

**PROCEEDINGS OF THE GREEN COUNTY BOARD OF SUPERVISORS**

**June 10, 2014**

Arthur Carter, Chair, called the meeting to order.

The Clerk read the roll with 27 present, 3 absent being Wickline, Koopmans and Luchsinger and 1 tardy being Mandel.

The Board recited the Pledge of Allegiance.

Motion by Dalton, seconded by Everson to approve the minutes of the April 15, 2014 meeting. Motion carried by a unanimous voice vote.

**RESOLUTION 6-1-14**

***Resolution Authorizing New Human Services LTE Position***

**WHEREAS**, County Code 1-7-4 directs and charges the Personnel and Labor Relations Committee with the responsibility for considering and recommending requests for employee reclassification, creation and description of new positions and associated grades.

**NOW, THEREFORE, BE IT RESOLVED**, by the Green County Board of Supervisors, in legal session assembled, that the Board consider the recommendation of the Personnel and Labor Relations Committee for the following new limited term position at Human Services:

**Unit:** Regional Aging & Disability Resource Center (ADRC)  
**Title:** Dementia Care Specialist  
**Grade:** 62  
**Status:** Full-time 40 hrs per week, limited term employee  
**Minimum/Maximum**  
**Hourly Rate:** \$18.34/\$19.27 (2014 rates)  
**Benefits:** All county fringe benefits  
**Effective Date:** Upon passage  
**Tax Levy:** 00.00

**SIGNED: PERSONNEL AND LABOR RELATIONS COMMITTEE:**

Arthur Carter	Harvey Mandel
Herb Hanson	Ray Francois
Dennis Dalton	Pat Davis
Steve Stettler	

Motion by Hanson, seconded by Guth to approve Resolution 6-1-14. Motion carried by a unanimous voice vote.

**RESOLUTION 6-2-14**

***Resolution Increasing Huber Law Board Fees***

**WHEREAS**, Section 303.08, Wis. Stats., provides for Huber Law employment while jailed at the Green County Jail; and

**WHEREAS**, said Huber inmates are to be liable for charges for the cost of their board as fixed by the Green County Board of Supervisors; and

**WHEREAS**, Section 1-14-1 of the Green County Code, as enacted in conformance with Wisconsin Statutes, establishes the cost of board for Huber inmates and other prisoners as established by the Green County Board of Supervisors; and

**WHEREAS**, the Green County Law Enforcement Committee has reviewed the current cost of the Huber Law board and has determined that an increase to same is necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Green County Board of Supervisors, in legal session assembled, that the per prisoner cost of daily board shall be increased from \$16.50 to \$18.00 effective immediately upon publication.

**SIGNED: LAW ENFORCEMENT AND PUBLIC SAFETY COMMITTEE:**

Dennis Dalton, Chair	Sherri Fidducia
Calvin Wickline	Richard Thoman
Ted Fahey	

Motion by Dalton, seconded by Disch to approve Resolution 6-2-14. Motion carried by a unanimous voice vote.

**RESOLUTION 6-3-14**

***Resolution Awarding Highway Contract in Excess of \$75,000***

**WHEREAS**, County Code Section 1-11-2, entitled COUNTY PURCHASES AND CONTRACTS, provides for review, approval and execution of all county contracts and purchases necessary to carry out approved budget operations; and

**WHEREAS**, Section 1-11-2(A)(4) states: Cost or price in excess of seventy-five thousand dollars (\$75,000.00), recommendation by the appropriate department head and the supervisory committee to the full County Board and approval by the full Board before the purchase is made. Execution of the contract documents shall be by the Green County Board Chair and the appropriate committee chair, after the document has been reviewed by the Green County Corporation Counsel; and

**NOW, THEREFORE, BE IT RESOLVED** by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the Green County Highway Committee for the contracting of the following services for centerline and edgeline painting:

**Twin City Striping** **\$111,110.00**

**SIGNED: GREEN COUNTY HIGHWAY COMMITTEE:**

Ray Francois, Chair Russ Torkelson  
Harvey Mandel Calvin Wickline  
Ron Wolter

**REVIEWED AND APPROVED BY:**

Ray Francois, Highway Committee Chair  
Arthur Carter, County Board Chair  
Brian Bucholtz, Corporation Counsel

Motion by Francois, seconded by Torkelson to approve Resolution 6-3-14. Motion carried by a unanimous voice vote.

