

CRAWFORD COUNTY BOARD OF SUPERVISORS
April 18, 2017

The Crawford County Board of Supervisors met in regular session at the Crawford County Administration Building in Prairie du Chien, Wisconsin on April 18, 2017.

The Board was called to order by Chairman Tom Cornford. Roll call was taken with all members present.

Chairman Cornford led the Board in the Pledge of Allegiance. In his opening remarks, the Chairman reminded supervisors that they should notify the County Clerk if they are unable to attend a meeting. The Chairman verified that the meeting notice was properly posted.

Motion by Kelley, second by Russell to approve the minutes of the previous meeting. Motion carried unanimously.

Chairman Cornford announced that he would like to appoint Carl Orr to District 6 to fill the vacancy left by Mary Jane Faas.

Motion by Rogers, second by Steiner to approve the appointment of Carl Orr to District 6 to fill the vacancy left by Mary Jane Faas. Motion carried unanimously.

Carl was introduced and stated that he is looking forward to working with the Board. Each of the supervisors introduced themselves and indicated the district that they represented. The Clerk issued the Oath of Office to Carl Orr.

Chairman Cornford will be appointing two members to the ADRC advisory committee. He is submitting the names of Diane Koth of Prairie du Chien and Nancy Ostrander from Eastman for consideration.

Motion by Dull, second by Stirling to approve the appointment of Diane Koth and Nancy Ostrander to the ADRC advisory committee. Motion carried unanimously.

Chairman Cornford advised that he would like to submit the names of Ron Leys and Jim Czajkowski for consideration as representatives to the Lower Wisconsin State Riverway Board.

Motion by Jerrett, second by Steiner to approve submitting the names of Ron Leys and Jim Czajkowski for consideration as representatives to the Lower Wisconsin State Riverway Board. Motion carried unanimously.

PROCLAMATION

SOIL & WATER STEWARDSHIP WEEK 2017

WHEREAS, fertile soil and clean water provide us with our daily sustenance, and;

WHEREAS, effective conservation practices have helped provide us a rich standard of living, and

WHEREAS, our security depends upon healthy soil and clean water, and

WHEREAS, stewardship calls for each person to help conserve these precious resources,

THEREFORE, I do hereby proclaim

**APRIL 30 to MAY 7, 2017
SOIL & WATER STEWARDSHIP WEEK**

Tom Cornford, County Board Chairman

Motion by Esser, second by Flansburgh to adopt the proclamation. Motion carried unanimously.

Dan McWilliams, Human Services Director, addressed the Board. The resolution being presented authorizes Crawford County Human Services to be part of an intergovernmental cooperative agreement with several other counties, one of which is Clark County. Clark County owns a county-wide nursing home which allows people from other counties access. The cost for a non-membership rate at Woodland is \$140 per day above and beyond what Medical Assistance would reimburse Clark County. By becoming a member with Woodland the cost would be reduced to \$70 per day. This would also allow for any future placements. Clark County would be designated as the emergency protective placement facility. There is a one-time \$5000 cost buy-in that Human Services will pay which would get the County the reduced rate.

RESOLUTION NO. 4-2017

**RESOLUTION AUTHORIZING MEMBERSHIP IN THE WOODLAND ENHANCED HEALTH SERVICES COMMISSION INTERGOVERNMENTAL COOPERATION AGREEMENT
PURSUANT TO §66.0301 Wis. Stats.**

WHEREAS, the Crawford County Human Services Department has found it increasingly difficult to find nursing home placements for individuals with specialized physical and mental health needs and is required to designate an emergency protective placement facility; **and**

WHEREAS, membership in The Woodland Enhanced Health Services Commission (WEHSC) will provide priority access placement options for those individuals as well as access to an emergency protective placement facility in the most cost effective manner.

NOW THEREFORE, BE IT RESOLVED, that the Crawford County Board of Supervisors does hereby authorize entering into The Woodland Enhanced Health Services Commission Intergovernmental Agreement pursuant to §66.0301 Wis. Stats.

Dated this 13th day of March, 2017

Wade Dull, Chairman	Mary Kuhn
Joyce Roth	Ellen Brooks
Mary Jane Faas	Brad Steiner
Elling Jones	

Passed and approved this 18th day of April, 2017

Tom Cornford, County Board Chairman

ATTEST:

Janet L. Geisler, County Clerk

Motion by Dull, second by Krachey to adopt the resolution. Motion carried unanimously.

RESOLUTION NO. 5-2017

RESOLUTION RELATING TO THE COMMENDATION OF MARY JANE FAAS CRAWFORD COUNTY BOARD OF SUPERVISORS

WHEREAS, Mary Jane has been very active in the governmental affairs of Crawford County being first elected to the position of County Board Supervisor in 2006, and elected thereafter and serving until March, 2017. During her tenure, she served on the following committees: Public Safety, Delinquent Tax, Bonds and Insurance, Senior Resources (ADRC) and Personnel. Mary Jane had also served as Chairman at one time of the Senior Resources (ADRC), Delinquent Tax and Bonds and Insurance committees. Mary Jane was a very conscientious supervisor and was respected by her peers. The County benefitted greatly by her service.

NOW, THEREFORE, BE IT RESOLVED that the members of the Board extend their sincerest commendation to Mary Jane Faas for a job well done and wish her all the best.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this Board and a true copy be sent to Mary Jane Faas.

