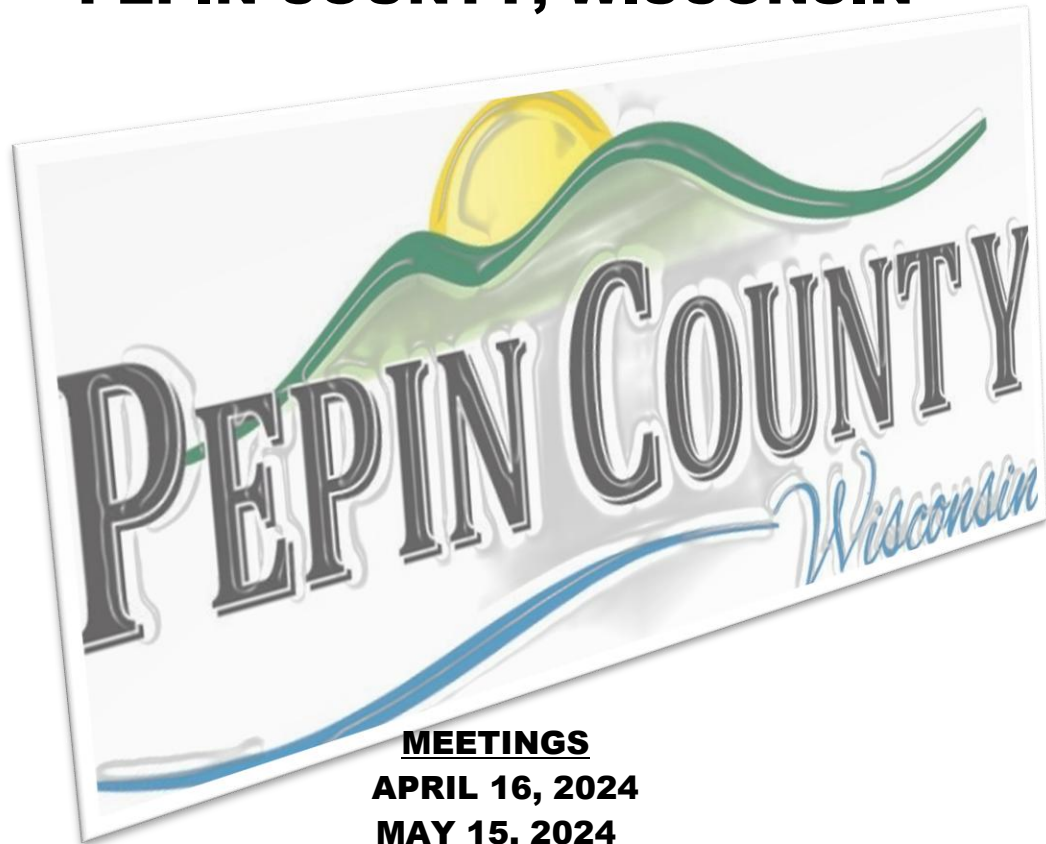


**2024 – 2025
PROCEEDINGS OF THE
COUNTY BOARD OF SUPERVISORS OF
PEPIN COUNTY, WISCONSIN**



MEETINGS

APRIL 16, 2024

MAY 15, 2024

JUNE 19, 2024

JULY No Meeting

AUGUST 21, 2024

SEPTEMBER 18, 2024

OCTOBER 16, 2024

NOVEMBER 12, 2024

DECEMBER 18, 2024

JANUARY 15, 2025

FEBRUARY No Meeting

MARCH 26, 2025

APRIL 16, 2024

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West Cap: Supervisor Andy Winkler	3
Highway Safety Commission Coordinator: Chair Tom Milliren	4
Local Emergency Planning Committee Member: Chair Tom Milliren	4
Local Emergency Food & Shelter Program: Chair Tom Milliren	4
Land Information Council: Supervisor Angie Bocksell	4
ADRC of Buffalo and Pepin County Governing Body: Supervisor Elizabeth Bauer	4
Aging Advisory Committee: Supervisor E. Bauer	4
Pepin County Land Use Planning Advisory Council: Chair Tom Milliren	4
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**JANUARY 15, 2025**

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| Future Agenda Items and Meeting Date: April 15, 2025, 7:00 p.m.                                                                                              | 166 |

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Tuesday, April 16, 2024 at 3:00 p.m.**

**CALL TO ORDER**

The Pepin County Board of Supervisors meeting was called to order at 3:00 p.m. on Tuesday, April 16, 2024 by County Clerk Audrey Bauer. The meeting was held in the County Board Room of the Pepin County Government Center, Durand WI. This meeting was held remotely for the public by following the Zoom instructions that were presented on the agenda and available on the Pepin County website. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Sections 19.81 – 19.90, *Open Meeting Law*.

**ESTABLISH QUORUM - ROLL CALL**

|             |                   |         |              |                 |         |
|-------------|-------------------|---------|--------------|-----------------|---------|
| District #1 | Michael Wright    | present | District # 7 | Kris Sabelko    | present |
| District #2 | Gary S. Bauer     | present | District #8  | Tom Milliren    | present |
| District #3 | Andy Winkler      | present | District #9  | John C. Andrews | present |
| District #4 | Paul Hoch         | present | District #10 | Kevin Kosok     | present |
| District #5 | Robert Weishapple | present | District #11 | Vicki Kosok     | present |
| District #6 | Elizabeth Bauer   | present | District #12 | Angela Bocksell | present |

The Pepin County Board of Supervisors had eleven members attend the meeting in person. Elizabeth Bauer was approved by the County Board Chair to attend the meeting remotely. All members attended during the roll call.

**PLEDGE OF ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

County Clerk Audrey Bauer was asked to move the resolution on the Amendment #49- Pepin County Handbook- Job Transfer & Promotions, Performance Evaluation and Compensation and Consultant ahead of the Resolution Establishing Retroactive Pay for Social Services Manager Position Reclassification and 2024 Budget Modification. The County Board members were asked to approve this change. All the members signified by saying yes to approve the agenda with the change.

**PUBLIC COMMENTS ON AGENDA ITEMS:**

Andy Rensink, a full-time resident on Deer Island, has put some time into understanding the amendments to the flood plain ordinance. Comments were given about how complicated the provisions were of the Ordinance. His request was for the County to consider correcting the maps of Deer Island to return most of the properties from Flood Way to Flood Fringe.

**OATH OF OFFICE**

Instructions were given to all the elected Supervisors to take the oath of office at this time. The Oath of Office was recited by all the elected Supervisors, and they signed the Oath of Office form. County Clerk Audrey Bauer collected and notarized the forms to keep on file in her office. Supervisor Elizabeth Bauer signed her oath of office in the County Clerk's office before the County Board meeting took place.

## **INTRODUCTION OF THE NEW COUNTY BOARD OF SUPERVISORS**

The County Board Supervisors took turns and introduced themselves, saying which District they represent and a little something about themselves.

April's Spring election for Pepin County Board of Supervisors included: District 1- Michael Wright; District 2- Gary S. Bauer; District 3- Andy Winkler; District 4-Paul Hoch; District 5- Robert Weishapple; District 7-Kris Sabelko; District 8-Tom Milliren; District 9-John Andrews; District 10- Kevin Kosok; District 11- Vicki Kosok and District 12- Angela Bocksell.

Supervisor Elizabeth Bauer, District 6, introduced herself remotely to everyone.

## **ELECTION OF THE COUNTY BOARD CHAIRPERSON**

County Clerk Audrey Bauer read the rules on how to elect officers for Chair and Vice Chair.

The nominations were opened for County Board Chair. Supervisor Robert Weishapple nominated Supervisor Tom Milliren to be the County Board Chair. The County Clerk asked for any other nominations. Hearing none, the nominations were closed. Supervisor John Andrews made a motion to cast a unanimous ballot to elect Supervisor Tom Milliren as County Board Chair. Seconded by Supervisor Paul Hoch. Roll call vote taken, Supervisor Michael Wright-yes, Supervisor Gary Bauer, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, , Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Supervisor Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, and Supervisor Angie Bocksell-yes. Motion carried.

Supervisor Tom Milliren is the Pepin County Chair and took over running the meeting at this point.

## **ELECTION OF THE COUNTY BOARD 1<sup>ST</sup> VICE CHAIR**

Chairman Tom Milliren opened the floor for nominations for 1<sup>st</sup> Vice Chair of the County Board.

Nomination was made by Supervisor Robert Weishapple to nominate Supervisor John Andrews. No other nominations were made. Supervisor Bocksell made a motion to cast a unanimous ballot to elect Supervisor John Andrews as the County Board 1<sup>st</sup> Vice Chair. Roll call vote was taken, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth. Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok and Supervisor Angie Bocksell-yes. Motion carried. 1<sup>st</sup> Vice Chair is Supervisor John Andrews.

## **ELECTION OF THE COUNTY BOARD 2<sup>ND</sup> VICE CHAIR**

Chair Tom Milliren opened the floor for nominations for 2<sup>nd</sup> Vice Chair of the County Board.

Supervisor Paul Hoch nominated Supervisor Angie Bocksell for 2<sup>nd</sup> Vice Chair. Chair Milliren asked for other nominations for 2<sup>nd</sup> Vice Chair. Supervisor John Andrews made a motion, seconded by Supervisor Kevin Kosok to close the nominations and cast a unanimous ballot to elect Supervisor Angie Bocksell as the 2<sup>nd</sup> Vice Chair. Roll call vote was taken, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes. All in favor. Motion carried. 2<sup>nd</sup> Vice Chair is Supervisor Angie Bocksell.

## **COUNTY BOARD STANDING COMMITTEE APPOINTMENTS**

County Clerk Audrey Bauer collected the Interest Surveys that were filled out by each Supervisor to help assign the Supervisors to the different Standing Committees. Chair Tom Milliren, 1<sup>st</sup> Vice Chair John Andrews, 2<sup>nd</sup> Vice Chair Angie Bocksell, Administrative Coordinator Pam Hansen, and

County Clerk Audrey Bauer met in the County lunchroom to place each Supervisor on a Standing Committee that would best match their interests. Upon completion of the task, Copies of the selection were handed out and Chairman Tom Milliren announced that the Standing Committees members were as follows:

**Board of Health**

1. John Andrews
  2. Angie Bocksell
  3. Elizabeth Bauer
  4. Vicki Kosok
- and 3 citizen members

**Highway Committee**

1. Tom Milliren
2. Robert Weishapple
3. Paul Hoch
4. Kris Sabelko
5. Gary Bauer

**Human Services Board**

1. Andy Winkler
  2. Micheal Wright
  3. John Andrews
  4. Elizabeth Bauer
- and three citizen members

**Land Conservation, Planning, and Extension Pepin County Committee**

1. Angie Bocksell
  2. Kris Sabelko
  3. Kevin Kosok
  4. Michael Wright
- and FSA Rep- Dustin Auth

**Law Enforcement/Emergency Management Committee**

1. Kevin Kosok
2. Paul Hoch
3. Tom Milliren
4. Robert Weishapple
5. Vicki Kosok

**OTHER APPOINTMENTS:**

Western Central Wisconsin Workforce Development Board –  
Re-appoint Supervisor John Andrews

Chippewa Valley Technical College Appointment Committee- Re-appoint Chair Tom Milliren

West Cap- Appointed Supervisor Andy Winkler

Highway Safety Commission Coordinator-Re-appoint Supervisor Tom Milliren

Local Emergency Planning Committee Member- Re- appoint Supervisor Tom Milliren

Local Emergency Food & Shelter Program-Re-appoint Supervisor Tom Milliren

Land Information Council- Re-Appoint Supervisor- Angie Bocksell

Aging & Disability Resource Center (ADRC) of Buffalo and Pepin County Governing Body- Re-appoint Supervisor- Elizabeth Bauer

Aging Advisory Committee- Re-appoint Supervisor Elizabeth Bauer

Pepin County Land Use Planning Advisory Council- Re-appoint Supervisor Tom Milliren

Criminal Justice Collaborating Council County Board Representative- Re-appoint Supervisor Paul Hoch

Motion was made by Supervisor John Andrews, seconded by Supervisor Michael Wright, to approve all the appointments listed above. Roll call vote was taken, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor Gary Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes. Motion carried.

**Other Appointments :**

The Board confirmed the appointment of Jodie Anderson as a Citizen Member to the Human Service Board .

**Consent Agenda Items:**

**Approval of the March 20, 2024 County Board Meeting Minutes**

Motion was made by Supervisor John Andrews, seconded by Supervisor Paul Hoch, to approve the March 20, 2024 County Board meeting minutes as presented.

Roll call vote was taken, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes and Supervisor Robert Weishapple-yes. Motion carried.

**Reports:**

**County Board Committee Reports**

Committee Reports were given by the previous Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Business Items- Discussion with possible action:**

**AMENDMENT NO. 138 TO PEPIN COUNTY ORDINANCE 179  
CHAPTER 20 – FLOODPLAIN ZONING CODE  
BE IT OBTAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:**

**20.01 - STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

(1) STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in Wis. Stats. §59.69, §59.692, and §59.694; and the requirements in §87.30.

(2) FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- ~~(i) Allow development in the floodplain that meets the requirements of this ordinance, unless there is any practicable alternative to locate the activity, use or structure outside of the floodplain.~~
- (i) Discourage new development in the floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Pepin County, Wisconsin.

(5) GENERAL PROVISIONS

a) AREAS TO BE REGULATED.

~~This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.~~

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-A30, AE on the Flood Insurance Rate Map (FIRM). Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

b) OFFICIAL MAPS AND REVISIONS

~~The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1—30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see § 20.08 Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Pepin County Land Management Office. If more than one map or revision is referenced, the most restrictive information shall apply.~~

Special Flood Hazard Areas (SFHA) are designated as zones A, AE, AH, AO or A1-30 on the Flood Insurance Maps (FIRMS) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. 1) below. Additional flood hazard areas subject to regulation under this ordinance are identified on the maps based on studies approved by the DNR and listed in subd. 2) below. These maps and revisions are on file in the office of the Zoning Administrator, Pepin County.

Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see section 20.08 Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR.

