

**OFFICIAL MINUTES OF THE PROCEEDINGS OF THE
WAUSHARA COUNTY BOARD OF SUPERVISORS**

OCTOBER 15, 2019

The meeting was called to order at 7:00 p.m. by Chairperson Donna R. Kalata at the Waushara County Courthouse. County Clerk Megan Kapp conducted roll call. All were present: Supvs. Bonfiglio, Eckstein, Jarvis, Kalata, Kapp, Kerschner, King, Lauer, Peterman, Piechowski and Timm. A silent prayer was held, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Supv. Eckstein made a motion to approve the agenda as presented, seconded by Supv. Piechowski. The motion carried by voice vote.

APPROVAL OF MINUTES

Supv. Kapp moved to approve the minutes of the September 17, 2019, monthly County Board meeting; seconded by Supv. Jarvis. The motion carried by voice vote.

PUBLIC COMMENTS

Town of Leon resident Judy Newland spoke in support of the Winnefox Library System budget amendment. She listed various benefits of the libraries including book clubs, access to internet, printer and fax, documentaries, and overall access to information for the community.

Judy Harris from the Town of Marion handed out a letter from the League of Women Voters of the Ripon Area, addressing support for continued funding for the Community Resource Development Agent. Harris serves on various committees which have benefited by the agent's work. She urged the Board to support the position.

Susan DeLisle of Wautoma submitted a written comment, which was read for the record and is on file in the County Clerk's office.

Richard DeLisle of Wautoma spoke about the Community Resource Development Agent position, stating Patrick Nehring is a vital resource to Waushara County, town government, lake districts, farmers and others. DeLisle has found Nehring to be knowledgeable and helpful. He asked the Board to fund the position.

Town of Dakota resident Bill VanDongen spoke in support of maintaining the Community Resource Development Agent position, indicating the work done is an integral part of happenings in this community. He also requested that the Board maintain the funding for the libraries.

Ed Kissinger from the Town of Marion submitted a written comment, which was read for the record and is on file in the County Clerk's office.

Mark Magnusson from the Silver Lake Management District Board voiced support for the UW-Extension office. He views the office and Patrick Nehring's position as a critical service for a county which prides itself on its water and lakes.

INTRODUCTION/SWEARING IN

Supv. Eckstein made a motion to move to agenda item 8B. The motion was seconded by Supv. Kapp and was carried by voice vote.

Circuit Court Judge Guy Dutcher administered the Oath of Office to Canine Storm and Handler Scott Eagan.

UNFINISHED BUSINESS

County Board Supervisor Compensation for 2020-2022 Term

The Board reviewed the current compensation rates and a recent survey of other county's rates. Compensation rates were set at the November 12, 2013, County Board meeting and remain in effect for the 2018-2020 term. In reviewing the survey from other counties, Supv. Jarvis noted Waushara County Board's compensation compares closely to other counties in all areas except for that of the chairperson, which falls short.

Moved by Supv. Jarvis, seconded by Supv. Eckstein to increase the County Board chairperson's stipend to \$400 per month, and leave the remaining rates the same. A roll call vote showed 10 ayes, 0 nays, 0 absent, 1 abstain (Supv. Kalata). Motion carried.

NEW BUSINESS

REPORTS/PRESENTATIONS

County Administrator's Monthly Report: Administrator Robert Sivick reported on recent meetings and events. There will be a community fair on Saturday, October 19 at the Wautoma Senior Center. Sivick and Chair Kalata will be attending an Inter-County Coordinating Committee meeting in Dodge County on October 21.

Emergency Medical Services Annual Report: Director Brian Donaldson reviewed the department's mission, vision and values that guide their work on a daily basis. Statistics were presented on the number of calls for services. The department is working to develop personnel by providing leadership education and formal training programs. Recruiting and retaining quality part-time staffing continues to be a challenge.

County Clerk's Office Annual Report: County Clerk Kapp provided a written and oral report on 2018 statistics relating to the responsibilities of her office. She highlighted elections administration and licensing trends from the past year. Elections security efforts continue to be a top priority.

DISCUSSION/POSSIBLE MOTION ACTION ITEMS

Proposed Budget Amendment No. 1 – Winnefox Library System

Moved by Supv. Timm, seconded by Supv. Jarvis to approve the proposed amendment to the Winnefox Library System budget.

The amendment proposes to increase the 2020 Winnefox Library System budget by a total of \$14,695, or a 2.8% increase over the 2019 budget. Supv. Timm distributed handouts to Board members detailing the costs to operate local libraries, and he read a correspondence from a resident supporting library funding, all of which are included with these minutes on file in the County Clerk's office. A discussion ensued in regards to the formula used to calculate the budget request and how libraries are funded. Administrator Sivick emphasized the need for Board members to be mindful of the budget process, best practices and the County as a whole when making a decision.