**Geri Kozelka, District 1
Henry Esser, District 2
Kersten Rocksvold, District 3
Brad Steiner, District 4
Duane Rogers, District 5
Carl Orr, District 6
David Olson, District 7
Mary C. Kuhn, District 8
Wade Dull, District 9**

**Donald L. Stirling, District 10
Wayne Jerrett, Jr., District 11
Larry Kelley, District 12
Greg Russell, District 13
Gari Lorenz, District 14
Gerald Krachey, District 15
Derek Flansburgh, District 16
Tom Cornford, District 17
Janet L. Geisler, County Clerk**

Motion by Steiner, second by Russell to adopt the resolution. Motion carried unanimously.

The Chairman stated we will now consider the Ordinance Repealing and Recreating Chapter 11.01 of the Crawford County Code of Ordinances relating to Animal Waste Management.

David Troester, County Conservationist, came before the Board to explain the Animal Waste Management ordinance. This allows a permit to be issued for any farming operation that stores manure in a pit or lagoon for 30 days or longer or beyond a certain volume. To receive a permit, applicants must have a nutrient management plan which meets NRCS standards and applicants must follow the nutrient management plan. The ordinance clarifies the previous ordinance by stating that a nutrient plan must be submitted. The ordinance only applies to applicants that store waste. There are currently about twelve permits in the County.

The Clerk gave the first reading.

ORDINANCE NO. 201-2017

AN ORDINANCE REPEALING AND RECREATING CHAPTER 11.01 OF THE CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ANIMAL WASTE MANAGEMENT

The Crawford County Board of Supervisors do ordain as follows:

Section 1. That Crawford County Ordinance Number 11.01(5)(d)(e) is hereby repealed and recreated to read as follows:

11.01 ANIMAL WASTE MANAGEMENT.

(5) APPLICATION FOR AND ISSUANCE OF PERMITS.

(d) Animal Waste Storage Facility Plan required.

11. Plans for the utilization of animal waste, including the amount of land available for the application of waste, identification of 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 groundwater, slope of land, a proximity to surface water bodies, all in accordance with standard 590 of the Technical Guide. **Initial Nutrient Management Plan databases and maps must be submitted at time of permit application. Once permitted, operators are required to annually submit NMP checklists and any additional information the LCD may require to adequately monitor compliance. Checklists are due by May 1st of each year for as long as the operation is active.**

(e) Nutrient Management Plan Required. Each application for a permit under this section shall include a Nutrient Management Plan that complies with the Technical Guide Standard 590. The plan shall:

1. Be prepared by a nutrient management planner qualified under s. ATCP 50.48. Wis. Admin. Code.
2. Be based on field soil samples taken in accordance with the 590 Standard and with soil samples analyzed at a laboratory certified under s. ATCP 50.50, Wis. Admin. Code.
3. Identify every field where nutrients, including manure, will be mechanically applied.
4. Follow recommendations for nutrient applications found in the UW-Extension Publication A-2809, Nutrient Application Guidelines for Field, Vegetable and Fruit Crops in Wisconsin, unless the nutrient management planner can show that circumstances justify more than the recommended application.
5. Be updated annually, with NMP checklists, along with any additional information the LCD may require to adequately monitor compliance, due by May 1st of each year. Annual updates are required for as long as the facility is operational.

Section 2. Effective Date. This ordinance shall be effective from and after its passage and publication as required by law.

**Crawford County Land Conservation
Planning & Zoning Committee:**

**Henry L. Esser
Wade P. Dull
David Olson**

**Published this day of April, 2017
Effective this day of April, 2017**

Motion by Russell, second by Olson to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.

Motion by Stirling, second by Krachey that the ordinance be ordered engrossed and given the third reading by title only. The motion carried and the Clerk gave the third reading by title only.

Chairman Cornford stated the ordinance having been read three several times the question is, "Shall the ordinance pass?"

Motion by Esser, second by Dull to adopt the ordinance. Motion carried unanimously upon call of the roll.

Dave Troester, County Conservationist, came before the Board to explain the Licensing Livestock Facilities ordinance. This ordinance pertains to larger farms that are above 500 animal units. There are two of these units in the County.

The Chairman stated we will now consider the Ordinance Repealing and Recreating Chapter 12.07 of the Crawford County Code of Ordinances relating to Licensing Livestock Facilities. The Clerk gave the first reading.

ORDINANCE NO. 202-2017

**AN ORDINANCE REPEALING AND RECREATING
CHAPTER 12.07 OF THE
CRAWFORD COUNTY CODE OF ORDINANCES
RELATING TO LICENSING LIVESTOCK FACILITIES**

The Crawford County Board of Supervisors do ordain as follows:

Section 1. That Crawford County Ordinance Number 12.07(7) and 12.07(15)(c) is hereby repealed and recreated to read as follows:

12.07 LICENSING LIVESTOCK FACILITIES.

(7) LICENSE APPLICATION. A livestock operator must complete the application form and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in Ch. ATCP 51, Wis. Adm. Code, and this section. The operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. **A copy of the entire Nutrient Management Plan (as required in Worksheet 3 of application), such as maps and Snap+files, must be provided at time of application.** If the operator applies to manage more than 1000 animal units a Wisconsin Department of Natural Resources Wastewater Pollutant Discharge Elimination System (WPDES) Permit shall accompany the application.