1) OFFICIAL MAPS: Based on the Flood Insurance Study:

a) Flood Insurance Rate Map (FIRM), panel number –

55091C0040D, 55091C0045D, 55091C0061D, 55091C0062D, 55091C0063D, 55091C0064D, 55091C0068D, 55091C0070D, 55091C0090D, 55091C0095D, 55091C0115D, 55091C0120D, 55091C0140D, 55091C0145D, 55091C0160D, 55091C0180D, 55091C0185D, 55091C0190D, 55091C0195D, 55091C0201D, 55091C0210D, 55091C0230D, 55091C0235D, 55091C0285D, 55091C0305D, 55091C0310D, 55091C0315D, 55091C0320D, 55091C0330D, 55091C0335D, 55091C0340D effective date August 19, 2010

~~Effective date August 19, 2010, with corresponding profiles that are based on the Flood Insurance Study (FIS) 55091CV000A effective date August 19, 2010.~~

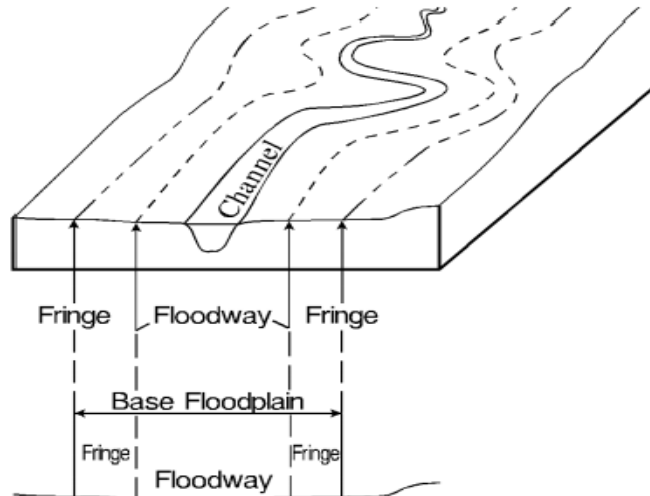
b) Flood Insurance Study (FIS) for Pepin County Effective date August 19, 2010, with corresponding profiles that are based on the Flood Insurance Study (FIS) 55091CV000A effective date August 19, 2010.

c) Letter of Map Revision (LOMR) Case Number 22-05-1633P effective date February 9, 2024

Approved by: The DNR and FEMA

- 2) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
- a) Bogus Creek No. 2 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Carol E. C. Drungil, Ph.D., P.E. Hydraulic Engineer, Natural Resource Conservation Service dated June 2001/ revised February 2002 and as approved by the Wisconsin Department of Natural Resources February 11, 2002. (Ord. No. 179, Am. #36, s 2, 5-15-02)  
Approved by: The DNR and FEMA
  - b) Bogus Creek No. 1 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2003 and as approved by the Wisconsin Department of Natural Resources on May 4, 2004.
  - c) Lost Creek, Structure No. 3 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated December 2002 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.
  - d) Lost Creek, Structure No. 4 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2004 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.
  - e) Lost Creek Structure No. 5 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated March 2005 and as approved by the Wisconsin Department of Natural Resources on April 28, 2006.
  - f) Little Plum Creek Structure No. 12 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2004 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.

**Figure 1: Floodplain Zoning Districts**



c) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- 1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM **when determined according to s. 20.05 (5).**
- 2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM, **or when floodway limits have been determined according to s. 20.05(5) within A zones shown on the FIRM.**
- 3) The General Floodplain District (GFP) (labeled Base Floodplain in Figure 1) is those **riverine** areas that may be covered by floodwater during the regional flood **and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.**

d) LOCATING FLOODPLAIN BOUNDARIES

~~Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd. (1) or (2) below.~~

**Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd. (1) or (2) below.** If a significant difference exists, the map shall be amended according to s 20.08

Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.

Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s 20.07(3)(c) and the criteria in (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s 20.08 Amendments.

- 1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- 2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

e) REMOVAL OF LANDS FROM FLOODPLAIN

- 1) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s 20.08 Amendments.
- 2) The delineation of any of the floodplain districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all of the criteria set forth in the following paragraphs are met:
  - a) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
  - b) The fill must be contiguous to land outside the floodplain; Applicant shall obtain a floodplain development permit before applying for a LOMR or LOMR-F
- 3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the Federal Emergency Management Agency under 44 C.F.R. 70.

f) COMPLIANCE ~~Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.~~

- 1) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- 2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s 20.09.

- 3) Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator. Use, arrangements, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 20.09

**g) MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stats. §13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats. §30.2022, applies. **Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with federal, state, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Zoning Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR s. 30.123.6(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.**

**h) ABROGATION AND GREATER RESTRICTIONS**

- 1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under § 59.69, 59.692 or 59.694 for counties; or Wis. Stats. §87.30, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- 2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

**i) INTERPRETATION**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

**j) WARNING AND DISCLAIMER OF LIABILITY**

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

k) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

l) ANNEXED AREAS FOR CITIES AND VILLAGES

The Pepin County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain ordinances are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and floodway location.

**20.02 - GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

- a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
- 1) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy
  - 2) be constructed with flood-resistant materials;
  - 3) be constructed by methods and practices that minimize flood damages; and
  - 4) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and

~~floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in § 20.07(1)(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.~~

- b) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
- 1) such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area
  - 2) public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - 3) adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 20.07(1)(b).

(1) HYDRAULIC AND HYDROLOGIC ANALYSES

(a) No floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (2) Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of § 20.08 Amendments are met.

(2) WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of § 20.02(1) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to § 20.08 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(3) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to § 20.08 Amendments.

(4) PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- a) The campground is approved by the Department of ~~Health Services~~ **Agriculture, Trade and Consumer Protection**;
- b) A land use permit for the campground is issued by the zoning administrator;
- c) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - to remain in compliance with all applicable regulations, including those of the state Department of ~~Health Services~~ **Agriculture, Trade and Consumer Protection** and all other applicable regulations;

~~(f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;~~

- f) **All mobile recreational vehicles placed on site must meet one of the following:**
  - 1) **Be fully licensed, if required, and ready for highway use; or**
  - 2) **Not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;**
  - 3) **Meet the requirements in either s. 20.03, 20.04 or 20.05 for the floodplain district in which the structure is located;**

**A mobile recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.**

~~(g) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;~~

- g) **All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at**

the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

- h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- ~~(j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either § 20.03, 20.04 or 20.05 for the floodplain district in which the structure is located;~~
- i) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- k) Standards for structures in a campground:
  - 1) All structures must comply with section 20.02(4) or meet the applicable requirements in ss. 20.03, 20.04 or 20.05 for the floodplain district in which the structure is located;
  - 2) Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 20.02(4)(d). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - 3) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
  - 4) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood water or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flood events shall be addressed within the written agreement with the municipality compliant with section 20.02(4)(d)
  - 5) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 20.02(4)(d).

- l) A land use permit shall be obtained as provided in section 20.07(1)(b) before any development, repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

### **20.03 - FLOODWAY DISTRICT (FW)**

#### **(1) APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 20.05(5)

#### **(2) PERMITTED USES.** The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- They are not prohibited by any other ordinance;
  - They meet the standards in sections 20.03(3) and 20.03(4); and
  - All permits or certificates have been issued according to s. 20.07(1).
- a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 20.03(3)(d)
  - d) Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 20.03(3) and 20.03(4).
  - e) Extraction of sand, gravel or other materials that comply with s. 20.03(3)(d)
  - f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
  - g) Public utilities, streets and bridges that comply with s. 20.03(3).
  - h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
  - i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code
  - j) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
  - k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3) STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

a) GENERAL

- 1) Any development in the floodway shall comply with s. 20.02 and have a low flood damage potential.
- ~~(2) Applicants shall provide the following data to determine the effects of the proposal according to § 20.02(1) and 20.07(1)(b)(4):~~
  - ~~(a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or~~
  - ~~(b) An analysis calculating the effects of this proposal on regional flood height.~~
- ~~(3) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.~~
- 2) Applicants shall provide an analysis calculating the effects of the proposal on the regional flood height to determine the effects of the proposal according to s. 20.02(1) and 20.07(1)(b)(4). The analysis must be completed by a registered professional engineer in the State of Wisconsin.
- 3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for s. 20.03(3)(a)(2) above demonstrates that the encroachment will cause no increase in the flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provide in s. 20.01(5)(e)

b) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- 1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- 2) ~~Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
- 2) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all of the following standards:
  - a. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

- b. Have structural components capable of meeting all provisions of Section 20.03(3)(b)(7) and;
  - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the designs and methods of construction are in accordance with Section 20.03(3)(b)(7).
- 3) Must be anchored to resist flotation, collapse, and lateral movement;
- 4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- 5) **It m** Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- 6) For a structure designed to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets Sections 20.03(3)(b)(1) through 20.03(3)(b)(5) and meets or exceeds the following standards:
  - a. The lowest floor must be elevated to or above the regional flood elevation
  - b. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed are subject to flooding;
  - b. The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
  - c. The use must be limited to parking, building access, or limited storage.
- 7) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other forces associated with the regional flood:
  - a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
  - b. Construction of wells, water supply systems and wastewater treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 20.03(4)(d) and 20.03(4)(e).
  - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

- d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
- e. Placement of utilities to or above the flood protection elevation.

c) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- 1) Adequate floodproofing measures are provided to the flood protection elevation; and
- 2) Construction meets the development standards of s. 20.02(1).

d) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- 1) The requirements of s. 20.02(1) are met;
- 2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- 3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- 4) The fill is not classified as a solid or hazardous material.

4) PROHIBITED USES

All uses not listed as permitted uses in s. 20.03(2) are prohibited, including the following uses:

- a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- f) Any solid or hazardous waste disposal sites;
- g) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## 20.04 - FLOODFRINGE DISTRICT (FF)

### (1) APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 20.05~~(4)~~(1)(e).

### (2) PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 20.04(3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 20.07(1) have been issued.

### (3) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 20.02~~(4)~~ shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 20.06 Nonconforming Uses;

#### a) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 20.06 Nonconforming Uses;

~~(1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of § 20.04(3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.~~

~~(2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;~~

- 1) All new construction, including the placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevation to or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet 20.01(5)(e).
- 2) Notwithstanding s. 20.04(3)(a)(1), a basement or crawlway floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- 3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (4).

- 4) In developments where existing street or sewer line elevations make compliance with subd. (3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - (b) The municipality has a DNR-approved emergency evacuation plan **that follows acceptable hazard mitigation planning practices.**

b) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

c) COMMERCIAL USES

**In addition to s. 20.02, any commercial** structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 20.04(3)(a). Subject to the requirements of s. 20.04(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

d) MANUFACTURING AND INDUSTRIAL USES

**In addition to s. 20.02,** any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 20.07(5). Subject to the requirements of s. 20.04(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

e) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 20.07(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

f) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- 1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 20.07(5).
- 2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

g) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 20.07(5)(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

h) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 20.07(5)(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

- i) **SOLID WASTE DISPOSAL SITES.**  
Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j) **DEPOSITION OF MATERIALS**  
Any deposited material must meet all the provisions of this ordinance.
- k) **MANUFACTURED HOMES.**
  - 1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - 2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - a. have the lowest floor elevated to the flood protection elevation; and
    - b. be anchored so they do not float, collapse or move laterally during a flood
  - 3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 20.04(3)(a).
- (l) ~~Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 20.04(3) (k)(2) and (3).~~

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- 1) fully licensed and ready for highway use; or
- 2) shall meet the elevation and anchoring requirements in s. 20.04(3)(k)(2) and (3).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

## **20.05 - GENERAL FLOODPLAIN DISTRICT (GFP)**

### **(1) APPLICABILITY.**

The provisions for this district shall apply to all floodplains mapped as A, AO or AH ~~zones~~ and AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s.20.01(5)(b)(1).

### **(2) FLOODWAY BOUNDARIES**

For proposed development in zone A, or zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 20.01(5)(b)(1), the boundaries of the regulatory floodway shall be determined pursuant to section 20.05(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of section 20.03. If the development is located

entirely within the floodfringe, the development is subject to the standards of section 20.04.

### (3) PERMITTED USES.

Pursuant to s. 20.05(4)(1)(e) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway [s. 20.03(2)] and Floodfringe [s. 20.04(2)] Districts are allowed within the General Floodplain District, according to the standards of s. 20.05(3)(1)(d), provided that all permits or certificates required under s. 20.07(1) have been issued.

### (4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. ~~§ 20.03 applies to floodway areas, § 20.04 applies to floodfringe areas. The rest of this ordinance applies to either district.~~

~~(a) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:~~

~~(1) At or above the flood protection elevation; or~~

~~(2) Two (2) feet above the highest adjacent grade around the structure; or~~

~~(3) The depth as shown on the FIRM~~

~~(b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.~~

Section 20.03 applies to floodway areas, determined pursuant to s. 20.05(5); section s. 20.04 applies to floodfringe areas determined pursuant to s. 20.05(5).

- a) New construction and substantial improvements of structures in zone AO shall have the lowest floor, including the basement, elevated:
  - 1) To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
  - 2) If the depth is not specified on the FIRM, two (2) feet above the highest adjacent natural grade or higher.
- b) New construction and substantial improvements of structures in zone AH shall have the lowest floor, including the basement, elevated to or above the flood protection elevation.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of Section 20.04 applicable to flood fringe areas.

### (5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

~~Upon receiving an application for development within the general floodplain district, the zoning administrator shall:~~

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and

elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - 1) A Hydrologic and Hydraulic Study as specified in s. 20.07(1)(b)(4).
  - 2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - 3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

## **20.06 - NONCONFORMING USES**

### **(1) GENERAL.**

- a) Applicability ~~If these standards conform with § 87.30, Stats. and ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.~~
  - 1) ~~The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats. and ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72, these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.~~
  - 2) ~~As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a system of tracking of those nonconforming buildings, their present equalized value, and a list of costs of those activities associated with the changes to those buildings.~~
- b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
  - 1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private

sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- 2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- 3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- 4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 20.04(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- 5) No maintenance **on a per event basis** to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 20.04(3)(a). **Maintenance to any nonconforming structure which does not exceed 50% of its equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.**
- (6) If on a per event basis the total value of the work being done under (4) and (5) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 20.04(3)(a).
- (7) Except as provided in subd. (8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially

damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a. Residential Structures.

- i. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 20.07(5)(b).
- ii. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- iii. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- iv. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- v. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 20.05(3)(a)(1)(d).
- vi. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures.