**RESOLUTION 6-4-14**

***Resolution Authorizing New Jail Position at Sheriff's Department***

**WHEREAS**, County Code Section 1-7-4 directs and charges the Personnel and Labor Relations Committee with the responsibility for considering and recommending requests for employee reclassification, creation and description of new positions and associated grades.

**NOW, THEREFORE, BE IT RESOLVED**, by the Green County Board of Supervisors in legal session assembled, that the Board consider the recommendation of the Personnel and Labor Relations Committee for the following creation of one jail position at the Sheriff's Department:

**Title:** Jailer  
**Status:** Full-time 40.5 hrs per week, union  
**Minimum/Maximum**  
**Hourly Rate:** \$18.43/\$22.10  
**Benefits:** All county fringe benefits  
**Effective Date:** Upon passage  
**Tax Levy:** Zero additional dollars

**SIGNED: THE PERSONNEL AND LABOR RELATIONS COMMITTEE:**

Arthur Carter, Chair Harvey Mandel, Vice-Chair  
Herb Hanson Ray Francois  
Dennis Dalton Pat Davis  
Steve Stettler

Motion by Dalton, seconded by Fiduccia to approve Resolution 6-4-14. Motion carried by a unanimous voice vote.

**ORDINANCE 14-0601**

***Modifications to the Animal Manure Storage and Animal Feedlot Ordinances***

**WHEREAS**, the Green County Land and Water Conservation Committee has general supervision over administration of the County Land and Water Conservation Program; and

**WHEREAS**, after review of the Green County Code, the Green County Land and Water Conservation Committee has indicated that the Green County Code is in need of updating; and

**NOW, THEREFORE, BE IT ORDAINED** by the Green County Board of Supervisors, in legal session assembled, that the following additions, deletions and corrections be made to Title 9 of the Green County Code.

**9-4-7: VIOLATIONS**

A. ~~Penalties: Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to subsection 7-4-31C of this Title which is a Class Three forfeiture plus costs for each violation. An unlawful violation includes, but is not limited to, failure to comply with any standard of this Chapter, failure to comply with any condition or qualification attached to the permit, or misrepresentations in obtaining the permit. Each day that a violation exists shall be a~~

~~separate offense. Citations for a violation may be written by the Green County Sheriff, deputy sheriffs, an authorized Department of Natural Resources employee, or the Green County Department of Land Conservation employees. (If a citation is issued, all construction, repair or other work on the facility shall cease, except for correction of the violation, until the corrections or violations are remedied.)~~

- A. Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.
- B. Enforcement Of Injunctions: As a substitute for or in addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title. (Ord. 97-0510)

**9-4-8: APPEALS FROM ADMINISTRATIVE DECISION**

- A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Land and Water Conservation staff in administering this Chapter.
- B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Land and Water Conservation, 1627 4th Avenue W, Monroe, WI 53566. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within 60 days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town board. The Department shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within 60 days after the appeal hearing.
- C. Statutory Administrative Review And Certiorari: ~~The decision of the Green County Land and Water Conservation Committee shall be subject to further administrative review by the Green County Board of Adjustment if a written appeal seeking such review is filed within thirty (30) days after the decision of the Committee.~~ The decision of the Board of Adjustment Green County Land and Water Conservation Committee shall be subject to judicial review if, within ~~thirty (30)~~ 30 days after the decision of the Board of Adjustment Green County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by this County Code and §59.694, Wis. Stats. (Ord. 97-0510) (Ord. 07-0801; 8/14/07)

**9-5-4-4: VIOLATIONS**

~~Any person who, with or without a permit under this ordinance violates any of its standards or requirements shall be subject to the imposition of an appropriate forfeiture in accordance with Green County Code or for injunctive relief or both at the discretion of the County. (Ord. 00-0104)~~

- A. Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.
- B. Enforcement Of Injunctions: As a substitute for or in addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title.