(15) COMPLIANCE MONITORING. The County shall monitor compliance with the ordinance as follows:

(c) Annual NMP checklists are required to be submitted to the LCD office by May 1st of each year, for as long as the facility is operational. The LCD may require additional information needed to verify the information on the NMP checklist.

Section 2. Effective Date. This ordinance shall be effective from and after its passage and publication as required by law.

**Crawford County Land Conservation
Planning & Zoning Committee:**

**Henry L. Esser
Wade P. Dull
David Olson**

**Published this day of April, 2017.
Effective this day of April, 2017.**

Motion by Dull, second by Kelley to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.

Motion by Kozelka, second by Kuhn that the ordinance be ordered engrossed and given the third reading by title only. The motion carried and the Clerk gave the third reading by title only.

Chairman Cornford stated the ordinance having been read three several times the question is, "Shall the ordinance pass?"

Motion by Steiner, second by Stirling to adopt the ordinance. Motion carried unanimously upon call of the roll.

Dennis Pelock, Highway Commissioner, came before the Board to explain the ATV/UTV ordinance. A section has been added regarding trails. Nothing else has been deleted. There have been trails and routes added. Every town and village will need to readopt the County ordinance once it has been passed.

The Chairman stated we will now consider the Ordinance Repealing and Recreating Chapter 7.08 of the Crawford County Code of Ordinances relating to All-Terrain and Utility Terrain Vehicle Routes.

Motion by Kuhn, second by Flansburgh that the Clerk give the first reading by title only. Motion carried unanimously.

ORDINANCE NO. 203-2017

AN ORDINANCE AMENDING AND CREATING PORTIONS OF SECTION 7.08 OF THE CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN VEHICLE (UTV) ROUTES AND TRAILS AND APPROVING ROUTES AND TRAILS

The Crawford County Board of Supervisors do ordain as follows:

Section I: That Crawford County Ordinance Section 7.08 is hereby amended to read as follows:

“7.08 - ALL-TERRAIN VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE (UTV) ROUTES AND TRAILS.

- (1) **PURPOSE.** The purpose of this section is to establish all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) routes and trails and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to §59.02 and §23.33 Wis. Stats.
- (2) **APPLICABILITY AND ENFORCEMENT.**
 - (a) The provisions of this section shall apply to the areas designated in subsection (4) below, including all roadways within the jurisdiction of the County. The provisions of this section shall be enforced by the Crawford County Sheriff's Department.

- (b) Adoption of this section shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
- (3) LIMITATIONS. The following limitations apply on all areas designated in subsection (4) of this section:
- (a) Speed. No ATV/UTV shall be operated at a speed greater than 35 miles per hour on any County Trunk Highway, Town or Village road or street. Each Town or Village may establish a lower speed limit on the ATV/UTV routes or trails within their jurisdiction.
 - (b) Lights. No ATV/UTV may be operated on any designated route or trail without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV operated on any designated route or trail must display a lighted headlamp and tail lamp at all times.
 - (c) Routes - Roadway Only. On any public roadway designated as an ATV/UTV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited.
 - (d) Trails – Off-Road Right of Way Only. On any off-road public corridor designated as an ATV/UTV trail, all ATV/UTV operation is authorized only within the marked trail designated within the right of way adjacent to a state, county, town or village highway, road or street. All ATVs and UTVs must operate in single file. No operation is allowed on any trail within the right of way during inclement weather, if the trail material is unstable or is marked as closed.
 - (e) Hours of Operation. No ATV/UTV may be operated on any designated route or trail between the hours of 1:00 a.m. to 5:00 a.m. daily.
 - (f) Age, License and Protective Headgear. On any designated ATV/UTV route or trail, all operators must be 16 years of age or older and have a valid driver's license. No person under the age of 18 may operate or be a passenger of an ATV/UTV on any designated route or trail without wearing approved protective headgear.
 - (g) Noise. No ATV/UTV may be operated on any designated route if that ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.
 - (h) Insurance. All ATV/UTVs operating on any designated ATV/UTV route or trail or on any County trunk highway must have proof of liability insurance for the ATV/UTV being operated.
 - (i) Registration. All ATV/UTVs being operated on any designated route or trail shall meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.
 - (j) Activities Prohibited. No competitive events or any other type of contest shall be held, conducted or performed on any ATV/UTV route or trail.
 - (k) Operation. ATV/UTV operation on designated routes and trails shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Department of Transportation Administrative Code, the Wisconsin Department of Natural Resources Administrative Code and all applicable municipal ordinances.
- (4) DESIGNATION OF ATV/UTV ROUTES AND TRAILS.