- i. Shall meet the requirements of § 20.06(1)(b)(8)a i-vi.
- ii. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 20.07(5)(a) or (b).
- iii. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 20.05(3)(a)(1)(d).

- c. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 20.03(3)(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 20.07(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 20.06(1)(b)(8)a if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

- d. Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- i. Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
  - ii. The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
  - iii. The nonconforming building is permanently changed to conform to the applicable requirements of s. 20.02;
  - iv. If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of s. 20.03(3)(a), 20.03(3)(b)(2) through (5), 20.03(3)(c), 20.03(3)(d), and 20.06(2). Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section s. 20.05(5). If the encroachment is in the floodway, it must meet the standards in section s. 20.03(3)(d);
  - v. If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of s. 20.04(3) and s. 20.06(3);
  - vi. Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
  - vii. Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
    - a) Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for construction and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 20.06(1)(d)(vii) above
    - b) The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;

- viii. Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-A20, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
  - a) A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
  - b) The bottom of all openings must be no higher than one foot above the adjacent grade.
  - c) Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- ix. Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- x. Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- xi. Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:

- a) Be on site for fewer than 180 consecutive days; or
  - b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - c) Meet the elevation and anchoring requirements for manufactured homes as in s. 20.06.(1)(d)(ix) above;
- xii. In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
  - xiii. In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet s. 20.06(1)(d)(vi) through (xii) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 20.05(5). If the encroachment is in the floodway, it must meet the standards in section 20.03(3)(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
  - xiv. In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section s. 20.05(5). If the encroachment is in the floodway, it must meet the standards in section s. 20.03(3)(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
  - xv. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential

structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or

- xvi. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 20.06(1)(d)(vii) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

(2) FLOODWAY DISTRICT.

- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
  - 1) Has been granted a permit or variance which meets all ordinance requirements;
  - 2) Meets the requirements of s. 20.06(1);
  - 3) Shall not increase the obstruction to flood flows or regional flood height;
  - 4) Any addition to the existing structure shall be floodproofed, pursuant to s. 20.07(5), by means other than the use of fill, to the flood protection elevation; and
  - 5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - d. The use must be limited to parking, building access or limited storage.

- b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 20.07(5)(c) and ch. SPS 383, Wis. Adm. Code.
- c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, § 20.07(5)(c) and chs. NR 811 and NR 812, Wis. Adm. Code.

(3) FLOODFRINGE DISTRICT.

- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 20.04(3) except where s. 20.06(3)(b) is applicable.
- b) Where compliance with the provisions of subd.(a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in § 20.07(3), may grant a variance from those provisions of subd. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - 1) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - 2) Human lives are not endangered;
  - 3) Public facilities, such as water or sewer, shall not be installed;
  - 4) Flood depths shall not exceed two feet;
  - 5) Flood velocities shall not exceed two feet per second; and
  - 6) The structure shall not be used for storage of materials as described in § 20.04(3)(e).
- c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 20.07(5)(c) and ch. SPS 383, Wis. Adm. Code.
- d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 20.07(5)(c) and ch. NR 811 and NR 812, Wis. Adm. Code.

**20.07 - ADMINISTRATION**

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. §§59.69, 59.692 or 62.23(7), these officials shall also administer this ordinance.

(1) ZONING ADMINISTRATOR.

a) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- 1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- 2) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- 3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- 4) Keep records of all official actions such as:
  - a. All permits issued, inspections made, and work approved.
  - b. Documentation of certified lowest floor and regional flood elevations.
  - c. Floodproofing certificates.
  - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - e. All substantial damage assessment reports for floodplain structures.
  - f. List of nonconforming structures and uses.
- 5) Submit copies of the following items to the Department Regional office:
  - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - b. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
  - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- 6) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- 7) Submit copies of amendments to the FEMA Regional office.

b) LAND USE PERMIT.

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

- 1) GENERAL INFORMATION.
  - a. Name and address of the applicant, property owner and contractor;
  - b. Legal description, proposed use, and whether it is new construction or a modification;

## 2) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. **If the permitted work has not started within 180 days of the permit, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.**

## 3) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 20.03 or 20.04 are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 20.02(1). This may include any of the information noted in s. 20.03(3)(a).

## 4) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

- a. Zone A floodplains **and in AE zones within which a floodway is not delineated:**
  - i. Hydrology  
The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
  - ii. Hydraulic Modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

- a) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- b) Channel sections must be surveyed.
- c) Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- d) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- e) The most current version of HEC\_RAS shall be used.
- f) A survey of bridge and culvert openings and the top of road is required at each structure.
- g) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- h) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- i) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(iii) Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- a) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- b) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- b. Zone AE Floodplains.
- i. Hydrology  
If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
  - ii. Hydraulic Model  
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
    - a) Duplicate Effective Model  
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
    - b) Corrected Effective Model  
The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
    - c) Existing (Pre-Project Conditions) Model  
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
    - d) Revised (Post-Project Conditions) Model  
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
    - e) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

- f) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

iii. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- a) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- b) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- c) Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- d) If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- e) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- f) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- g) Both the current and proposed floodways shall be shown on the map.
- h) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

c) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- 1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- 2) Application for such certificate shall be concurrent with the application for a permit;

- 3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- 4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 20.07(5) are met.
- 5) Where applicable pursuant to Section 20.05(1)(d) the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns), and an indication of whether the structure contains a basement.
- 6) Where applicable pursuant to Section 20.05(1)(d) the applicant must submit a certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Section 20.05(1)(d).

d) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(2) ZONING AGENCY.

~~(a) The Committee responsible for oversight of zoning activities shall:~~

~~(1) Oversee the functions of the office of the zoning administrator; and~~

~~(2) Review and advise the governing body on all proposed amendments to this ordinance, maps and text.~~

~~(b) The Law Enforcement/Emergency Management Committee shall not:~~

a) The Land Conservation Committee responsible for oversight of zoning activities shall:

- 1) oversee the functions of the office of the zoning administrator; and
- 2) review and advise the governing body on all proposed amendments to this ordinance, maps and text
- 3) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing

b) The Land Conservation Committee shall not:

- 1) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- 2) Amend the text or zoning maps in place of official action by the governing body.

(3) BOARD OF ADJUSTMENT

The Board of Adjustment, created under Wis. Stats. 59.694 is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

a) POWERS AND DUTIES

The Board of Adjustment shall:

- 1) *Appeals*. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- 2) *Boundary Disputes*. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- 3) *Variiances*. Hear and decide, upon appeal, variances from the ordinance standards.

b) APPEALS TO THE BOARD

- 1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

2) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES.

a. Notice. The Board shall:

- i. Fix a reasonable time for the hearing;
- ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

b. Hearing. Any party may appear in person or by agent. The Board shall:

- i. Resolve boundary disputes according to s. 20.07(3)(c);
- ii. Decide variance applications according to s. 20.07(3)(d); and
- iii. Decide appeals of permit denials according to s. 20.07(4).

3) DECISION. The final decision regarding the appeal or variance application shall:

- a. Be made within a reasonable time;
- b. Be sent to the Department Regional office within 10 days of the decision;
- c. Be a written determination signed by the chairman or secretary of the Board;

- d. State the specific facts which are the basis for the Board's decision;
- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

c) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- 1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- 2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- 3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 20.08 Amendments.

d) VARIANCE.

- 1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - a. Literal enforcement of the ordinance will cause unnecessary hardship;
  - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - c. The variance is not contrary to the public interest; and
  - d. The variance is consistent with the purpose of this ordinance in s. 20.01(3).
- 2) In addition to the criteria in subd. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - a. The variance shall not cause any increase in the regional flood elevation;
  - ~~b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;~~
  - ~~(c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance;~~
  - b. The applicant has shown good and sufficient cause for issuance of the variance;

- c. Failure to grant the variance would result in exceptional hardship;
  - d. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances;
  - e. The variances granted is the minimum relief necessary, considering the flood hazard, to afford relief.
- 3) A variance shall not:
- a. Grant, extend or increase any use prohibited in the zoning district;
  - b. Be granted for a hardship based solely on an economic gain or loss;
  - c. Be granted for a hardship which is self-created.
  - d. Damage the rights or property values of other persons in the area;
  - e. Allow actions without the amendments to this ordinance or map(s) required in s. 20.08 Amendments; and
  - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- 4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

(4) TO REVIEW APPEALS OF PERMIT DENIALS

- a) The Zoning Agency [s. 20.07(2)] or Board shall review all data related to the appeal. This may include:
  - 1) Permit application data listed in s. 20.07(1)(b);
  - 2) Floodway/floodfringe determination data in s. 20.05(4);
  - 3) Data listed in s. 20.03(3)(a)(2) where the applicant has not submitted this information to the zoning administrator; and
  - 4) Other data submitted with the application, or submitted to the Board with the appeal.
- b) For appeals of all denied permits the Board shall:
  - 1) Follow the procedures of s. 20.07(3);
  - 2) Consider zoning agency recommendations; and
  - 3) Either uphold the denial or grant the appeal.
- c) For appeals concerning increases in regional flood elevation the Board shall:
  - 1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 20.08 Amendments; and
  - 2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(5) FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES.

- a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate. **Floodproofing Certificate. Floodproofing is not an alternative to the development standards in sections 20.02, 20.03, 20.04, or 20.05(1).**
- b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - 1) Certified by a registered professional engineer or architect; or
  - 2) Meets or exceeds the following standards:
    - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b) The bottom of all openings shall be no higher than one foot above grade; and
    - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c) Floodproofing measures shall be designed, as appropriate, to:
  - 1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - 2) Protect structures to the flood protection elevation;
  - 3) Anchor structures to foundations to resist flotation and lateral movement;
  - 4) Minimize or eliminate infiltration of flood waters; and
  - 5) Minimize or eliminate discharges into flood waters.
  - 6) **Placement of essential utilities to or above the flood elevation; and**
  - 7) **If any part of the foundation below the flood protection elevation is enclosed, the following standards should apply:**
    - a) **The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;**
    - b) **The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;**
    - c) **Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and**
    - d) **The use must be limited to parking, building access or limited storage.**

(6) PUBLIC INFORMATION.

- a) Place marks on structures to show the depth of inundation during the regional flood.
- b) All maps, engineering data and regulations shall be available and widely distributed.
- c) Real estate transfers should show what floodplain district any real property is in.

## **20.08 - AMENDMENTS**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 20.08(1).

- a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 20.08(1). Any such alterations must be reviewed and approved by FEMA and the DNR.
- b) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 20.08(1).

### **(1) GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 20.08(2) below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- c) Any changes to any other officially adopted floodplain maps listed in s. 20.01(5)(b)(2);
- d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- e) Correction of discrepancies between the water surface profiles and floodplain maps;
- f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

### **(2) PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of § 59.69, Stats., for counties. The petitions shall include all data required by s. 20.05(4) and 20.07(1)(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Stats., for cities and villages or Wis. Stats. §59.69, for counties.
- b) No amendments shall become effective until reviewed and approved by the Department.

- c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **20.09 - ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. §87.30.

## **20.10 - DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES. Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE. See "AREA OF SHALLOW FLOODING".
3. AO ZONE. See "AREA OF SHALLOW FLOODING".
4. ACCESSORY STRUCTURE OR USE. A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION. An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD. Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT. Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING. See STRUCTURE.

10. **BULKHEAD LINE.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. **CAMPGROUND.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. **CAMPING UNIT.** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. **CERTIFICATE OF COMPLIANCE.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. **CRAWLWAYS or CRAWL SPACE.** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. **DECK.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. **DEPARTMENT.** The Wisconsin Department of Natural Resources.
18. **DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. **DRYLAND ACCESS.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. **ENCROACHMENT.** Any fill, structure, equipment, use or development in the floodway.
21. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program.
22. **FLOOD INSURANCE RATE MAP (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

23. FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

24. FLOOD FREQUENCY. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

25. FLOODFRINGE. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

26. FLOOD HAZARD BOUNDARY MAP. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

27. FLOOD INSURANCE STUDY. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

29. FLOODPLAIN ISLAND. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

30. FLOODPLAIN MANAGEMENT. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31. FLOOD PROFILE. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

32. FLOODPROOFING. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

33. FLOOD PROTECTION ELEVATION. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

34. FLOOD STORAGE. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

35. FLOODWAY. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

36. FREEBOARD. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

37. HABITABLE STRUCTURE. Any structure or portion thereof used or designed for human habitation.

38. HEARING NOTICE. Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD DAMAGE POTENTIAL. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

40. HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

41. HISTORIC STRUCTURE. Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

42. **INCREASE IN REGIONAL FLOOD HEIGHT.** A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. **LAND USE.** Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. **LOWEST ADJACENT GRADE.** Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. **MAINTENANCE.** The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. **MANUFACTURED HOME.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. **MOBILE/MANUFACTURED HOME PARK or SUBDIVISION.** A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. **MOBILE/MANUFACTURED HOME PARK or SUBDIVISION, EXISTING.** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

52. MODEL, CORRECTED EFFECTIVE. A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

53. MODEL, DUPLICATE EFFECTIVE. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

54. MODEL, EFFECTIVE. The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

55. MODEL, EXISTING (PRE-PROJECT). A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

56. MODEL, REVISED (POST-PROJECT). A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

57. MUNICIPALITY or MUNICIPAL. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

58. NAVD or NORTH AMERICAN VERTICAL DATUM. Elevations referenced to mean sea level datum, 1988 adjustment.

59. NGVD or NATIONAL GEODETIC VERTICAL DATUM. Elevations referenced to mean sea level datum, 1929 adjustment.

60. NEW CONSTRUCTION. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. NON-FLOOD DISASTER – A fire or ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

62. NONCONFORMING STRUCTURE. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

63. NONCONFORMING USE. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

64. **OBSTRUCTION TO FLOW.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
65. **OFFICIAL FLOODPLAIN ZONING MAP.** That map, adopted and made part of this ordinance, as described in s. 20.01(5)(b), which has been approved by the Department and FEMA.
66. **OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structures.
67. **ORDINARY HIGHWATER MARK.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
68. **PERSON.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
69. **PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
70. **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
71. **REASONABLY SAFE FROM FLOODING.** Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
72. **REGIONAL FLOOD.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
73. **START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

74. STRUCTURE. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

75. SUBDIVISION. Has the meaning given in Wis. Stats. §236.02(12).

76. SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

77. SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

78. UNNECESSARY HARDSHIP. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

79. VARIANCE. An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

80. VIOLATION. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

81. WATERSHED. The entire region contributing runoff or surface water to a watercourse or body of water.

82. WATER SURFACE PROFILE. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

83. WELL. means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING & EXTENSION COMMITTEE:**

/s/ Angie Bocksell, Committee Chair

**COMMITTEE MEMBERS VOTE**

In favor-5 Oppose-0 Absent -0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April 2024.  
In Favor - 12    Opposed - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Published Date: April 25, 2024

Amendment 138 to Ordinance 179 will be effective upon publication.