After much discussion, a roll call vote on the motion showed 9 ayes, 2 nays (Supvs. Bonfiglio and Kalata), 0 absent. Motion carried.

Proposed Budget Amendment No. 2 – University of Wisconsin-Extension

Moved by Supv. Peterman, seconded by Supv. Piechowski to approve the proposed amendment to the University of Wisconsin-Extension budget.

The amendment proposes to resort the funding for the University of Wisconsin-Extension Community Resource Development position. Supv. Peterman voiced his reasons for the request, which were documented in the amendment proposal and included in the Board packet. Discussions were had between Board members and Administrator Sivick as to the necessity of the position and the redundancy of duties.

After a lengthy discussion, the motion failed upon roll call vote with 5 ayes (Jarvis, Kapp, Peterman, Piechowski and Timm), 6 nays, 0 absent.

**RESOLUTION NO. 31-10-19
RESOLUTION SUPPORTING PUBLIC HEALTH BEST PRACTICES
THAT PROVIDE SAFE AIR FOR EVERYONE IN ALL WORK AND
PUBLIC PLACES IN THE STATE OF WISCONSIN BY PROHIBITING
THE USE OF ELECTRONIC SMOKING DEVICES**

WHEREAS, on July 5, 2010, the State of Wisconsin implemented the State of Wisconsin Smoke-Free Air Law 101.123 prohibiting smoking in all work and public places to ensure safe air for everyone; and

WHEREAS, the use of Electronic Smoking devices was not addressed at the time the Wisconsin Smoke-Free law was passed and implemented; and

WHEREAS, in 2014 the Waushara County Board voted to prohibit the use of Electronic smoking devices in all county owned buildings and vehicles; and

WHEREAS, The United States Surgeon General Public Health Advisory on E-cigarette use among youth sited implementing evidence-based population-level strategies to reduce e-cigarette use among young people, such as including e-cigarettes in smoke-free indoor air policies; and

WHEREAS, a 2009 study conducted by the United States Food and Drug Administration found cancer-causing substances in several of the electronic delivery devices and tested and found nicotine in some electronic delivery devices that claimed to contain zero nicotine; and

WHEREAS, the American Cancer Society Cancer Action Network advocates for smoke-free laws including electronic delivery devices and supposed nicotine-free electronic delivery devices in all work places to protect workers and the public from the harmful effects of secondhand exposure and states preliminary studies indicate that nonusers can be exposed to the same potentially harmful chemicals as users, including nicotine, ultrafine particles, and volatile organic compounds which could be especially problematic for children, pregnant women, and people with heart disease; and

WHEREAS, the Waushara County Board of Health recognizes and supports the importance of providing safe air for everyone in all work and public places in the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED that the Waushara County Board of Supervisors identifies the need for safe air for everyone as a public health priority by supporting the addition of the prohibition of E-Cigarettes in public places to the Wisconsin Smoke Free Air Law.

FISCAL NOTE: This resolution does not require an appropriation from the County General Fund. It is advisory in nature.

Submitted by Supv. Eckstein, Board of Health chair. Motion to approve by Supv. King, seconded by Supv. Jarvis. Motion carried by voice vote.

With this resolution, the Board formally declares support of adding the prohibition of E-cigarettes in public places to the Wisconsin Smoke Free Air Law.

RESOLUTION NO. 32-10-19
RESOLUTION REVISING RESOLUTION NO. 57-12-18
MEDICAL EXAMINER OFFICE FEES

WHEREAS, the County has previously set fees for various items related to the Office of the Medical Examiner pursuant to Section 59.36 ,Wis. Stats.; and

WHEREAS, the Medical Examiner has requested a change in fees to more accurately reflect the reality of the office and its expenses.

NOW, THEREFORE, the County Board does hereby resolve that the fees of the Medical Examiner's Office, effective January 1, 2020 shall be:

1. Death Certificate Signing Fee - \$75.00.
2. Cremation Permit Fee - \$135.00.
3. Disinterment Fee - \$100.00
4. Medical Examiner Report - \$60.00
5. Copy of an Autopsy Report - \$100.00

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Kerschner, seconded by Supv. Piechowski. Motion carried by voice vote.

The fees for various items related to the Office of the Medical Examiner have been updated to more accurately reflect the reality of the office and its expenses.

RESOLUTION NO. 33-10-19
RESOLUTION ALLOWING PARTICIPATION IN THE WISCONSIN COUNTY
FISH AND GAME PROJECT

WHEREAS, the legislature of the State of Wisconsin enacted legislation providing for allocation to the respective counties in that state on an acreage basis for the county fish and game projects on the condition that the counties match the state allocation; and

WHEREAS, Waushara County Public works committee has committed to restoring Wildlife habitat at Mt Morris Hills County Park, Lake Alpine Co. Park and Kusel Lake County Park; and

WHEREAS, Waushara County desires to participate in the county fish and game projects pursuant to provisions of S. 23.09(12) of the Wisconsin Statutes.