- (a) State and County Trunk Highways. ATV/UTV routes on State and County Trunk Highways and ATV/UTV trails on off-road public corridors adjacent to State and County Trunk Highways shall be designated and approved by the Crawford County Board, except that permits for existing routes or trails may be renewed without further action by the County Board. Any modifications to a designated ATV and UTV route or trail shall be approved by the Crawford County Board. A copy of those ATV and UTV routes and trails, along with a map showing their location(s), shall be kept on file at the Crawford County Sheriff's Office and at the Highway Department. The Crawford County Highway Department shall be responsible for signage and the establishment of speed limits regulating ATVs and UTVs. The Crawford County Highway Department shall retain the sole authority for the closure or termination of any ATV/UTV route on the State and County Trunk Highway System.
- (1) Designated ATV/UTV routes or trails on or adjacent to County roadways may be closed at the discretion of the Crawford County Highway Commissioner or his/her designee.
 - (2) The Crawford County Highway Commissioner shall have the authority to suspend operation on any highway or right of way for up to 90 days due to hazard, construction, or emergency conditions in any highway segment designated as an ATV/UTV route or trail. The Crawford County Highway Commissioner shall also have the authority to designate for up to 90 days alternate routes or trails for any of the above authorized highway segments that might be so closed.
 - (3) Applications for the initiation of new routes and trails or alteration to existing routes, trails or crossings shall be submitted to the Crawford County Highway Department for processing and submission to the Crawford County Board.
 - (4) ATV/UTV routes on bridges shall be designated and approved by the Crawford County Board following §§23.33(4)(d)3.b and 23.33(11)(am)3, Wis. Stats.
- (b) Town and Village Roads and Streets. ATV/UTV routes on Town and Village roadways and ATV/UTV trails on off-road public corridors adjacent to Town and Village roadways shall be designated, established and approved by the respective Town Board of Supervisors or the Village Board of Trustees. Any modifications to a designated ATV and UTV route or trail shall be approved by the Town Board of Supervisors or the Village Board of Trustees. A copy of those ATV and UTV routes or trails, along with a map showing their location, shall be kept on file at the Town Hall or Village Hall with a copy also filed at the Crawford County Sheriff's Department and Highway Office. The respective Town Board of Supervisors or the Village Board of Trustees shall be responsible for overseeing signage on every route and trail designated within its jurisdiction and for the establishment of speed limits regulating ATVs and UTVs and may establish fewer allowed "Hours of Operation" within their jurisdiction. The Town Board of Supervisors or the Village Board of Trustees shall retain the sole authority for the closure or termination of any ATV/UTV route or trail.
- (1). The respective Town Board of Supervisors or the Village Board of Trustees shall have the authority to suspend operation on any road or street for up to 90 days due to hazard, construction, or emergency conditions in any highway segment listed above. [The] Town Board of Supervisors or the Village Board of Trustees shall also have the authority to designate for up to 90 days alternate routes and trails for any of the above authorized road segments that might be so closed.

- (c) Crossings. Crossings for approved trails established across any public roadway are required to be permitted by the governmental agency having jurisdiction over that roadway.
- (5) ROUTE and TRAIL SIGNS. Routes: Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route. Existing 18-inch by 18-inch signs shall be allowed until replacement is required. Trails: Every area authorized as an all-terrain vehicle/utility-terrain vehicle trail shall be designated by an all-terrain vehicle/utility-terrain vehicle trail sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized brown background with a minimum size of 18 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV trail and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the trail.
- (a) State and County Trunk Highways. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. All signs and posts shall be installed by the Crawford County Highway Department at the direction of the Highway Commissioner or his designee.
- (b) Town and Village Roads and Streets. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. Signs shall be erected by the club at locations approved by the respective Town Board of Supervisors or the Village Board of Trustees.
- (c) All routes or trails shall be signed and posted in accordance with the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources and all other applicable local guidelines.
- (d) No sign may be mounted on any existing County sign post, unless authorized by the Crawford County Highway Commissioner or designee.
- (e) No person may erect, remove, obscure, or deface any official designated route or trail sign unless authorized by the Crawford County Highway Commissioner or respective Town Board of Supervisors or the Village Board of Trustees or their designee.
- (f) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
- (6) PENALTIES. The penalty for violating any subsection of this section shall be according to the following schedule, plus the cost of damages or restoration and plus court costs:
- (a) The penalty for a violation of subsections (3)(c) and (3)(d) shall be not more than \$200.
- (b) The penalty for a violation of subsections (3)(b), (e), (f), (g), (h), (i) and (j) shall be not more than \$100.
- (c) The penalty for a violation of any other provision of this section for which no specific penalty is specified shall be not more than \$50.
- (7) JUVENILE PENALTIES. Any juvenile who violates this section shall be subject to the forfeitures prescribed in subsection (6) of this section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

(a) Upon default of payment of any forfeiture imposed by this section, a court may order any license issued to a juvenile under §29 Wis. Stats. suspended or may order the child's operating privileges as defined in subsection §340.01(40) Wis. Stats., suspended for not less than 30 days or more than 90 days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financial able to pay the amount of the forfeiture and shall allow up to 12 months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

(8) VIOLATIONS, JUDGMENTS, RESTITUTIONS. A judgment obtained under this section of the Crawford County Code may be enforced in the same manner as any civil judgment. Penalties imposed for violations of this section shall be made according to the schedule of forfeitures listed in subsections (6) and (7) of this section. The procedures and provisions set forth in Ch. 800, Wis. Stats., shall apply to all violations of the sections and subsections of this section.

(9) UNIFORM CITATION AND SUMMONS. A uniform County ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford County at the courthouse in Prairie du Chien, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this section.

(10) ATV/UTV ROUTES AS AUTHORIZED BY THE COUNTY BOARD OF SUPERVISORS ON STATE AND COUNTY TRUNK HIGHWAYS.