Zoning Director Maria Nelson presented the amendment to the Pepin County Ordinance, Chapter 20 Floodplain Zoning Code. This Ordinance is State and Federally mandated with all counties and is required if our residents choose to purchase flood insurance and for the County to received Federal disaster funds if there is a local disaster. Changes that were made were to reflect and match what is included in the state model. New maps were done along the Chippewa River and have incorporated the new bridge in the code. The amendment also changed the flood plain evaluation depending upon the location of the property. Another change from the adoption of Act 175 provision includes allowing existing legal and non-conforming structures to make modifications in excess of 50% limit that is currently on their property if they met the national flood plan insurance program standards.

Motion was made Supervisor John Andrews, seconded by Supervisor Angie Bocksell, to adopt Amendment #138 to Pepin County Ordinance 170- Chapter 20 Floodplain Zoning Code. Roll call vote was taken, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes and Supervisor Elizabeth Bauer-yes. Motion carried.

**RESOLUTIONS:**

**RESOLUTION NO. 16-24  
AMENDMENT NO. 49 TO PEPIN COUNTY EMPLOYEE HANDBOOK**

**WHEREAS**, the Pepin County Administrative Committee recommends the following changes to the Employee Handbook:

**3.2.1 JOB TRANSFERS AND PROMOTIONS.**

If the duties and responsibilities of an established position are permanently and significantly changed, or if the Department Head/Elected Official believes a position is misclassified, the following actions should be taken:

(a) The Department Head/Elected Official and employee shall submit a request for a position reclassification with complete documentation to the Administrative Committee via the Personnel Supervisor no later than June 30<sup>th</sup> for an introductory assessment and review. If the request is initially determined to have merit, the request will be given preliminary approval for submission effective January 1<sup>st</sup> in the following year’s budget for review and action by the Finance and Administrative Committee.

(b) Reclassification requests shall include revised and current job descriptions. Reclassifications are defined as a significant change in an employee’s job duties and

responsibilities, or in the complexity of those job duties, as a result of the Employer's directive for an existing occupied position. Substantial changes normally do not include utilization of new technologies or methods of work or changes in the workload of an individual.

(c) Reclassifications are reviewed on an annual basis. Due to budgetary constraints, it is important that reclassifications are only requested as part of the annual budget process.

(d) During the year, requests for reclassification will only be considered in situations of absolute necessity. These requests shall include the current and revised job descriptions, complete documentation of the reasons for the position reclassification, and include Department Head/Elected Official and Committee of Jurisdiction approval.

(e) When the Administrative Committee has reviewed the position, they will formulate a decision based upon the relevant information. The Administrative Committee shall ~~make a recommendation to the County Board to approve or deny the request.~~

(f) If a position is recommended for reclassification and approved by the Administrative Committee, employees in the position reclassified shall move to the equivalent step on the new wage grade. This change will be effective at the beginning of the pay period following the approval by the Administrative Committee.

(g) Retroactive pay changes will only be considered when the processes outlined in this policy (3.2.1 a) has been followed completely and the recommendation from the contracted service provider is received after the beginning of the new budget year or approvals are received after the beginning of the budget year. Reclassification changes in the middle of the budget year should not be considered for retroactive pay. The Administrative Committee may consider exceptions to retroactive pay policy and deviate from the policy due to circumstances beyond the control of the employee or other staff of Pepin County on a case by case basis.

(h) Employees who move into a new classification ~~due to receiving certifications or due to work experience~~ shall be placed in the salary step of the new classification nearest their former salary without suffering a loss of salary. ~~Consideration for relevant experience may be given for placement on the new classification up to the control point based on their relevant work experience~~ with approval from the Department Head/Elected Official, Personnel Director, and Administrative Coordinator. The Personnel Director will notify the committee chair. Placement above the control point will need Administrative Committee approval, upon the recommendation of the oversight committee. This section shall not apply to employees who move for additional hours of work in another classification. ~~This change will be effective at the beginning of the pay period following approvals from Department Head/Elected Official, Personnel Director, and Administrative Coordinator.~~

### **3.2.7 PERFORMANCE EVALUATIONS**

1. **FORMS:** Performance evaluation forms shall be used by each department. Appendices may be added to meet the needs of individual departments. All forms will be approved by the Administrative Committee. All evaluation forms shall be filed in the employee's personnel file in the Personnel Office. Every employee shall be evaluated at the following periods:

## 2. **NEW EMPLOYEES:**

Each new employee shall normally be evaluated at the end of the sixth month of employment and approximately 15 days prior to the end of their introductory period.

The County may, at its discretion, conduct additional performance evaluations at times not set forth above, and, if the employee believes that a performance review is needed and/or past due, the employee should discuss the matter with their immediate supervisor.

All evaluations shall be completed by the department head/elected official. The final evaluation before the end of the introductory period shall be provided to the department committee.

If an employee has their introductory period extended, they will not advance to the next step on the wage schedule until their introductory period ends as determined by their oversight committee.

## 3. **REGULAR EMPLOYEES:**

Department heads/elected officials shall evaluate all department employees on a calendar basis, typically completed January through March. The Administrative Coordinator along with the department committee shall evaluate all department heads annually, on a calendar basis, typically completed January through March. All performance evaluation ratings shall be discussed with the individual being rated. If the individual disagrees with the evaluation, the parties shall meet with the Administrative Committee and attempt to resolve the issue(s). If an employee disagrees with any information contained in his/her personnel file, the employee may submit a written statement explaining his/her position which shall be included in the personnel file. Effective the first check in April 2022 and each year thereafter as approved by the County Board during the budget process, all non-union, non-elected employees receiving a Satisfactory or Above Performance Evaluation rating within the last twelve months will move one step up on the wage schedule. A satisfactory Performance Evaluation will include met goals or a continuation of goals and a satisfactory score as outlined on the approved Performance Evaluation. A goal may be continued if it was not met due to circumstances outside of the employee's direct control. An unsatisfactory rating on a performance evaluation would withhold all wage increases until the next satisfactory performance evaluation. Any Department Head and their manager designees failing to complete Performance Evaluations for their staff will not be eligible for wage schedule step increase until all performance evaluations are completed and maybe subject to disciplinary action as described in section 3.3 of this employee handbook.

Employees submitting their resignation notice prior to the first check in April of each year will not be eligible for the step increase. This does not apply to employees providing their retirement notice.

## **5.3 COMPENSATION AND CONSULTATION (EFFECTIVE 1/1/2021)**

Pepin County implemented a compensation plan which incorporates a step process with a classification and grade as recommended by Carlson Dettmann Consulting. It is the policy of Pepin County to administer a fair and equitable uniform employee compensation plan that will obtain and retain quality employees.

Many of the positions in the County are similar to one another. Those positions which require similar skills, responsibility, and qualifications constitute a class of positions. All non-union, non-elected full-time Pepin County positions shall be placed on an appropriate wage schedule and have an established wage grade.

The Administrative Committee, through the Personnel Director, shall establish wage schedule for all County employment positions. The Administrative Committee, when deemed necessary, will review the established wage schedule to ensure internal consistency with the position on the established wage schedule. In addition, external wage information may be gathered and reviewed, when deemed necessary by the Administrative Committee, for the purpose of general review of the Pepin County Wage Schedule to ensure wages are at a level to reflect market standards and are within the financial limits of Pepin County.

Movement between steps occurs the first check in April of each year beginning April 1, 2022, provided employee receives a satisfactory performance evaluation. Mid-year hires, hired on or after October 1<sup>st</sup> are eligible to receive a COLA January 1<sup>st</sup> the following year; however shall not receive a step increase until the first check in April of the year following their first year anniversary provided the employee receives a satisfactory performance evaluation.

Employees submitting their resignation notice prior to the first check in April of each year will not be eligible for the step increase. This does not apply to employees providing their retirement notice.

Pepin County non-union, non-elected employees as of January 1, 2021, shall be placed at the step of their classification as determined by Carlson Dettman Consulting, as indicated on Resolution NO. 33-20.

A new hire may be hired up to the Control Point based on their level of experience or skill set with approval from the Administrative Coordinator as recommended by the Department Head and Personnel Director with identified funding source within the department's budget to cover expenses. If the Administrative Coordinator, Personnel Director, and Department Head do not agree the Administrative Coordinator will seek a final decision from Administrative Committee chair.

Employees may request a wage grade review of their position by contacting their Department Head with an explanation of why they feel that their position's wage grade should be reviewed. This could be during the initial implementation and when any employee's duties change substantially over the course of a year. Except for the initial implementation, this process should coincide with the budget process to allow for the County to plan for any increase in compensation. If the Department Head agrees with the request for a review the Department Head will then forward in writing to the Personnel Department the reasons for the objection to the wage grade in which the position was placed. After affirming with the Administrative Committee, the appeal will then be forwarded to contracted service provider to evaluate. The recommendation of the appeal will then be provided to the Administrative Committee and those appealing. The Administrative Committee will make the final determination to accept or deny the recommendation of the appeal.

**NOW THEREFORE BE IT RESOLVED** that the Employee Handbook be amended per changes stated above, to be effective upon adoption.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED** – Clarifying language only, no fiscal impact as a direct result at this time.

/s/ Pamela Hansen, Finance Director

Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this day of 16<sup>th</sup> day of April 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Personnel Director Michelle Weiss presented this amendment. The County had hired Carlson Dettmann Consulting to evaluate reclassifications of job duties. This amendment makes changes in the employee handbook to allow employee reclassification with the approval of the Administrative Committee, becoming effective at the beginning of the pay period following the approval. Retroactive pay changes were explained in detail in this amendment too. Resignation notice from employees prior to the first check in April will make them ineligible for the step increase. This does not apply to employees providing their retirement notice.

Motion was made by Supervisor John Andrews, seconded by Supervisor Robert Weishapple, to adopt Resolution 16-24 titled, “Amendment #49 –Pepin County Employee Handbook- Job Transfers & Promotions, Performance Evaluation and Compensation and Consultation.” Roll call vote was taken, Chair Tom Milliren-yes, Supervisor John Andrews yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes and Supervisor Kris Sabelko-yes. Motion carried.

**RESOLUTION NO. 10-24**

**RESOLUTION ESTABLISHING RETROACTIVE PAY FOR SOCIAL SERVICES MANAGER POSITION RECLASSIFICATION AND 2024 BUDGET MODIFICATION**

**WHEREAS**, at the November 27, 2023 Human Services Committee meeting, the job description for the Social Services Supervisor was modified to adequately reflect the current responsibilities and duties associated with the position and a title change was proposed to be updated to Social Services Manager. The change was requested and approved as a result of adding responsibilities for additional programs since the last update of the position job description; and

**WHEREAS**, as a result of the change in job responsibilities, the position was approved to be sent to Carlson Dettman for wage classification level review and reclassification if deemed appropriate based on the changes in duties and responsibilities; and

**WHEREAS**, a wage scale adjustment for the Social Services Manager position has been recommended by Carlson Dettman and the resulting increase has been approved by the Administrative Committee as part of the reclassification results. The increase in pay would

naturally be effective the first pay period immediately following the approval of the reclassification if budgeted funds are available; and

**WHEREAS**, the Pepin County Handbook outlines a process in section 3.2.2 Job Transfers and Promotions related to if the duties and responsibilities of an established position are permanently and significantly changed with a guide for actions to be taken which includes annual review or reclassifications requested by June 30<sup>th</sup> to be given preliminary approval for submission effective January 1<sup>st</sup> in the following year’s budget; and

**WHEREAS**, funds were included in the 2024 Budget for a potential request for pay of additional on call time. However, a modification in use of these funds is now being requested to be applied to this reclassification in 2024 which would cover the current effective date. An effective date of the first pay period beginning in 2024 (i.e. January 7<sup>th</sup>, 2024) has also been requested for the position utilizing additional funds that were not requested as part of the annual budget process procedure per the Handbook.

**NOW, THEREFORE, BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 budget as adopted to be modified as follows which would apply the funds previously designated for on call pay to the wage scale reclassification for the Social Services Manager position; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** to approve the increase resulting from the reclassification to be effective retroactively to January 1st, 2024 at a cost of an additional \$1,700 increase over the adopted 2024 budgeted expenditures.

| Account Numbers             | Account Description                            | Current Budget | Increase (decrease) | Amended Budget |
|-----------------------------|------------------------------------------------|----------------|---------------------|----------------|
| <i>Human Services Fund:</i> |                                                |                |                     |                |
| 210-02-43598-0000-000       | DCF- Children's & Families State/County Match  | \$23,829       | \$-155              | \$23,674       |
| 210-07-43593-0000-000       | Dept of Health Services BCA State/County Match | \$42,653       | \$-825              | \$41,828       |
| 210-02-54561-0000-000       | Children's & Families Expense                  | \$768,514      | \$-155              | \$768,359      |
| 210-07-54560-0000-000       | Dept of Health Services Expense                | \$739,307      | \$-825              | \$738,482      |
| 210-16-49933-0000-000       | CCS Revenue                                    | \$231,037      | \$2,010             | \$233,047      |
| 210-16-47491-0000-000       | CST Revenue                                    | \$72,339       | \$670               | \$73,009       |
| 210-16-54593-0000-000       | CCS Expense                                    | \$232,565      | \$2,010             | \$234,575      |
| 210-16-54591-0000-000       | CST Expense                                    | \$72,911       | \$670               | \$73,581       |

**RECOMMENDED BY THE PEPIN COUNTY DEPARTMENT OF HUMAN SERVICES BOARD:**

COMMITTEE MEMBERS VOTE

/s/ Andy Winkler, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED** – An additional \$1,700 in revenues available will need to be allocated toward this wage step increase.

/s/ Pamela Hansen, Finance Director

Defer to Committee/County Board for Handbook

procedure exception.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In Favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April 2024.