**9-5-4-5: APPEALS FROM ADMINISTRATIVE DECISION**

- A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Land and Water Conservation staff in administering this Chapter. –
- B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Land and Water Conservation, 1627 4th Avenue W, Monroe, WI 53566. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within 60 days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town board. The Department shall transmit to the Committee all documents constituting the record from

which the appeal was taken. The Committee shall issue a written decision regarding the appeal within 60 days after the appeal hearing.

- C. Statutory Administrative Review And Certiorari: The decision of the Green County Land and Water Conservation Committee shall be subject to judicial review if, within 30 days after the decision of the Green County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by this County Code and §59.694, Wis. Stats.

**9-5-4-65: DEFINITIONS**

**SIGNED: LAND AND WATER CONSERVATION COMMITTEE**

Oscar Olson, Chair  
Ken Hodgson  
Ron Syse  
Russ Torkelson, Vice-Chair  
Gordon Klossner

Motion by Olson, seconded by Hodgson to approve Ordinance 14-0601. Motion carried by a unanimous voice vote.

**ORDINANCE 14-0602**

***Repeal of Wind Generator Ordinance***

**WHEREAS**, the Green County Zoning and Land Use Committee is charged with the study and development of zoning and land use programs, as well as the regulation of wind energy system facilities in Green County; and

**WHEREAS**, after review of the Green County Code and Chapter 66, Wis. Stats., the Green County Zoning and Land Use Committee has determined that the Wisconsin Statutes are suitable to address wind energy systems and that there is no need for an ordinance within the Green County Code; and

**NOW, THEREFORE, BE IT ORDAINED** by the Green County Board of Supervisors, in legal session assembled, that Title 4, Chapter 11 of the Green County Code, as is attached, be repealed in its entirety.

**SIGNED: LAND USE AND ZONING COMMITTEE**

Gordon Klossner  
Sherri Fiduccia  
Jeff Williams  
Barb Krattiger  
Ron Syse

Motion by Klossner, seconded by Krattiger to approve Ordinance 14-0602. Motion carried by a unanimous voice vote.

**ORDINANCE 14-0603**

***Modifications to the Nonmetallic Mining Reclamation Ordinance***

**WHEREAS**, the Green County Land Use and Zoning Committee is charged with the study and development of nonmetallic mining in Green County; and

**WHEREAS**, at the request of the Zoning Administrator, the Green County Land Use and Zoning Committee has reviewed the Green County Nonmetallic Mining Reclamation Ordinance regarding required fees and has determined that the Green County Code is in need of updating; and

**WHEREAS**, the Green County Land Use and Zoning Committee has determined that it is appropriate that the fees be reviewed on at least an annual basis and, therefore, determined that it is appropriate that not all need be enumerated in the ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Green County Board of Supervisors, in legal session assembled, that the following additions, deletions and corrections be made to Title 10 of the Green County Code:

**10-4-4-1: AMOUNT AND APPLICABILITY**

A person who intends to operate a non-metallic mining site for which a permit application has been submitted under §10-3-1-3 shall submit a non-refundable plan review fee. The fee payment schedule will be set by the Green County Land Use and Zoning Committee as specified in the Green County fee schedule. Fees shall be paid to the Green County Zoning Office, or their its designee. No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of §10-3-1-2 or for any local transportation-related mine issued an automatic permit under §10-3-5-5. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to §10-4-1. (Ord. 07-0601, 6/12/07)

**~~Plan Review Fee for Reclamation Plans Submitted Where  
the Department is the Regulatory Authority~~**

**~~Proposed Mine Site Size Rounded to the  
Nearest Whole Acre~~**

**One-Time Plan Review Fee**

1 to 25 acres 26 to 50 acres 51 or more acres	Fees to be established by the Green County Land Use and Zoning Committee
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**10-4-5: ANNUAL FEES**

Operators of all nonmetallic mining sites shall be subject to reclamation permits issued under this ordinance and shall pay annual fees to the Green County Zoning Office, or its designee. These fees shall be calculated pursuant to §NR 135.39, Wis. Adm. Code. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under §10-4-7-3 . Fees shall be paid no later than December 31st before the year for which they apply.