<u>Trunk Hwy.</u>	<u>Section Description</u>	<u>Municipality</u>
STH 27	Plum Creek Rd to Kahoun St	Village of Eastman
STH 131	Stockyard Rd to STH 179 (Per 7.08(4)(a)(4))	Village of Steuben
STH 131	New Well Rd to Atley St	Village of Soldiers Grove
STH 131	Atley St to Eugene P Moran Park Dr (Per 7.08(4)(a)(4))	Village of Soldiers Grove
STH 171	North Halls Branch Rd to Freeman Rd	Village of Mt Sterling/Town of Utica
STH 171	Sand Creek Rd to Store Rd/USH 61	Town of Clayton
STH 171	Store Rd to Sleepy Hollow Road	Town of Clayton
STH 171	West Point Rd to Old Gays Rd (Per 7.08(4)(a)(4))	Village of Gays Mills
STH 171	Old Gays Road to West River Rd	Village of Gays Mills
STH 171	West River Road to School St (Per 7.08(4)(a)(4))	Village of Gays Mills
STH 179	Bridge St to STH 131	Village of Steuben
STH 179	Duha Ridge Rd to Morovits Hollow Rd	Town of Eastman
STH 179	Walker Hollow Rd to CTH E	Town of Eastman
CTH B	Johnstown Rd to Pine Knob Rd	Town of Utica
CTH B	River Rd to West Point Rd	Town of Utica
CTH B	Quarry Rd to Rutter Hill Rd	Town of Freeman
CTH B	Austin Rd to Rush Creek Rd	Town of Freeman

CTH C	McManus Rd to Helgerson Hill Rd	Town of Utica
CTH C	McManus Rd to Latham Rd	Town of Utica
CTH C	River Road to Eugene P Moran Park Dr	Town of Clayton/Village of Soldiers Grove
CTH E	STH 35 to Benhardt Ridge Rd	Village of Lynxville
CTH E	Crowley Hill Rd to STH 179	Towns of Seneca/Eastman
CTH K	City of Prairie du Chien to BNSF Railroad	Town of Prairie du Chien
CTH N	Dutch Ridge Rd to Mill Rd	Town of Eastman
CTH N	Plum Creek Rd to West Park St	Village of Wauzeka
CTH S	Halls Branch Rd to Bridge B-12-0190	Town of Seneca
CTH S	South Sleepy Hollow Rd to Remington Hill Rd	Town of Scott
CTH W	West Ridge Rd to North Irish Ridge Rd	Town of Scott
CTH X	Orchard View Rd to Halverson Ridge Rd	Town of Clayton

(11) **ATV/UTV TRAILS AS AUTHORIZED BY THE COUNTY BOARD OF SUPERVISORS ON STATE AND COUNTY TRUNK HIGHWAY RIGHT OF WAYS.**

<u>Trunk Hwy.</u>	<u>Section Description</u>	<u>Municipality</u>
STH 27	Benhardt Ridge Rd to Burns Rd	Town of Seneca
STH 27	CTH E to CTH E	Town of Seneca
CTH E	Oak Grove Ridge Rd to Progressive Ridge Rd	Town of Seneca
CTH S	Bridge B-12-0190 to North Halls Branch Rd	Towns Haney/Seneca”

Section II: This Ordinance shall become effective in upon its passage and publication as required by law.

Dated this 18th day of April, 2017.

Tom Cornford, Chairman
Henry Esser
David Olson

Derek Flansburgh
Gerald Krachey

Passed and approved this 18th day of April, 2017.

Tom Cornford
County Board Chairman

ATTEST:

Janet L. Geisler
County Clerk

Published this **day of April, 2017.**
Effective this **day of April, 2017.**

Motion by Jerrett, second by Kelley to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.

Motion by Esser, second by Dull that the ordinance be ordered engrossed and given the third reading by title only. The motion carried and the Clerk gave the third reading by title only.

Chairman Cornford stated the ordinance having been read three several times the question is, “Shall the ordinance pass?”

Motion by Kelley, second by Krachey to adopt the ordinance. Motion carried unanimously upon call of the roll.

Gloria Wall, Public Health Nurse, appeared before the Board and presented a slide presentation on the purpose of the ordinance. Crawford County has been providing inspections of low impact places such as campgrounds, motels, hotels, etc. and have been operating under a limited agent status. In order to continue to do inspections the County must obtain full time agent status. Vernon and Crawford will now be working together for inspections. Vernon County will be the lead since they have hired a sanitarian. The State is requesting that both Vernon and Crawford pass an ordinance so that they are able to start inspections as of July, 2018. Crawford County will still be responsible for the low impact places since there is no sanitarian. There will be no tax levy impact since the program will operate on the fees generated. Gloria estimates the additional income to be around \$10,000 by providing this service. Facilities are required to be inspected once a year.

The Chairman stated we will now consider the Ordinance Repealing and Recreating Section 11.05 Relating to Environmental Sanitation and Creating Section 11.06 Regarding Penalty.

Motion by Kelley, second by Dull that the Clerk give the first reading by title only. Motion carried unanimously.