In Favor - 12 Opposed - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Human Services Director Matt Roesler presented this resolution to the County Board. A budget modification is being asked for to provide retroactive pay back to the beginning of the year for the Social Services Manager position with the recent reclassification. With this retroactive pay, an additional \$1,700 is needed in the 2024 budget.

Motion was made by Supervisor Angie Bocksell, seconded by Supervisor John Andrews, to adopt Resolution 10-24 titled, "Resolution Establishing Retroactive Pay for Social Services Manager Position Reclassification and 2024 Budget Modification." Roll call vote was taken, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes and Chair Tom Milliren-yes. Motion carried.

**RESOLUTION NO. 11-24  
REAUTHORIZATION OF SELF-INSURANCE**

**WHEREAS**, the County of Pepin is a qualified political subdivision of the State of Wisconsin, and

**WHEREAS**, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

**WHEREAS**, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and the rules of the Department, and

**WHEREAS**, the Pepin County Administrative Committee, at its April 11th, 2024 meeting, approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3).

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Pepin does ordain as follows:



places for residents to enjoy safe outdoor activities, but only one of these is a county owned campground; and

**WHEREAS**, Holden Park currently does not have a supply of potable water available for drinking water and does not have restroom facilities that allow for individuals to wash their hands or shower when camping. The Land Conservation and Planning department often receives complaints about these issues from both residents and visitors; and

**WHEREAS**, a project must be developed with the goal of offering drinking water and a new restroom facility at the Holden Park campground; and

**WHEREAS**, continued DATCP licensing for Holden Park is dependent on access to drinking water under the safe drinking water standard of 10 ppm; and

**WHEREAS**, any future campground expansion will be dependent on access and location of drinking water; and

**WHEREAS**, the Pepin County Board passed resolution 4-23 on January 18<sup>th</sup>, 2023 to fund an amount of \$125,000 for improvements needed as identified. This amount was for half of the total cost of the project which is the match on a grant approved for the project; and

**WHEREAS**, it has been identified that an additional investment of \$25,000 would increase the bathroom facility by two additional toilets allowing for a higher number of campsites in future expansion in accordance to ATCP 79.16 and should be included in the original project; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the ARPA Committee has recommended that funding in the amount of \$25,000 be approved to use for the additional improvements as identified above at Holden Park.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the funds to be committed to the project through the expenditure of the ARPA funds received as noted above and authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 442,500            | \$ 25,000                  | \$ 467,500            |
| 100-00-51512-0000     | ARPA Expense               | \$ 442,500            | \$ 25,000                  | \$ 467,500            |

\*Note: Total Amended Budget dollars will be adjusted based on the amount in resolutions adopted by the County Board in April, 2024.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** To date, funds totaling \$1,014,931 have been spent or committed and are planned to be spent on projects. This commitment will total an additional \$25,000 which when combined with all current proposed projects (in several individual resolutions proposed this month) would leave approximately \$309,958 for additional prioritized projects.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April, 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

County Board Chair Tom Milliren presented this resolution to the County Board. The ARPA Committee and the Administrative Committee has recommended additional ARPA funding in the amount of \$25,000 to increase the bathroom facility by two additional toilets allowing for higher number of campsites for future expansion. Motion was by Supervisor John Andrews, seconded by Supervisor Robert Weishapple, to adopt Resolution 12-24 titled, "Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification- Additional Funds for Holden Park Drinking Water and Restroom Project."

Roll call vote was taken, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes and Supervisor Kevin Kosok-yes. Motion carried.

**RESOLUTION NO. 13-24**

**Authorize Expenditure of American Rescue Plan Act (ARPA) Funds  
and 2024 Budget Modification – Additional Funds for  
remainder of Arkansaw Creek Park Updates Project**

**WHEREAS** Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, the Arkansaw Creek Park in Arkansaw, WI is a high traffic park for area kids as well as a lot of tourists visiting our area; and

**WHEREAS**, repairs and updates are needed at both the upper and the lower parts of Arkansaw Creek Park. Some of the repairs include updating electrical in the park shelter as well as updating electrical down in the lower park and lighting possibly around the playground and by the 'bleachers' in the lower park (electrical is original from the 1970's), roof off of the park shelter over the existing deck, playground equipment additions/updates for both upper and lower parks as the current equipment is aged, addition of diggers or climbers, addition of ADA swing, landscaping and sand; and

**WHEREAS**, the park is owned by Pepin County, but the equipment in the upper park is used from the Arkansaw school and has been there since the early 80's. The existing equipment in the lower park is also all used and has been donated by community members. A few things have been added in the last year by community donations and the Arkansaw Fur Fish & Game Club (FF&G). The park shelter area was built/paid for and is maintained by the Arkansaw FF&G; and

**WHEREAS**, the Pepin County Board passed resolution 5-23 on January 18<sup>th</sup>, 2023 to fund an amount of \$25,000 which was slightly over half of the total requested amount desired to use in partnership with the Arkansaw FF&G for the improvements needed as identified above at Arkansaw Creek Park; and

**WHEREAS**, it has been difficult to come to a consensus agreement regarding which updates to make and which updates to pass on at this time as all updates are needed due to the age of the original items; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the ARPA Committee has recommended that funding in the amount of the additional \$20,525 that was in their original request to be approved to use in partnership with the Arkansaw FF&G for the improvements needed as identified above at Arkansaw Creek Park.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the funds to be committed to the project through the expenditure of the ARPA funds received as noted above and authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 442,500            | \$ 20,525                  | \$ 463,025            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 442,500            | \$ 20,525                  | \$ 463,025            |

\*Note: Total Amended Budget dollars will be adjusted based on the amount in resolutions adopted by the County Board in April, 2024.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair                      In favor-5    Oppose-0    Absent-0    Abstain-0

**FISCAL IMPACT:** To date, funds totaling \$1,014,931 have been spent or committed and are planned to be spent on projects. This commitment will total an additional \$20,525 which when combined with all current proposed projects (in several individual resolutions proposed this month) would leave approximately \$309,958 for additional prioritized projects.

/s/ Pamela Hansen, Finance Director                      Recommend ✓                      Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April 2024

In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

County Board Chair Milliren and Land Conservation Director Jessica McMahon presented this resolution to the County Board. The ARPA committee and Administrative Committee has both recommended additional funding of \$20,525 towards their original request to offset the cost of improving the park in partnership with Arkansaw Fur Fish and Game. Motion was made by Supervisor Kevin Kosok, seconded by Supervisor Paul Hoch, to adopt Resolution 13-24 titled, "Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification- Additional Funds for Remainder of Arkansaw Creek Park Updates Project." Roll call vote was taken, Supervisor Vicki Kosok-yes, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes and Supervisor Kevin Kosok-yes. Motion carried.

**RESOLUTION NO. 14-24**  
**Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and**  
**2024 Budget Modification - Funds for Mitigation Grants and Testing Project**

**WHEREAS**, Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, Pepin County Land Conservation & Planning Department have identified water quality issues throughout the county through previous well testing efforts, and further testing supports goals set by the 2021-2030 Land & Water Resource Management Plan; and

**WHEREAS**, in the Health Department's 2022-2027 Community Health Improvement Plan, Pepin County has identified water quality as one of three priority areas targeted for community action; and

**WHEREAS**, there is a need for reverse osmosis systems in homes that have tested 10 ppm or higher to provide safe drinking water while further investigation and contamination mitigation continues; and

**WHEREAS**, additional testing as well as source testing will enable the departments to continue to establish trends and locate the source contamination and pursue best management practices to address the water quality concerns of the public; and

**WHEREAS**, hosting outreach and education events to provide preliminary testing for private well owners and raise awareness of nitrate and other contamination issues, support the goals of both the Land Conservation and Health Departments; and

**WHEREAS**, the Health Department has made the request to utilize an additional \$5,000 allocation of their Health ARPA funding to support this project in exchange for \$5,000 of Pepin County ARPA funding to support their St. Vincent de Paul County Better Together Food Pantry Project. This project meets County ARPA grant qualifications but was denied as meeting qualifications for the

Health ARPA funding after the award to the project through the Health Department's Better Together ARPA grant awards; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the ARPA Committee has recommended that funding in the amount of \$15,000 be approved to use for the Nitrate Mitigation efforts as described above to be done in conjunction between the Land Conservation Department and the Health Department.

**NOW, THEREFORE BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the funds to be committed to the projects through the expenditure of the ARPA funds received as noted above and authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 442,500            | \$ 15,000                  | \$ 457,500            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 442,500            | \$ 15,000                  | \$ 457,500            |

\*Note: Total Amended Budget dollars will be adjusted based on the amount in resolutions adopted by the County Board in April, 2024.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** To date, funds totaling \$1,014,931 have been spent or committed and are planned to be spent on projects. This commitment will total an additional \$20,525 which when combined with all current proposed projects (in several individual resolutions proposed this month) would leave approximately \$309,958 for additional prioritized projects.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Land Conservation Director Jessica McMahon presented this resolution to the County Board. The Health Department and Land Conservation Department are working together on using these additional funds of \$15,000 which would allow additional water testing, host outreach and educational events to raise awareness of nitrate and other contamination issues in the County. Motion was made by Supervisor John Andrews, seconded by Supervisor Vicki Kosok, to adopt Resolution 14-24 titled, "Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification- Funds for Mitigation Grants and Testing Project." Roll call vote was taken, Supervisor Angie Bocksell-yes, Supervisor Michael Wright-yes,

Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes and Supervisor Vicki Kosok-yes Motion carried.

**RESOLUTION NO. 15-24**  
**Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification –Funds for Facility Brick Repairs Project**

**WHEREAS** Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, the current Pepin County Government Center is an older facility which has been assessed and is in need of significant repairs up to and including replacement; and

**WHEREAS**, as the future of the facility is still being assessed with open issues to address regarding the future of all areas of the facility, ongoing maintenance must still be done to the current facility; and

**WHEREAS**, due to the impact of weather, numerous exterior portions of the facility have specific areas of concern which need to be addressed with brick maintenance. The west side of the facility has the greatest need for brick work (i.e. grinding, tuck pointing, new mortar and caulk, etc.) and the majority of the work needs to be done to seal up areas where moisture is penetrating the exterior and leading to interior damage of ceilings and walls. The exterior work must be done before repairs can be effectively completed in the interior work spaces; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the ARPA Committee has recommended that funding in the amount of \$30,000 be approved per the quote received to address the immediate Government Center brick maintenance and repairs as identified above.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the funds to be committed to the project through the expenditure of the ARPA funds received as noted above and authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 442,500            | \$ 30,000                  | \$ 472,500            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 442,500            | \$ 30,000                  | \$ 472,500            |

\*Note: Total Amended Budget dollars will be adjusted based on the amount in resolutions adopted by the County Board in April, 2024.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** To date, funds totaling \$1,014,931 have been spent or committed and are planned to be spent on projects. This commitment will total an additional \$30,000 which when combined with all current proposed projects (in several individual resolutions proposed this month) would leave approximately \$309,958 for additional prioritized projects.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of April 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Chairman Tom Milliren explained to the County Board that the Government Center is need of brick repairs on the west side of the building. Recommendations were made to fund \$30,000 of ARPA funds to this project. Motion was made by Supervisor Kevin Kosok, seconded by Supervisor John Andrews, to adopt Resolution 15-24 titled, "Authorize Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget

Modification- Funds for Facility Brick Repairs Project." Roll call vote was taken, Supervisor Michael Wright-yes, Supervisor Gary Bauer-yes, Supervisor Andy Winkler-yes, Supervisor Paul Hoch-yes, Supervisor Robert Weishapple-yes, Supervisor Elizabeth Bauer-yes, Supervisor Kris Sabelko-yes, Chair Tom Milliren-yes, Supervisor John Andrews-yes, Supervisor Kevin Kosok-yes, Supervisor Kevin Kosok-yes, Supervisor Vicki Kosok-yes and Supervisor Angie Bocksell-yes. Motion carried.

**Wisconsin Counties Association- 2023 Membership Survey** – Wisconsin Counties Association did not provide a survey for this year’s supervisors to fill out.

**Announcements:** The County Government offices are having a potluck on April 24<sup>th</sup> starting at noon. All Supervisors are welcome to attend.

**Public Comments other than Agenda Items:** no public comments

**Correspondences:** none

**Future Agenda Items and Meeting Date** – Wednesday, May 15, 7:00 p.m.

**Adjournment**

Meeting adjourned by Chair Tom Milliren at 4:35 p.m.

Submitted by Audrey Bauer, Pepin County Clerk

Approved by the County Board of Supervisors on May 15, 2024

/s/ Tom Milliren

Pepin County Board of Supervisors Chair

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Wednesday, May 15, 2024 at 7:00 p.m.**

The Meeting of the Pepin County Board of Supervisors was called to order at 7:00 p.m. on Wednesday, May 15, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

**ESTABLISH QUORUM – ROLL CALL**

|                                          |                                                     |
|------------------------------------------|-----------------------------------------------------|
| District #1- Michael Wright- Absent      | District #7- Kris Sabelko- In person                |
| District #2- Gary Bauer- In person       | District #8- Tom Milliren- In person                |
| District #3- Andy Winkler- In person     | District #9- John Andrews- Remotely                 |
| District #4- Paul Hoch- In person        | District #10- Kevin Kosok- In person                |
| District #5- Robert Weishapple- Remotely | District #11- Vicki Kosok-Absent- arrived 7:03 p.m. |
| District #6- Elizabeth Bauer-In person   | District #12- Angela Bocksell- Remotely             |

Eleven Supervisors attended the meeting at the time of roll call. Absent from the meeting was Supervisor Michael Wright.

**PLEDGE OF THE ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

**Public Comments Regarding Listed Agenda Items:**

Pepin County citizen members commented on the agenda item: Resolution to create office of County Administrator pursuant to Wis Stat 59.18 (1)

Dave Klein, Chair of Town of Waubeek,

Chris Kees Winkler- Previous County Board Supervisor

Kate Simpson- Pepin County Citizen

The above citizens expressed their concerns about changing the form of government from Administrative Coordinator to County Administrator. They wondered how this proposed change all came about. How much would this cost the taxpayers if the change occurred? What extra duties would this be put on this person? They showed that they did not support the change to County Administrator.