THEREFORE, BE IT RESOLVED, THAT the Waushara County Board of Supervisors be and hereby is authorized to expend the funds hereby appropriated and the funds to be received from the State of Wisconsin, for the improvement of fish and wildlife habitat, and to operate and maintain or to cause to be operated and maintained the project for its intended purpose.

BE IT FURTHER RESOLVED that the matching County funds will come from the Parks Department's Designated Fund/Capital Improvements account and will have no effect on the 2020 levy.

This resolution will take effect immediately upon its passage.

Submitted by Supv. Eckstein, Public Works Committee chair. Motion to approve by Supv. Eckstein, seconded by Supv. Kapp. Motion carried by voice vote.

The resolution authorizes the Parks Department to apply for a Wisconsin County Fish and Game Project grant and match any funds received from the State. The project will focus on restoring the wildlife habitat at Mt. Morris Hills, Kusel Lake and Lake Alpine County Parks.

ORDINANCE NO. 641
AN ORDINANCE AMENDING CHAPTER 50, ARTICLE IV - ATVS
WAUSHARA COUNTY CODE

WHEREAS, the Waushara County Board of Supervisors did previously adopt ordinances 538 and 558(A) establishing a small ATV route in Waushara County; and

WHEREAS, there has been a request to expand the route system; and

WHEREAS, the Waushara County Sheriff and Waushara County Highway Commissioner have reviewed the request and provided input into the ordinance modification; and

WHEREAS, the Public Safety Committee has reviewed the request and has approved sending the request to the County Board of Supervisors.

NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

ARTICLE IV. - ATVS

Sec. 50-150. - Route designation.

The portion of County Road II in the Town of Richford, Waushara County, located between 11th Road and Cumberland Road.

The portion of County Road J in the Town of Oasis, Waushara County, located between State Highway 73 and 11th Drive.

The portion of County Road FF in the Town of Hancock, Waushara County, located between Buttercup Avenue and Chicago Avenue.

The portion of County Road GG in the Town of Richford, Waushara County, located between Chicago Road and Cottonville Avenue.

Sec. 50-151. - Conditions.

As a condition for the use of this route, all operators and passengers shall comply with the following conditions:

- (1) All ATV/UTV operators shall abide by the provisions of Wis. Stats. § 23.33, **including all definitions** existing and modified and adopted herein by reference.
- (2) All ATV/UTV operators shall operate at no more than 35 mph **and shall follow any lower established speed limits.**
- (3) All ATV/UTV operators shall ride single file on the extreme right side of the paved road.
- (4) All ATV/UTV operators shall only ride on the paved surface of the road.
- (5) All ATV/UTV operators shall slow the vehicle to ten mph or less when operating within 150 feet of a dwelling **or a person who is not operating an ATV/UTV, snowmobile, motorcycle or other motor vehicle, including but not limited to pedestrians and non-motorized transportation such as buggies.**
- (6) The route shall be signed in accordance with NR64.12, NR64.12(7)(c) and the requirements of the Waushara County Highway Commissioner **by the Waushara County Highway Department.**
- (7) The route will be open for public ATV/UTV usage daily from 5:00 a.m. - ~~12:00 midnight~~ **11:00 p.m.**
- (8) All ATV/UTV operators under the age of 18 are required to wear a helmet and be accompanied by an adult.
- (9) All ATV/UTV operators born after January 1, 1988 must have completed an ATV safety certification course and carry verification of such on their person.**
- (10) Operators must be at least 16 years of age and possess a valid driver's license.**
- (11) All ATV/UTV operators shall abide by all traffic laws.**
- (12) No ATV/UTV may be operated on any designated route without fully functional headlights and taillights.**
- (13) All operators shall have a liability insurance policy in force on any ATV/UTV operated on an ATV/UTV route with the following minimum coverage:**
 - (a) \$10,000 for property damage**
 - (b) \$25,000 for the injury or death of one person**
 - (c) \$50,000 for the injury or death of more than one person**

Sec. 50-152. - Enforcement.

This article shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and prosecuted by the office of the district attorney or corporation counsel.

Sec. 50-153. - Penalties.

- (a) Violations of subsection 50-151(1) shall be subject to the penalties located in Wis. Stats § 23.33(13).
- (b) Violations of subsections 50-151(2)—(7) shall be subject to a penalty of not less than \$50.00, nor more than \$500.00, plus costs.

- (c) Payment of any judgment levied under this section may be suspended by the court for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution, assessments and penalty imposed for the violation of any provision of this article may, upon order of the court, be imprisoned in the county jail until such forfeiture, costs and assessments are paid, but not exceeding 90 days.