ORDINANCE NO. 204-2017

AN ORDINANCE REPEALING AND RECREATING SECTION 11.05 OF THE CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ENVIRONMENTAL SANITATION AND CREATING SECTION 11.06 REGARDING PENALTY

The Crawford County Board of Supervisors do ordain as follows:

Section I: That Crawford County Ordinance Number 11.05 is hereby repealed and recreated to read as follows:

“11.05 ENVIRONMENTAL SANITATION

A. GENERAL PROVISIONS

(1) ADMINISTRATION. The Crawford County Health Department shall administer and enforce this ordinance in Crawford County. Employees of the Crawford/Vernon County Health Departments are authorized to issue citations to any person, firm, partnership, corporation, entity or organization that violates any of the provisions of this ordinance or an order or decision of the Crawford County Health Department or the Board of Health pursuant to this ordinance.

(2) ENFORCEMENT.

(a) The Health Officer or the Health Officer's duly authorized representative, who is a Sanitarian, shall enforce the regulations of this chapter and may issue orders to effect correction of violations and may issue citations pursuant to the Crawford County Code. All enforcement actions shall minimally be analogous to Chapter 97 of the Wisconsin Statutes – Food, Lodging and Recreation.

(b) The Corporation Counsel for the County of Crawford may in his/her discretion, commence legal action and may proceed pursuant to the provisions outlined in Wisconsin Statutes Sections 66.0119, and 66.0114, or pursuant to the issuance of a summons and complaint.

(c) The County of Crawford is an agent for the Department of Trade and Consumer Protection (DATCP) under the provisions as set forth in Chapter 97 of the Wisconsin Statutes, Wisconsin Administrative Codes - ATCP 72, 73, 75, 76, 78, 79 and the Wisconsin Food Code, Chapter 11.

(d) The County of Crawford adopts by reference the following Chapters of the Wisconsin Administrative Codes: ATCP 72, 73, 75, 76, 78, 79 and the Wisconsin Food Code and all other state and federally referenced rules and Memorandums of Understanding.

(e) The County of Crawford recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the Department of Agriculture, Trade and Consumer Protection (DATCP) policies.

(f) The County of Crawford is an agent for Department of Agriculture, Trade and Consumer Protection, under the provisions as set forth in Section 97.41 Wisconsin Statutes.

(3) SEVERABILITY. Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision.

(4) DEFINITIONS.

(a) "Department" means the Crawford County Health Department.

(b) "Health Officer" means the Health Director or his/her authorized agent.

(c) "Sanitarian" means the individual who provides the inspections and licensing of facilities covered under this Ordinance and is the Health Officer's Duly Authorized Representative.

(d) "Person" means an individual, partnership, association, firm, company, corporation, organization, municipality, county, town, or state agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.

(e) "License" means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this chapter, it is synonymous with *permit*.

(5) LICENSE APPLICATION. License application shall be made to the Crawford County Health Department on forms approved by DATCP or supplied by the Department, and all appropriate license and pre-inspection fees shall be paid at the time the application is filed. Licenses hereunder shall not be granted or issued by the Department unless and until the Health Officer/Director, or designee, determines and certifies compliance with all the applicable terms and conditions set forth by Wisconsin Law.

License Application forms provided by the Department shall contain, but not be limited to, the following information:

(a) The name, home address and date of birth of the entity requesting the privilege of operating the said business/conducting the activity.

(b) The trade name and address of the establishment.

(c) Whether the applicant is a person, corporation, or partnership.

1. If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.

2. If the applicant is a partnership, the applicant shall include the names, home addresses and date of births of the partners.

3. The mailing address of the legal licensee.

(d) The signature of all applicants and their agents both to confirm that all information on the application is correct and to acknowledge that any change in the information on the application shall be reported to the Health Officer within 14 days of the change.

(6) LICENSE ISSUANCE. The Health Officer shall issue a license to the applicant only after compliance with the requirements of this ordinance and upon payment to the Department of all required fees. The Department shall approve or withhold a license within 30 days following receipt of the application. The Department will provide written explanation regarding the reasons for withholding any license.

(7) LICENSE PERIOD. The license period for licenses issued per the DATCP contract shall be from July 1st through the following June 30th (except temporary and mobile food licenses). Licenses are not transferable between persons, entities or any combination thereof.

(8) FEES. The Department shall set, provide and impose the fee schedule for all License Applicants. No License Application will be processed until the appropriate fees are paid in full.

(a) NON-PRORATION OF FEES. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full.

(b) PRE-INSPECTIONS AND THEIR ASSOCIATED FEES. Pre-inspections are required to be conducted for establishments within the scope of Chapter 97 of the Wisconsin Statutes.

(c) LATE FEES. Late Fees will be assessed and billed after July 1st of each year.

(d) RE-INSPECTION FEES. In the event that the Department observes violations during the course of its inspections, the Department shall charge the party in violation a fee as set forth, for each re-inspection necessary to confirm that the original violations have been remedied.

(e) NO CERTIFIED OPERATOR FEE. If facility owners do not obtain the required certificate issued by State of Wisconsin within 90 days, facility owners will be assessed a \$150.00 fee.

(9) PUBLIC DISPLAY OF LICENSE. All licensees shall post their license in plain public view on the premises for which the permit is issued. It shall be posted for the duration that the permit is in force.

(10) INSPECTION BY THE DEPARTMENT. Authorized employees of the Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

(11) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The Health Officer, or designee, may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:

(a) A decision by the Health Officer to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulation or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(b) A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written Request and Reconsideration to the Health Officer within 10 working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 10 working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom Notice of Appeal shall be filed

(d) A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 10 days of receipt of the Health Officer's Decision on review. The Notice of Appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said Notice with the Crawford County Board of Health.