Michelle Weiss- Pepin County Personal Director showed her support to make the change to County Administrator. She explained the duties and reasons why the Supervisors should vote for this change. Making this change was approved by the Adhoc Committee and Administrative Committee.

Administrative Coordinator Pam Hansen explained what differences would take place if the form of government would change to County Administrator. The job description would change, making the committee more of a policy making committee. She mentioned different projects/duties that were taken care of that saved Pepin County from additional costs.

**Consent Agenda Items:**

**Approve the April 16, 2024 County Board Meeting Minutes**

Motion was made by Supervisor K. Kosok, seconded by Supervisor Sabelko to approve the April 16, 2024 County Board meeting minutes as presented.

Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes and Supervisor Hoch-yes. Motion carried.

**Reports:**

**County Board Committee Reports**

Committee Reports were given by the previous Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Business Items- Discussion with possible action:**

**Naloxone Training and Administration Policy and Procedures**

Administrative Coordinator Pam Hansen presented this policy and procedure on Naloxone training and administering. With the greater number of drug overdoses, some interested employees requested to be trained on how to administer naloxone in the event they encountered an individual experiencing an overdose while performing their normal duties as an Pepin County employee.

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to adopt the Naloxone Training and Administration Policy and Procedures as presented. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes and Supervisor Weishapple-yes. Motion carried.

**Resolutions:**

**RESOLUTION NO. 17-24**

**PEPIN COUNTY 4H PROGRAM EDUCATOR WITH SECONDARY COMMUNITY YOUTH DEVELOPMENT POSITION TO BE HIRED UP TO FULL TIME – 2024 BUDGET MODIFICATION**

**WHEREAS**, the 0.5 FTE 4H/Youth Development Educator and the 0.6 FTE Agriculture/Natural Resources Educator retired in December of 2022; and

**WHEREAS**, the UW-Madison Division of Extension Pepin County oversight committee directed the staff to conduct a needs assessment to identify current county priorities; and

**WHEREAS**, the oversight committee believes it can best meet local priorities by hiring a 4-H Educator with a secondary affiliation in Community Youth Development; and

**WHEREAS**, the proposed 1.0 FTE position can help meet county priorities in building the 4-H program and work with community organizations on a wide variety of issues that impact youth. This can include development of childcare, mental health, physical health, leadership, and other areas; and

**WHEREAS**, the adopted 2024 budget can support a 0.7 FTE co-funded position because the Dean approved the move of Agriculture Institute funding to the Positive Youth Development Institute; and

**WHEREAS**, a 1.0 FTE position employed by the UW-Madison Division of Extension, would combine a 70% co-funded position with 30% county funding for a total of \$57,093; and

**WHEREAS**, the current budget for the relevant positions noted above is \$45, 875; and

**WHEREAS**, the additional expense was not provided for in the 2024 Budget.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the UW-Madison to hire a 4-H Program Educator with a secondary Community Youth Development and co-fund the costs as noted above up to a 1.0 FTE position to serve Pepin County; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|---------------------------|-----------------------|
| <i>General Fund:</i>  |                            |                       |                           |                       |
| 100-00-55620-0000-000 | U.W. Extension             | \$ 63,197             | \$ 11,218                 | \$ 174,415            |
| 100-00-59100-3900-000 | Contingency Fund           | \$ 30,000             | \$ (11,218)               | \$ 18,782             |

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION & PLANNING COMMITTEE:**

/s/ Angie Bocksell, Committee Chair

**COMMITTEE MEMBERS VOTE**

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director

Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on the 15<sup>th</sup> day of May, 2024

In favor- 11 Oppose-0 Absent- 1 Abstain -0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

UW Area Extension Director Patricia Malone remotely presented this resolution to the County Board. After great review, the Land Conservation, Planning and Extension Committee has recommended to hire a 4H program Educator with a secondary Community Youth Development up to a 1.0 full time employee to serve Pepin County. Motion was made by Supervisor Andrews, seconded by Supervisor Bocksell, to adopt Resolution 17-24, titled “Pepin County 4H Program Educator with Secondary Community Youth Development Position to be Hired up to Full Time- 2024 Budget Modification.” Roll call was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes and Supervisor E. Bauer-yes. Motion carried.

**RESOLUTION NO. 18-24  
PEPIN COUNTY BROADBAND EQUITY, ACCESS, and DEPLOYMENT (BEAD)  
GRANT – 2024 BUDGET MODIFICATION**

**WHEREAS**, the State of Wisconsin developed a Broadband Equity, Access, and Deployment (BEAD) Local Planning Grant Program for all Wisconsin counties and federally recognized tribes; and

**WHEREAS**, this program enables eligible entities to opt-in to receive formula funding to participate in broadband planning activities that will inform the state Five-Year Action Plan which will guide broadband deployment and implementation of the BEAD program; and

**WHEREAS**, Pepin County applied for the BEAD Local Planning Grant in April 2023 to develop a local broadband plan for Pepin County to facilitate future implementation of affordable, reliable, high-speed internet for all residents; and

**WHEREAS**, Pepin County was awarded the BEAD Local Planning Grant of \$18, 337.40 for the local broadband plan; and

**WHEREAS**, it was determined that to complete the assessment and develop a local county wide plan a consultant would need to be used and the amount awarded is not sufficient to hire a contractual broadband consultant. Therefore, Pepin County has joined a collaborative effort to combine grant funds with Pierce, Buffalo, and Trempealeau Counties to hire a broadband consultant and write a Quad-County Broadband plan; and

**WHEREAS**, the grant amount was not included in the 2024 budget.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the Administrative Coordinator to execute any agreements and contracts related to this project including working with the Quad-County collaborative effort to hire a Broadband Consultant to serve Pepin, Pierce, Buffalo, and Trempealeau Counties; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|---------------------------|-----------------------|
| <i>General Fund:</i>  |                            |                       |                           |                       |
| 100-00-43586-0000-000 | S/A - Development          | \$ 0                  | \$ 18,338                 | \$ 18,338             |
| 100-00-56710-0000-000 | Development Expense        | \$ 35,681             | \$ 18,338                 | \$ 54,019             |

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION & PLANNING COMMITTEE:** COMMITTEE MEMBERS VOTE

/s/ Angie Bocksell, Committee Chair In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director Recommend P Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 15<sup>th</sup> day of May 2024.

In favor - 11 Oppose - 0 Absent – 1 Abstain - 0

/s/ Audrey Bauer, County Clerk /s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented this resolution to the County Board. Pepin County received funds from the State of Wisconsin Broadband Equity, Access and Deployment Local Planning Grant program. It was determined there was a need to join with other Counties to hire a broadband consultant to serve Pepin, Pierce, Buffalo and Trempealeau. Each county would

be pooling their share of grant funds toward this consultant. These funds were not included in the 2024 budget, so a budget modification is needed.

Motion was made by Supervisor Bocksell, seconded by Supervisor Andrews, to adopt Resolution 18-24 titled, "Pepin County Broadband Equity, Access and Deployment (BEAD) Grant – 2024 Budget Modification." Roll call was taken, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes Supervisor E. Bauer-yes and Supervisor Sabelko-yes, Motion carried.

**RESOLUTION NO. 19-24  
AMENDMENT NO. 50 TO PEPIN COUNTY EMPLOYEE HANDBOOK**

**WHEREAS**, the Pepin County Administrative Committee recommends the following changes to the Employee Handbook:

**APPENDIX A**

**Hours:**

The normal workday for Highway employees shall be Monday through Thursday from ~~6:30 a.m. to 4:30~~ **6:00 a.m. to 4:00** p.m., 10-hour days. The starting and quitting times may be varied earlier **or later** at the direction of the Highway Commissioner or Foremen by up to two hours as necessary depending on **time of year (i.e. daylight hours)**, weather conditions or emergencies. A minimum of two (2) hours' pay shall be paid to employees reporting or called in for work. All hours worked on Saturdays, Sundays, and holidays shall be compensated at one and one-half (1½) times the regular rate of pay. The highway commissioner may call employees any workday before the workday commences in the event there is no work available for a portion or all of that workday, and said employees will not be called to work and will not receive pay for unworked hours. In such case, the employee may substitute compensatory or PTO time, if available, for unpaid time off. The County shall notify employees at least forty-five (45) minutes before starting time of its desire not to have employees report to work or to vary an employee's starting time.

\*\* The Highway Office will be open the same days as the shop and closed on Fridays.

**Breaks:**

1<sup>st</sup> Break-9:00 AM-9:20AM\*

2<sup>nd</sup> Break-12:00 PM-12:30 PM\*

Employees may use the rest period as they desire. Example: telephone, fresh air, snack, etc. **If employees leave their worksite during their rest periods the breaks will be unpaid.**

***\*Breaks may be scheduled at different times so that jobs Do Not Shut Down.***

**Paid Time Off:**

PTO 10 hours per day or hourly as approved

PTOSL 10 hours per day

Funeral Leave 8 hours per day

**Holidays:**

Holiday weeks employees will take 2 hours of PTO, compensatory to make up for 10-hour day, when working a 4 X 10 shift for that week.

During Holiday weeks' hours may be flexed to 8-hour shifts Monday through Friday when unscheduled hours may occur due to seasonal weather or other unavoidable reasons.

**Additional Hours:** Efforts shall be made to accomplish major work items on a Monday through Thursday schedule to minimize the need for Friday work. Employees within the Highway Department may be directed to work different schedules within the standard work week as deemed by the Highway Commissioner or Foremen as most advantageous to the County.

**On Call Foremen:** The working foremen designated by the Highway Commissioner to be on call shall be paid a weekly payment as approved on the current wage scale starting on the first Thursday of the week/weekend that includes October 15<sup>th</sup> through the weekend that includes April 15<sup>th</sup>.

**NOW THEREFORE BE IT RESOLVED** that the Employee Handbook be amended per changes stated above, to be effective upon adoption.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT REVIEWED** – Clarifying language only, no fiscal impact as a direct result at this time.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this day of 15<sup>th</sup> day of May 2024.

In favor – 11 Oppose – 0 Absent - 1 Abstain – 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Personnel Director Michelle Weiss presented this amendment to the Pepin County Handbook to the County Board. This amendment consists of changes to the Appendix A of the Highway section of the Handbook. Hours of the employees at the Highway were changed to be 6:00 am - 4:00 pm. During breaks, if an employee leave its worksite during their rest period, the break is unpaid. And on-call foremen shall be paid a weekly payment as approved on the current wage scale during Oct 15<sup>th</sup> - April 15<sup>th</sup> period.

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to adopt Resolution 19-24 titled, "Amendment No. 50 Pepin County Handbook- Changes to Appendix A." Roll call was taken, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes Supervisor E. Bauer-yes, Supervisor Sabelko-yes and Chair Milliren-yes, Motion carried.

Resolution to Create Office of County Administrator Pursuant to Wis. Stat. §59.18 (1)

County Board Supervisor Tom Milliren presented this resolution to the County Board.

Discussion took place starting at the Committee level in November/December about making

the change to County Administrator. Discussions took place on the hiring processes, responsibilities, duties and budget changes. The lack of support by the community was voiced by some of the Supervisors. This resolution was drawn up by our Corp Council, Andy Philiip, to immediately fill this position without a void in our government.

Motion was made by Supervisor Andrews, seconded by Supervisor Bocksell, to adopt Resolution to create office of County Administrator Pursuant to Wis. Stat. § 59.18 (1). Roll call vote was taken, Supervisor K. Kosok-no, Supervisor V. Kosok-no, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-no, Supervisor Hoch-no, Supervisor Weishapple-no, Supervisor E. Bauer-no, Supervisor Sabelko-no, Chair Milliren-yes and Supervisor Andrews-yes. Motion failed with seven (7) no votes and (4) yes votes and one (1) absent.

### **Appointments:**

Chair Milliren recommend appointing Amanda Brommer from Advent Health and Angie Bignell from the Durand Ambulance to the Local Emergency Planning Committee.

Motion was by Supervisor K. Kosok, seconded by Supervisor Bocksell to approve the appointment of Amanda Brommer and Angie Bignell to the Local Emergency Planning Committee. Roll call vote was taken, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes Supervisor E. Bauer-yes, Supervisor Sabelko-yes and Chair Milliren-yes Supervisor Andrews-yes and Supervisor K. Kosok-yes. Motion carried.

### **Public Comments other than Agenda Items:**

Terry Schoonover introduced himself to the Full County Board as a Candidate running for the WI Assembly District #29. He will be running against Treig Pronschinske at the next election.

Tom Webb – Spokesperson for Derrick Van Orden, our House of Representative for the 3<sup>rd</sup> Congressional District. Representative Van Orden works with the public on their needs. Contact him with any government issues that may arise.

**Correspondences:** Wisconsin Counties Conference will be held in September in La Crosse. If you are interested in attending, let the County Clerk know by May 31<sup>st</sup>.

Register of Deeds, Monica J. Bauer, has laid on your table information on the consumer protection with property fraud alert. Tell all your family and friends about this service to protect your property. More information available is on our County's website.

**Future Agenda Items and Meeting Date** – Wednesday, June 19, 2024

### **Adjournment**

Meeting adjourned by Chair Tom Milliren at 9:00 p.m.

Submitted by Audrey Bauer, Pepin County Clerk

Approved by the County Board of Supervisors on June 19, 2024

/s/ Tom Milliren

Pepin County Board of Supervisors Chair

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Wednesday, June 19, 2024 at 7:00 p.m.**

The meeting of the Pepin County Board of Supervisors was called to order at 7:00 p.m. on Wednesday, June 19, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

**ESTABLISH QUORUM- ROLL CALL**

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| District #1- Michael Wright – In person | District #7- Kris Sabelko- In person    |
| District #2- Gary Bauer- In person      | District #8- Tom Milliren- In person    |
| District #3- Andy Winkler- Remotely     | District #9- John Andrews- In person    |
| District #4- Paul Hoch- In person       | District #10- Kevin Kosok- In person    |
| District #5- Robert Weishapple-Remotely | District #11- Vicki Kosok- In person    |
| District #6- Elizabeth Bauer- In person | District #12- Angie Bocksell- In person |

All Supervisors attended the meeting at the time of roll call.

**PLEDGE OF ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

**Recognition of the Retirement of Bob Stein from the Highway Department**

Chair Milliren recognized Bob Stein for his service working at the Pepin County Highway Department.

**Public Comments Regarding Listed Agenda Items:**

No public comments given at this time.

