\$19.04
7	ROBERT REICHWEIN	\$70.00	32	\$17.92
8	DICK MILLER	\$70.00	24	\$13.44
9	MICHELLE HAINES	\$70.00	25	\$14.00
10	JOHN AASEN	\$70.00	10	\$5.60
11	WAYNE SKROCH	\$70.00	10	\$5.60
12	TIMOTHY ZEGLIN	\$70.00	32	\$17.92
13	OLIN FIMREITE	\$70.00	2	\$1.12
14	MICHAEL NELSON	\$70.00	22	\$12.32
15	JEANNE NUTTER	\$70.00	28	\$15.68
16	CURTIS SKOYEN	\$70.00	33	\$18.48
17	ERNEST VOLD	<u>\$70.00</u>	<u>38</u>	<u>\$21.28</u>
	TOTALS	\$1,190.00	562	\$314.72