(e) A licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the Notice of Appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or Personal service at least 5 days before the hearing.

(f) The hearing shall be conducted before the Crawford County Board of Health and shall be conducted in accordance with the procedures outlined in Section 68.11 Wis.Stats.

(g) Within 15 days of the hearing, The Crawford County Board of Health shall mail or deliver to the applicant its written determination stating the reasons therefor.

(h) OPERATING WITHOUT A LICENSE. Any person or entity that operates without a license as required above shall be subject to forfeiture in the amount of \$500.00. Ongoing violations may be subject to fines or up to \$500.00 per day.

(i) Voided Permit For Failure to Pay Fees. If an applicant or owner fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant or owner receives notice of an insufficiency or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An owner whose permit is voided under this subsection may appeal the decision.

(12) TEMPORARY ORDERS. Whenever, as a result of an inspection conducted pursuant to this chapter, the Health Officer or his/her designated agent has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to health of the Public, the Health Officer may proceed as stated in Section 66.0417 Wisconsin Statutes to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Section 66.0417 Wisconsin Statutes is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

Temporary pool closures pursuant to ATCP 76, due to chlorine/bromine and/or ph levels that are outside of prescribed water quality standards shall be in effect for the shorter of 24 hours or that time period necessary to complete three (3) turnovers of the pool water to be measured from the time of closure, in order to allow added chemicals to equalize the pool.

(13) CONSTRUCTION OR ALTERATION OF LICENSABLE FOOD SERVICE ESTABLISHMENTS

(a) Except as provided in (b), no person shall erect, construct, enlarge or alter a food establishment without first submitting to the Health Officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving Department approval of submitted plans. Such plans shall include expected menu, floor plan, equipment plan and specifications, plumbing layout, wall, floor and ceiling finishes and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the Department. Plan submittal to the Crawford County Health Officer is in addition to any plan submittal requirement of any municipal Building Inspector.

(b) At the option of the Health Officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacement of existing equipment, the replacement of existing floor, wall or ceiling coverings or other cosmetic or decorating activity.

(c) Any plans approved by the Department shall not be changed or modified unless the Health Officer has reviewed and approved the modifications or changes. Final approved plans will be kept in perpetuity as part of the legal file for the establishment.

(d) A pre-inspection fee shall be charged for any remodeling projects that exceed the definition of "minor alterations" set forth in subsection (b), examples of which shall include, but shall not be limited to, circumstances in which the entire facility is closed for remodeling, circumstances in which a section of the facility is closed for significant remodeling, and circumstances in which new additions are added to the facility even though the original facility remains open for business.

(14) "CLASS B" OR "CLASS C" PREMISES. No applicant may obtain a "Class B" license or permit or a "Class C" license or permit under Section 125.68(5) Wisconsin Statutes, unless the premises complies with the rules promulgated by the Department of Agriculture, Trade and Consumer Protection governing sanitation in restaurants.

B. RESTAURANTS/MEAL FOOD SERVICE

(1) REQUIREMENTS

(a) Except as provided in (b), no person, party, firm or corporation shall operate a Restaurant, Temporary Restaurant or Mobile Restaurant, as defined in ATCP 75, without first obtaining a license therefore from Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 75.

(b) No license is required for the following:

1. Churches, religious, fraternal, youth or patriotic organizations such as VFW, American Legion, or other like organizations, service clubs or civic organizations which occasionally prepare, serve, or sell meals to the general public. The term occasional means not more than 3 days during any 12-month period.

2. Taverns that serve free lunches of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.

3. Any public or private school lunchroom for which food service is directly provided by the school. The department shall charge a fee for inspection services to school lunchrooms required to be inspected under federal or state law.

4. A private individual selling food from a moveable or temporary stand at a public farm sale.

5. A concession stand at a locally sponsored sporting event, such as a little league game.

(c) Temporary Restaurants:

1. Defined: A restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale for a period of no more than 14 consecutive days or in conjunction with an occasional sales promotion. The term occasional means not more than 3 days during any 12-month period.

2. Licenses are issued at the site of the event. A temporary restaurant may be moved from location to location within the county, but may not operate from the new location until it has been inspected and found to be in compliance. A temporary restaurant license may not be used to operate more than one restaurant at a time.

(2) ADMINISTRATION AND ENFORCEMENT. In addition to the statutory and administrative code references and powers as indicated in Section A, the Health Officer/designee may issue temporary orders when the department has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to public health or safety.

C. BED AND BREAKFAST ESTABLISHMENTS.

(1) REQUIREMENT. No person, party, firm, or corporation shall operate a Bed and Breakfast Establishment as defined in ATCP 73 for more than 10 nights in a year, without first obtaining an annual license from the Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 73.

(2) ZONING AND CONSTRUCTION STANDARDS. Prior to Department approval, the applicant must submit written verification of approval of this commercial business in the building and property considered for licensure as a bed and breakfast establishment. All zoning and construction standards must be approved and the applicant must provide the Department with written verification that the property meets all applicable local and state fire and building codes from inspections of state and local building inspectors.

(3) ADMINISTRATIVE FEE. In addition to the established fees, the licensee shall pay any administrative fee amount due per the schedule on file with the Department.