Fees shall be assessed pursuant to §NR 135.39, Wis. Adm. Code, and shall be broken down as follows:

**Green County's Share of Fee  
Annual Fees**

Mined Size in Unreclaimed Acres	Green County's Fees	WDNR's Share	Total
1 to 5 acres	\$140.00	\$35.00	\$175.00
6 to 10 acres	\$280.00	\$70.00	\$350.00
11 to 15 acres	\$420.00	\$105.00	\$525.00
16 to 25 acres	\$560.00	\$140.00	\$700.00
26 to 50 acres	\$650.00	\$160.00	\$810.00
51 acres or more	\$695.00	\$175.00	\$870.00

**Reduced Fees for Inactive Mines**

Mined Size in Unreclaimed Acres	Green County's Fees	WDNR's Share	Total
1 to 5 acres	\$40.00	\$15.00	\$55.00
6 to 10 acres	\$80.00	\$15.00	\$95.00
11 to 15 acres	\$120.00	\$15.00	\$135.00
16 to 25 acres	\$160.00	\$15.00	\$175.00
26 to 50 acres	\$185.00	\$15.00	\$200.00
51 acres or more	\$200.00	\$15.00	\$215.00

(Ord. 07-0601, 6/12/07)

**SIGNED: GREEN COUNTY LAND USE AND ZONING COMMITTEE**

Sherri Fiduccia	Gordon Klossner
Barb Krattiger	Ronald Syse
Jeff Williams	

Motion by Klossner, seconded by Fiduccia to approve Ordinance 14-0603. Motion carried by a unanimous voice vote.

**ORDINANCE 14-0604**

**Speed Limit Modification**

**WHEREAS**, the Green County Highway Committee is charged with the duty to receive and make recommendations upon all highway matters referred to them for Green County; and

**WHEREAS**, the Green County Highway Committee has reviewed the Green County Code and has determined that the Green County Code is in need of updating with regard to speed limits; and

**NOW, THEREFORE, BE IT ORDAINED** by the Green County Board of Supervisors, in legal session assembled, that the following modification be made to the below language of Section 8-1-3 of the Green County Code:

**8-1-3: SPEED LIMITS**

The County of Green hereby determines that the statutory speed limits on the following highways or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits as follows:  
County Trunk Highway E – 45 miles per hour from the Brodhead City Limits north for a distance of ~~0.40~~ 0.88 miles.

**SIGNED: GREEN COUNTY HIGHWAY COMMITTEE**

Ray Francois Harvey Mandel  
Cal Wickline Russ Torkelson  
Ron Wolter

Motion by Francois, seconded by Mandel to approve Ordinance 14-0604. Motion carried by a unanimous voice vote.

Motion by Hanson, seconded by Disch to approve the Pleasant View Nursing Home annual report. Motion carried by a unanimous voice vote.

Motion by Kubly, seconded by Krattiger to approve the Health Department annual report. Motion carried by a unanimous voice vote.

Motion by Hanson, seconded by Furgal to approve the following appointments: Joan Flood to serve as Elderly Representative on the Aging & Disability Advisory Committee for the balance of a term to end April 21, 2015; Russ Torkelson to serve as the County Board Representative to the Aging & Disability Advisory Committee for the balance of a term to end April 21, 2016; Larry Eakins, Ken Clark and Duane Sherven to the Green County Board of Adjustment for three-year terms to end July 1, 2017; Harvey W. Kubly and Paul Fredrickson to the Hidden Valleys Tourism Association Board for one-year terms to end June 1, 2015, and Dennis Dalton as an alternate representative to the Hidden Valleys Tourism Association Board for a one-year term to end June 1, 2015. Motion carried by a unanimous voice vote.

There were no out-of-state travel requests for the board's approval.

Motion by Dalton, seconded by Disch to adjourn. Motion carried.

STATE OF WISCONSIN )  
 )SS  
COUNTY OF GREEN )

I, Michael J. Doyle, County Clerk, in and for said County, do hereby certify that the above and foregoing is a true and correct copy of the proceedings of the County Board of Supervisors of Green County, Wisconsin, on their meeting of June 10, 2014, A.D.

Michael J. Doyle  
Green County Clerk