**Consent Agenda Item:**

**Approval of the May 15, 2024 County Board of Meeting Minutes**

Motion was made by Supervisor Andrews, seconded by Supervisor K. Kosok, to approve the May 15<sup>th</sup>, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes and Supervisor Wright-yes. Motion carried.

**Reports:**

**County Board Committee Reports**

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Emergency Management 2023 Annual Report**

Emergency Management Director Maria Nelson presented the Emergency Management Department’s 2023 Annual Report to the County Board.

**Extension Department 2023 Annual Report**

Area Extension Director Patricia Malone presented the 2023 Extension Department’s Annual Report to the County Board.

**Land Conservation Department and Planning 2023 Annual Report**

Land Conservation Director Jessica McMahon presented the 2023 Land Conservation and Planning Department’s Annual Report to the County Board.

**Pepin County Sheriff’s Office 2023 Annual Report**

Sheriff Joel Wener presented the 2023 Sheriff’s Department’s Annual Report to the County Board.

**Pepin County Health Department 2023 Annual Report**

Health Director Heidi Stewart presented the 2023 Health Department’s Annual Report to the County Board.

**Business:**

**Resolutions:**

**RESOLUTION NO. 20-24  
2024 BUDGET MODIFICATION – QUIET TRAILS  
GRANT FOR PEPIN COUNTY PARKS**

**WHEREAS**, Pepin County’s Land Conservation and Planning Department Director submitted a grant application to secure funding to be utilized to improve the trails system at Holden Park; and

**WHEREAS**, Pepin County’s grant proposal request included funding of projects related to trail improvements and signage; and

**WHEREAS**, in April 2024 Pepin County Land Conservation & Planning Department was notified that the Natural Resources Foundation of Wisconsin selected our county to receive \$1,000 from the Norma & Stanley DeBour Quiet Trails Fund; and

**WHEREAS**, the original 2024 budget did not include the revenues or expenses that will be associated with the trail related project that will be covered by the grant award; and

**NOW, THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u>  | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|-----------------------------|-----------------------|---------------------------|-----------------------|
|                       | <i>General Fund:</i>        |                       |                           |                       |
| 100-00-43582-0000     | S/A Parks/Conservation Aids | \$ 125,534            | \$ 1,000                  | \$126,534             |
| 100-00-55200-3700     | County parks                | \$ 143,975            | \$ 1,000                  | \$144,975             |

**RECOMMENDED by the Pepin County Land Conservation & Planning Committee:**

COMMITTEE MEMBERS VOTE

/s/ Angie Bocksell, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** Grant application stated total project costs would be \$5,000 with the grant paying for \$1,000 of the total. The other project costs are already included in the current approved 2024 Budget work that was already planned to be done in the parks.

/s/ Pamela Hansen, Finance Director      Recommend ✓      Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 19<sup>th</sup> day of June 2024.  
In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Land Conservation Director Jessica McMahon presented this resolution to the County Board. Pepin County was awarded \$1,000 from the Norma and Stanley DeBour Quiet Trails Fund to be utilized to improve the trail system at Holden Park. The original budget did not include this revenue or expense that would be associated with the trail project, so a budget modification is needed.

Motion was made by Supervisor Bocksell, seconded by Supervisor K. Kosok, to adopt Resolution 20-24 titled, "2024 Budget Modification- Quiet Trails Grant for Pepin County Parks." Roll call vote was taken, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes. Supervisor K. Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes and Supervisor Bocksell-yes. Motion carried.

**RESOLUTION NO. 21-24**  
**2024 BUDGET MODIFICATION - HEALTH DEPARTMENT GRANT AGREEMENTS,**  
**CONTRACTS and SUPPLEMENTAL FUNDING**

**WHEREAS**, the Pepin County Board of Supervisors approved 2024 Health Department Budget is based on grant and contract information available in the Fall of 2023. The following grants are additional, or an increase or decrease in funding as compared to the approved budget; and

1. Immunization increased \$119 to \$4,122
2. Communicable Disease increased \$20 to \$2,820
3. Maternal Child Health increased \$844 to \$5,066
4. Reproductive Health decreased \$7,864 to \$33,224
5. Title X decreased \$2,574 to \$8,626.

**WHEREAS**, the Health Department has been awarded 2023-24 WI State Opioid Response (SOR) Prevention funding in the amount of \$10,000 to support drug take-back, medication disposal, community education, and increased public awareness about the proper medication disposal and the opioid crisis; and

**WHEREAS**, the Health Department has been awarded a Vaccine for Adults supplement in the amount of \$2,000 to promote and provide vaccines for the adult underinsured and uninsured population; and

**WHEREAS**, the Health Department has entered a Memorandum of Understanding with the Pepin County Sheriff’s Office for the purpose of providing access to health care services and coordination of health care services for individuals in custody at the Pepin County Jail.

**NOW THEREFORE BE IT RESOLVED** that the County Board of Supervisors authorizes the 2024 Health Department Budget to be modified as follows:

| <u>ACCOUNT NUMBER</u> | <u>DESCRIPTION</u>               | <u>CURRENT BUDGET</u> | <u>INCREASE (DECREASE)</u> | <u>AMENDED BUDGET</u> |
|-----------------------|----------------------------------|-----------------------|----------------------------|-----------------------|
| 230-00-43545-0000-000 | Immunization                     | \$ 4,003              | \$ 119                     | \$ 4,122              |
| 230-00-43547-0000-000 | Communicable Disease             | \$ 2,800              | \$ 20                      | \$ 2,820              |
| 230-00-43549-0000-000 | Maternal Child Health            | \$ 4,222              | \$ 844                     | \$ 5,066              |
| 230-00-43553-0000-000 | Reproductive Health              | \$ 41,088             | \$ (7,864)                 | \$ 33,224             |
| 230-00-43558-0000-000 | State Opioid Response 2          | \$ -                  | \$ 10,000                  | \$ 10,000             |
| 230-00-43662-0000-000 | Title X                          | \$ 11,200             | \$ (2,574)                 | \$ 8,626              |
| 230-00-43663-0000-000 | Immunization Vaccine for Adult   | \$ -                  | \$ 2,000                   | \$ 2,000              |
| 230-00-46510-0000-000 | Revenues from Sheriff's Office   | \$ -                  | \$ 19,000                  | \$ 19,000             |
| 230-00-49300-0000-000 | Surplus Applied                  | \$ -                  | \$ (19,000)                | \$ (19,000)           |
|                       | <b>TOTAL REVENUE CHANGES</b>     | <b>\$ 63,313</b>      | <b>\$ 2,545</b>            | <b>\$ 65,858</b>      |
| 230-00-54120-0000-000 | Immunization                     | \$ 9,700              | \$ 119                     | \$ 9,819              |
| 230-00-54119-0000-000 | Communicable Disease             | \$ 2,800              | \$ 20                      | \$ 2,820              |
| 230-00-54117-0000-000 | Maternal Child Health            | \$ 4,222              | \$ 844                     | \$ 5,066              |
| 230-00-54111-0000-000 | Reproductive Health              | \$ 41,088             | \$ (7,864)                 | \$ 33,224             |
| 230-00-54160-0000-000 | State Opioid Response 2          | \$ -                  | \$ 10,000                  | \$ 10,000             |
| 230-00-54129-0000-000 | Title X                          | \$ 11,200             | \$ (2,574)                 | \$ 8,626              |
| 230-00-54139-0000-000 | Immunization Vaccine for Adult   | \$ -                  | \$ 2,000                   | \$ 2,000              |
| 230-00-54159-0000-000 | Jail Health Services             | \$ -                  | \$ 19,000                  | \$ 19,000             |
| 230-00-54109-0000-000 | Public Health                    | \$ 208,311            | \$ (19,000)                | \$ 189,311            |
|                       | <b>TOTAL EXPENDITURE CHANGES</b> | <b>\$ 277,321</b>     | <b>\$ 2,545</b>            | <b>\$ 279,866</b>     |

**RECOMMENDED BY THE PEPIN COUNTY BOARD OF HEALTH:**

**COMMITTEE MEMBERS VOTE**

/s/ John Andrews, Committee Chair In favor-5 Oppose-0 Absent-2 Abstain-0

**FISCAL IMPACT REVIEWED –** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 19<sup>th</sup> day of June 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Health Director Heidi Stewart presented this resolution to the County Board. Since the budget was approved, changes in funding from grant agreements, contracts and supplemental have taken place. This resolution shows the awards and the change of the funding. A budget modification is needed for these changes.

Motion was made by Supervisor Andrews, seconded by Supervisor Bocksell, to adopt Resolution 21-24 titled, "2024 Budget Modification – Health Department Grant Agreements, Contracts and Supplemental Funding." Roll call vote was taken, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes and Supervisor G. Bauer-yes. Motion carried.

**Re-appoint Jodie Anderson as the Pepin County Elder Representative for the Aging and Disability Resource Center (ADRC)**

**Re-appoint Brent A. Bauer as a member to the Housing Authority of Pepin County**

Chair Milliren recommended re-appointment of Jodie Anderson to the Pepin County Elder Representative and Brent A. Bauer as a member to the Housing Authority of Pepin County. Motion was made by Supervisor K. Kosok, seconded by Supervisor Wright, to approve re-appointing Jodie Anderson to the Pepin County Elder Representative and Brent A. Bauer as the member of the Housing Authority of Pepin County. Roll call vote was taken, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes and Supervisor Winkler-yes. Motion carried.

**Public Comment other than Agenda items:**

Tom Webb, spokesperson for Derrick Van Orden, thanks our staff and County Board members for all their hard work. He stated that he enjoyed working with our Emergency Management Director Maria Nelson in helping to speed up the process for the Generator grant award review.

**Correspondences:** none given.

**Future Agenda items and Next Meeting date:** July 17, 2024 at 7:00 p.m.

Meeting adjourned at 8:01 p.m.

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on August 21, 2024.

/s/ Tom Milliren

Pepin County Board Chair

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Wednesday, August 21, 2024 at 7:00 p.m.**

The meeting of the Pepin County Board of Supervisors was called to order at 7:00 p.m. on Wednesday, August 21, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

**ESTABLISH QUORUM- ROLL CALL**

|                                                  |                                        |
|--------------------------------------------------|----------------------------------------|
| District #1- Michael Wright – In person          | District #7- Kris Sabelko- In person   |
| District #2- Gary Bauer- In person               | District #8- Tom Milliren- In person   |
| District #3- Andy Winkler- Remotely at 7:07 p.m. | District #9- John Andrews- Remotely    |
| District #4- Paul Hoch- In person                | District #10- Kevin Kosok- In person   |
| District #5- Robert Weishapple-Remotely          | District #11- Vicki Kosok- In person   |
| District #6- Elizabeth Bauer- In person          | District #12- Angie Bocksell- Remotely |

All Supervisors attended the meeting.

**PLEDGE OF ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written. Under resolutions, the review and Approve Interim Administrative Coordinator Job Description Including Signature Authority and Process is not a resolution but does need action.

**Public Comments Regarding Listed Agenda Items:**

No public comments given at this time.

**Consent Agenda Item:**

**Approval of the June 19, 2024 County Board of Meeting Minutes**

Motion was made by Supervisor K. Kosok, seconded by Supervisor Sabelko, to approve the June 19, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes and Supervisor Hoch-yes. Motion carried.

**Reports:**

**County Board Committee Reports**

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Judge's 2023 Annual Report**

Judge Thomas Clark presented the Judge's 2023 Annual Report to the County Board.

**Community Justice Services (CJS) 2023 Annual Report**

Brenda Berning from the Community Justice Services was not able to attend this meeting to present the CJS 2023 Annual Report. This will be placed on the September County Board instead.

**Clerk of Court's 2023 Annual Report**

Clerk of Court Audrey Lieffring presented the Clerk of Court's 2023 Annual Report to the County Board.

**Veteran Service Officer (VSO) 2023 Annual Report**

Veteran Service Officer Sheri Peterson remotely presented the VSO 2023 Annual Report to the County Board.

**Register of Deeds' 2023 Annual Report**

Register of Deeds Monica J. Bauer presented the Register of Deeds 2023 Annual Report to the County Board.

**Business:**

**Review and Approve Administrative Coordinator/Finance Director Job Description for Public Administration Associates (PAA) Job Posting**

Personnel Director Michelle Weiss explained the changes made to the job descriptions of the Administrative Coordinator/Finance Director position, combining the duties into one description to be used by PAA. Motion was made by Supervisor Andrews, seconded by Supervisor Bocksell, to approve the Administrative Coordinator/Finance Director combined job description as presented and allowing PAA to use for the job posting of the position. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes and Supervisor Weishapple-yes. Motion carried.

**Discuss 2025 Budget Timeline and Goals**

Finance Director Pam Hansen informed the County Board that at the September Committee meetings 2025 budgets will need to be given to start the budget process. Goals were discussed on what the new money of \$64,000 per state statutes can be used. The Administrative Committee talked of trying to give 2-3% wage increase to the employees, if possible, to help offset the health insurance premium increase for 2025. The retirement rate for the County's share has increased from 16.9% to 16.95%, an additional \$15,000 extra for the County to pay. Other options given to the Board, debt to pay for capital purchases like done in previous years; Short term loan for Highway expenditures; and the increased cost of IT Service month charge. A tentative plan by the Board was to have debt for capital purchases and a highway loan if needed. No action taken at this time.

**Resolutions:**

**RESOLUTION NO. 22-24  
AMERICAN RESCUE PLAN ACT (ARPA) FUNDS AUTHORIZED FOR EXECUTIVE  
RECRUITMENT AND INTERIM MANAGEMENT BY PUBLIC ADMINISTRATION  
ASSOCIATES, LLC AND 2024 BUDGET MODIFICATION**

**WHEREAS** Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, Pamela Hansen, Administrative Coordinator/Finance Director has resigned from her position with an effective ending date of September 14, 2024, and the Administrative Committee recommends hiring Public Administration Associates to assist in the recruitment of the next Administrative Coordinator/Finance Director for Pepin County; and

**WHEREAS**, the cost of hiring a specialized recruitment firm was not included in the 2024 budget. The cost of recruitment for this leadership role for Pepin County is projected to be \$19,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the original 2024 Budget to be modified as follows for the changes as noted above:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 442,500            | \$ 19,000                  | \$ 461,500            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 442,500            | \$ 19,000                  | \$ 461,500            |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** Impact of consulting contract cost as noted above.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Personnel Director Michelle Weiss informed the County Board that the Administrative Committee has designated and recommends using ARPA funds to hire Public Administration Associates to assist in the recruitment of the next Administrative Coordinator/Finance Director for Pepin County. This cost was not in the 2024 budget so a budget modification in the amount of \$19,000 is needed.