D. HOTELS, MOTELS AND TOURIST ROOMING HOUSES.

(1) REQUIREMENT. No person, party, firm, or corporation shall operate a Hotel, Motel or Tourist Rooming House, as defined in ATCP 72 without first obtaining an annual license therefore from the Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 72.

E. CAMPGROUNDS, RECREATIONAL AND EDUCATION CAMPS.

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a campground, recreational camp or educational camp, as defined in ATCP 79, without first obtaining an annual license therefore from the Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 79.

F. PUBLIC SWIMMING POOL.

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a Public Swimming Pool, as defined in ATCP 76 without first obtaining an annual license therefore from the Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 76.

G. SCHOOL INSPECTIONS.

(1) REQUIREMENTS. All schools participating in the National School Lunch (NSLP) or School Breakfast Programs (SBP) shall, at least twice during each school year, obtain a food safety inspection conducted by a state or local governmental agency responsible for food safety inspection.

H. RETAIL FOOD ESTABLISHMENTS.

(1) REQUIREMENTS. No person, party, firm or corporation shall operate a Retail Food Establishment, as defined in ATCP 75 and Section 97.30 Wisconsin Statutes, without first obtaining an annual license therefore from the Department; nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this ordinance or ATCP 75 or Section 97.30 Wisconsin Statutes.

I. CHANGES IN THE LAW.

In the event that the Wisconsin Department of Health Services, the Wisconsin Department of Safety and Professional Services, or the Wisconsin Department of Agriculture, Trade or Consumer Protection amends any of their regulations or rules which are adopted in this ordinance, said amendments shall automatically become part of this ordinance without further action by the Crawford County Board. In the event the Wisconsin legislature amends or renumbers any of the statutes adopted in this ordinance, said amendments or renumbered statutes shall automatically become part of this ordinance without further action by the Crawford County Board.

J. COUNTY COLLECTION OF FORFEITURE AMOUNTS.

After the Crawford County Clerk of Circuit Court transfers any forfeitures paid (including cash deposit forfeitures) by violators of this ordinance to the Crawford County Treasurer pursuant to Section 778.10 Wisconsin Statutes, the Crawford County Treasurer shall then record said forfeiture monies (not including court costs) as being a deposit into the revenue account of the Crawford County Health Department to be used for Crawford County Health Department operations and expenses.

K. PROSECUTION OF VIOLATORS

The Crawford County Corporation Counsel is authorized to handle the prosecution of any citation action filed for violation of this ordinance or orders or decisions by the Department or Board of Health issued there under. The Crawford County Corporation Counsel is also authorized to file any lawsuits the Corporation Counsel deems necessary against any violators of this ordinance or violators of orders or decisions of the Department or Board of Health issued pursuant to this ordinance.”

Section II: That Crawford County Ordinance Number 11.06 is hereby created to read as follows:

“11.06 PENALTY .

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in [§25.04](#) of this Code of Ordinances.”

Section III: This Ordinance shall become effective from and after its passage and publication as required by law.

Dated this 18th day of April, 2017.

Gari Lorenz, Chairman
Katie McGovern
Amanda Schultz
Rose Bauer

Dr. Walter Boisevert
Donald Stirling
Wayne Jerrett

Passed and approved this 18th day of April, 2017.

ATTEST:

Tom Cornford
County Board Chairman

Janet L. Geisler
County Clerk

Published this day of April, 2017.
Effective this day of April, 2017.

Motion by Kozelka, second by Russell to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.

The Chairman asked for any questions or appearances. Gloria explained that there are no changes in the penalty. The ordinance just allows Public Health to be agents of the State.

Motion by Krachey, second by Stirling that the ordinance be ordered engrossed and given the third reading by title only. The motion carried and the Clerk gave the third reading by title only.

Chairman Cornford stated the ordinance having been read three several times the question is, "Shall the ordinance pass?"

Motion by Stirling, second by Lorenz to adopt the ordinance. Motion carried unanimously upon call of the roll.

**County Veterans Service Commission
Crawford County, Wisconsin**

Chairman: Eugene LaPointe
Member: Charlie Coleman
Member: Gary Gundlach

Report of the Crawford County Veterans Service Commission for the calendar year 2016.

To: The Honorable Board of Supervisors
Crawford County, Wisconsin

Pursuant to the requirements of the Wisconsin statutes, Chapter 45.14, we submit herewith the annual report of amounts expended on behalf of needy veterans and the Veterans Services Commission for the calendar year 2016.

Respectfully Submitted,

Eugene LaPointe, Chairman
Charlie Coleman, Member
Gary Gundlach, Member

Dated: January 24, 2017

Motion by Krachey, second by Rocksvold to approve the Veterans Service Commission report. Motion carried unanimously.

The annual report from the Crawford County Area Shelters for Animals had been distributed.

Motion by Kuhn, second by Steiner to accept the annual CASA report. Motion carried unanimously.

The 2016 annual department reports are available and supervisors were encouraged to check them out from the County Clerk. The 2016 Highway annual report had also been distributed to supervisors.

There being no further business to come before the Board there was a motion by Dull, second by Kelley to adjourn. Motion carried unanimously and the meeting was adjourned.

STATE OF WISCONSIN
(ss)
COUNTY OF CRAWFORD

I, Janet L. Geisler, Clerk of County of Crawford, State of Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the Crawford County Board of Supervisors at the Regular Session on April 18, 2017.

Janet L. Geisler, Crawford County Clerk