Sec. 50-154. - Maintenance of ATV/UTV Routes

- (1) **Designation of segments of Waushara County Highways as ATV/UTV routes does not impose upon the County a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATV/UTVs on county highways assume all the usual and normal risks associated with ATV/UTV operations.**
- (2) **A sponsor shall pay for the projected ten-year cost of procurement, installation and maintenance of signs relating to the ATV/UTV route, as determined by the Highway Commissioner. The Highway Commissioner shall prepare an estimate of the cost of procurement, installation and maintenance of the signage over a projected period of 10 years and furnish the estimate to the sponsor.**
- (3) **Upon passage of an ordinance designating an ATV/UTV route on a County Trunk Highway, the sponsor shall provide the Highway Department with a bond, letter of credit or any other adequate form of monetary security prior to the installation of the required ATV/UTV route signs.**

Sec. 50-155. Application for ATV/UTV Routes

- (1) **Anyone requesting a designation shall complete an application on a form prescribed by the Highway Committee in compliance with this article and any applicable state statute or administrative code and file the application with the Highway Department.**
- (2) **The application, at a minimum, should include:**
- (a) **A map showing the proposed ATV/UTV route on the County Trunk Highway.**
 - (b) **A map showing any ATV/UTV trails or routes that lead up to the proposed ATV/UTV route**
 - (c) **If there are ATV/UTV trails, a statement that the applicant has a lease or some other permission from the landowners to use the trails shown on the map**
 - (d) **If there are ATV/UTV routes, a copy of the ordinance passed by the municipality establishing the routes**
 - (e) **A statement explaining why the County Trunk Highway system should be designated as an ATV/UTV route and efforts to establish off-road alternatives**

- (f) If the applicant is an organization, the names and addresses of its officers, the date when the organization was established or incorporated and the number of members**
- (g) A statement that the applicant will sponsor and be financially responsible for payments for the installation and maintenance of the required ATV/UTV route signs required by applicable state statutes, administrative codes and this article.**
- (3) The Highway Commissioner shall review the application for conformance with this article and applicable state, federal and local laws, regulations and policies.**
- (4) The Highway Commissioner and Sheriff shall make a report and recommendation to the Public Works Committee regarding any request for a designation of a segment of County Trunk Highways as an ATV/UTV route. The report shall include information regarding topography, traffic patterns and uses, and other information which may bear on the safety and appropriateness of the proposed designation.**
- (5) The Public Works Committee will review the report and application and make a recommendation to the County Board.**
- (6) If the County Board agrees, this article will be amended to include the designated routes.**

IT IS FURTHER ORDAINED that this ordinance is effective upon passage and publication **and shall be effective for one year and reviewed in 2020.**

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Lauer, seconded by Supv. Bonfiglio.

Supv. Kalata proposed a trial period of one year. Supv. Kerschner moved to amend the original motion to make the ordinance effective for a period of one year and to be reviewed after the year. The amendment was seconded by Supv. Lauer and was carried by voice vote.

A roll call vote on the original motion as amended showed 10 ayes, 1 nay (Supv. Eckstein), 0 absent. Motion carried.

APPOINTMENTS

Buildings Renovation Committee

Judge Guy Dutcher – Circuit Court

Matt Stake – Wisconsin Probation and Parole

DeeDee Jakubowski – County Historical Society

Mary Ann Schilling – University of Wisconsin-Extension

Norman Duesterhoeft – Emergency Management

Motion to approve appointments by Supv. King, seconded by Supv. Bonfiglio; motion carried by voice vote.

Complete Census Count Committee
Dawn Miller – U.S. Census Bureau

Motion to approve appointment by Supv. Jarvis, seconded by Supv. Kapp; motion carried by voice vote.

FUTURE AGENDA ITEMS/ANNOUNCEMENTS

Clerk Kapp reminded members of the Personnel and Buildings and Grounds Committee that the October meetings were cancelled due to lack of business.

Chair Kalata thanked all who participated in the Jailbreak Marathon, and thanked Emergency Management Director Norman Duesterhoeft for his efforts as race director.

ADJOURNMENT

There being no further business, Supv. Eckstein moved to adjourn, seconded by Supv. Timm; motion carried. The meeting thus adjourned at 9:53 p.m.

I, Megan Kapp, county clerk in and for the county of Waushara, Wis., do hereby certify that the foregoing is the original record of the proceedings of the Waushara County Board of Supervisors at its regular monthly meeting held October 15, 2019. These minutes are subject to amendment or change at subsequent meetings of the County Board, and any such changes will be detailed in the minutes of the meeting at which the amendments are proposed.

/s/ Megan Kapp, Waushara County Clerk