Motion was made by Supervisor Andrews, seconded by Supervisor K. Kosok, to adopt Resolution 22-24 titled, "American Rescue Plan Act (ARPA) Funds Authorized for Executive Recruitment and Interim Management by Public Administration Associates, LLC and 2024 Budget Modification." Roll call vote was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes and Supervisor E. Bauer-yes. Motion carried.

**Review and Approve Interim Administrative Coordinator Job Description including Signature Authority & Process**

The Interim Administrative Coordinator job description was reviewed and updated by the Administrative Committee. Changes made included removing the signature authority of all grant applications and contracts. Oversight Committee would need to approve any contracts/grant awards at their meetings and would be signed by the County Board Chair. Other changes that were made to the interim job description consists of providing general direction along with the standing committees; having County Board Supervisors' support and consultation to assist in making informed decisions on operation and key policy matters; Purchasing policy will be administered by the Administrative Committee; Conduct annual performance reviews, seeking input from the appropriate oversight committee for additions, changes and final approval; and coordinates and manages all IT equipment, policies and software with the technology services. Removed from the interim Administrative Coordinator job description was the responsibility for overall adoption of the budget in coordination with preparation by the Finance Director.

Motion was made by Supervisor Andrews, seconded by Supervisor Bocksell, to approve the Interim Administrative Coordinator job description and signature authority & process. Roll call vote was taken, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes and Supervisor Sabelko-yes. Motion carried.

**RESOLUTION NO. 23-24**

**Resolution to Appoint Michelle Weiss as Interim Administrative Coordinator and Defining Duties Thereof**

**WHEREAS**, pursuant to Wis. Stat. § 59.19 and Ordinance 1.10, the Board of Supervisors created the position of County Administrative Coordinator; and

**WHEREAS**, the Board of Supervisors previously combined the position of Administrative Coordinator and Finance Director and appointed Pamela Hansen as the County's Administrative Coordinator and Finance Director; and

**WHEREAS**, the resignation of the incumbent Administrative Coordinator and Finance Director, Pamela Hansen, has created a vacancy in the positions of Administrative Coordinator and Finance Director; and

**WHEREAS**, Wis. Stat. § 59.19 requires the County to maintain a designated Administrative Coordinator and Ordinance 1.10(5) provides the Board of Supervisors with the authority to make such designation; and

**WHEREAS**, the Board of Supervisors desires to appoint Michelle Weiss as Administrative Coordinator on an interim basis; and

**WHEREAS**, the appointment of Michelle Weiss as Administrative Coordinator is in addition to her current role as the Personnel Director which she will also retain during the interim period; and

**WHEREAS**, the Board of Supervisors intends that Michelle Weiss' appointment as interim Administrative Coordinator under this Resolution does not include an appointment as Finance

Director, interim or otherwise, and the interim Administrative Coordinator shall not assume any duties of the Finance Director except as expressly provided by the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors will place Michelle Weiss as Administrative Coordinator at the control point on the applicable Administrative Coordinator wage scale for the portion of her position equivalent to 0.6 FTE which is currently allocated to the Administrative Coordinator portion of the current combined position; and

**WHEREAS**, for purposes of the interim appointment, the Board of Supervisors intends this Resolution to modify the Administrative Coordinator job description to remove Paragraph 2 under the heading "DUTIES AND RESPONSIBILITIES" relating to the Administrative Coordinator's signature authority; and

**WHEREAS**, the Board of Supervisors intends this Resolution to become effective immediately upon its adoption and remain in effect until either amended or by further action of the Board of Supervisors appointing a permanent Administrative Coordinator, at which point this Resolution shall be of no further force or effect.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors does hereby appoint Michelle Weiss as interim Administrative Coordinator pursuant to Wis. Stat. § 59.19 subject to the terms of this Resolution.

**BE IT FURTHER RESOLVED** that the appointment herein is not an appointment as Finance Director, on an interim basis or otherwise.

**BE IT FURTHER RESOLVED** that the job description for Administrative Coordinator is modified for purposes of the interim appointment set forth in this Resolution to delete the entirety of Paragraph 2 under the heading "DUTIES AND RESPONSIBILITIES" such that the interim Administrative Coordinator shall not have signature authority as provided therein.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption and shall continue until the earlier of (1) further action of the Board of Supervisors; or (2) the appointment of a permanent Administrative Coordinator, at which time this Resolution and all matters authorized herein including, without limitation, modification of the Administrative Coordinator job description shall be of no further force and effect.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBER VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** Wage savings will occur in the Personnel department expense budgets due to the dual role being taken on by the Personnel Director but will be offset by the other costs of employee turnover.

/s/ Pamela Hansen, Finance Director

Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County of Supervisors on this 21<sup>st</sup> day of August 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

With the recent resignation of our County's Administrative Coordinator and because Wis Stat 59.19 requires the County to maintain a designated Administrative Coordinator, the Board of

Supervisors discussed appointing Michelle Weiss as Administrative Coordinator on an Interim basis and continue her current role as Personnel Director during this interim period. This will take effect immediately if adopted.

Motion was made by Supervisor Andrews, seconded by Supervisor Wright, to adopt Resolution 23-24 titled, Resolution to Appoint Michelle Weiss as Interim Administrator Coordinator and Defining Duties Thereof.” Roll call vote was taken, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes and Chair Milliren-yes. Motion carried.

**RESOLUTION NO. 24-24**

**CREATING A NON-LAPSING DESIGNATED FUND BALANCE FOR THE PEPIN COUNTY HEALTH DEPARTMENT, DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION (DATCP) AGENT FOOD SAFETY AND RECREATIONAL LICENSING PROGRAM**

**WHEREAS**, the Pepin County Health Department has contracted with the Wisconsin Department of Agriculture, Trade and Consumer Protection to provide a framework for the provision of services for the inspection, licensing, complaint and foodborne illness investigation for retail food, lodging, and recreational establishments as an Agent for DATCP; and

**WHEREAS**, in September 2021, the Board of Health and Administrative Committee approved the change of the Public Health Nurse 0.6 full time equivalent to a Public Health Specialist 1.0 full time equivalent to provide for expanded public health programming and expertise, to be funded by PHEP and APRA grants through 2024; and

**WHEREAS**, the Pepin County Health Department has added the Agent Program to provide the food safety and recreational licensing services to our community and to sustain the 1.0 full time equivalent Public Health Specialist position through the added program revenue; and

**WHEREAS**, the Pepin County Board of Health has adopted a fee schedule for the licensing, inspections, and late fees for each establishment and inspection type; and

**WHEREAS**, all establishments are required to pay an annual licensing fee to the Pepin County Health Department which in turn is required to submit a percentage of the annual licensing fee revenue DATCP; and

**WHEREAS**, the Pepin County Health Department collects fees for new establishments inspections, mobile food establishments/ transient establishment inspections, establishments requesting a special condition inspection, establishments requiring a re-inspection, establishments operating without a license, and establishments who fail to submit payment for the annual fee by June 30<sup>th</sup>. Fees collected for inspections are fully retained by the Health Department, except for the portion that is due to the State of Wisconsin; and

**WHEREAS**, the Pepin County Health Department has specific revenue accounts and a cost center for the expense for the DATCP Agent program which details the costs for supporting the Agent program. All costs for the program after the implementation of the program in 2023 and 2024 will be charged to the DATCP expense cost center; and

**WHEREAS**, it is the intent of the program that funds collected in the DATCP revenue accounts will exceed the total expenses for the DATCP program within the same calendar year.

However, it is possible that the funds deposited into the DATCP account may be less than the costs of the expenses for the DATCP program within the same calendar year on occasion; and

**WHEREAS**, the establishment of a non-lapsing designated fund balance will designate the DATCP Agent program generated funds to be carried over from year to year on a cumulative basis to support the DATCP Agent program in years when the expenses exceed the revenue. Any carry over funds will be used offset years when expenses may exceed revenues cumulatively beginning in 2024 and going forward.

**NOW THEREFORE BE IT RESOLVED** that the County Board of Supervisors authorizes the Non-lapsing designated fund for the Pepin County Health Department DATCP Agent Food Safety and Recreational Licensing Program as detailed above.

**RECOMMENDED BY THE PEPIN COUNTY BOARD OF HEALTH:**

**BOARD MEMBERS VOTE**

/s/ John Andrews, Board Chair

In favor-6 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT REVIEWED** – Entire impact as noted above.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Health Director Heidi Stewart remotely attended the County Board meeting to explain the need for a non-lapsing designated fund balance account. Both the Board of Health and the Administrative Committee have recommended creating this as a non-lapsing account. The Pepin County Health Department has added an Agent Program to provide the food safety and recreational licensing service to our community. Establishing this DATCP Agent program generates funds to be carried over from year-to-year to support in years when the expenses exceed the revenues.

Motion was made by Supervisor Andrews, seconded by Supervisor Sabelko, to adopt Resolution 24-24 titled, "Creating a Non-Lapsing Designated Fund Balance for the Pepin County Health Department, Department of Agriculture, Trade and Consumer Protection (DATCP) Agent Food Safety and Recreational Licensing Program." Roll call vote was taken, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes and Supervisor Andrews-yes. Motion carried.

**RESOLUTION NO. 25-24**  
**ESTABLISH DESIGNATED FUNDS FOR RECREATION AND YOUTH EDUCATION WITH**  
**PROCEEDS FROM THE SALE OF FAIRGROUND PROPERTY**

**WHEREAS**, Pepin County sold the Pepin County Fairground Property in 2023 and had net funds received of \$152,400 after expenses associated with the sale in addition to a few other general county expenses incurred of approximately \$6,500 in connection with the sale; and

**WHEREAS**, the sale of the fairground property was not included in the 2023 budget as a source of revenue, and

**WHEREAS**, Pepin County acquired the Fairground property in 1966 for \$1,000, initially constructed a fair barn for about \$6,000, and acquired additional land in 1992 for \$5,000; and

**WHEREAS**, the sale of the fairground property resulted in the loss of county property available for public use for special events and youth education programming; and

**WHEREAS**, Pepin County utilized the property for the annual county fair for approximately 50 years, 4-H youth programming activities, and as a source of revenue by leasing space for storage; and

**WHEREAS**, UW-Madison's Division of Extension – Pepin County provides youth education through its 4-H and Community Youth Development programs; and

**WHEREAS**, Pepin County Land Conservation & Planning Department is tasked with the provision of conservation-based youth programming, as well as the maintenance and improvements of county parks; and

**WHEREAS**, both departments jointly request that the funds in the amount of \$145,000 from the sale of the fairground property be reserved for to be used for projects to enhance youth education and recreational opportunities which aligns with the former use of the property that was sold; and

**WHEREAS**, all projects will require pre-approval of the Land Conservation & Planning Committee and County Board prior to expenditure of funds; and

**WHEREAS**, approval from Administrative Committee and County Board will be required if the project involves the purchase of property.

**NOW, THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes designating \$145,000 to be utilized for future projects to be determined which will enhance youth education and recreational opportunities to benefit future generations and the youth of Pepin County; and

**BE IT FURTHER RESOLVED** that the funds will remain designated in the fund balance until spent in their entirety.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION & PLANNING COMMITTEE:**

/s/ Angie Bocksell, Committee Chair

COMMITTEE MEMBERS VOTE

In favor-4 Oppose-0 Absent-1 Abstain-0

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** The resolution will result in the amount of funds in the general fund surplus to be designated to be used for only this purpose in the future.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

A request was received that the funds received from the sale of the fairground property be designated for future projects, to be determined, which will enhance youth education and recreational opportunities to benefit future generations and the youth of Pepin County. The amount of \$145,000 would be designated in a fund balance until spent in their entirety.

The Land Conservation and Extension Departments have possible projects in mind.

Motion made by Supervisor Sabelko, seconded by Supervisor K. Kosok, to adopt Resolution 25-24 titled, "Establish Designated Funds for Recreation and Youth Education with Proceeds from the Sale of the Fairground Property." Roll call vote was taken, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes and Supervisor K. Kosok-yes.

Motion carried.

**RESOLUTION NO. 26-24  
RESOLUTION ADVOCATING FOR AN INPATIENT BEHAVIORAL  
HEALTH FACILITY FOR NORTHERN WISCONSIN**

**WHEREAS**, Northern Wisconsin has limited resources when it comes to in-patient crisis care for individuals with mental illness; and

**WHEREAS**, recent closures of facilities places a higher burden on the facilities that remain; and

**WHEREAS**, local law enforcement are tasked with providing transportation of individuals experiencing a mental health crisis and they often spend hours waiting for facilities to respond to requests for in-patient beds; and

**WHEREAS**, a significant number of individuals experiencing a mental health crisis end up being transported by law enforcement to the State facility in Winnebago; and

**WHEREAS**, the great distance traveled puts a financial strain on counties and local municipal law enforcement agencies, not to mention the emotional strain experienced by the individuals being transported for several hours, often in handcuffs; and

**WHEREAS**, Pepin County would like to work with other counties in the Northern part of the State to lobby for State funding to establish an in-patient crisis facility to serve this underserved area; and

**NOW, THEREFORE, LET IT BE RESOLVED**, THAT the Pepin County Board of Supervisors urges the State Legislature and the Governor to provide funding (either another State facility or subsidies for private, not-for-profit organizations) to establish an in-patient acute behavioral health unit to serve the Northern counties.

**BE IT FURTHER RESOLVED** THAT the Pepin County Board of Supervisors encourages other

counties in the Northern region of the State to join in the lobbying efforts and pass a similar resolution.

**BE IT FURTHER RESOLVED** THAT the County Clerk is directed to send this Resolution to the Governor, State Legislators, and the Wisconsin Counties Association.

**RECOMMENDED BY THE PEPIN COUNTY DEPARTMENT OF HUMAN SERVICES BOARD:**

COMMITTEE MEMBERS VOTE

/s/ Andrew Winkler, Committee Chair In favor-5 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT REVIEWED** - Entire impact as noted above.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommend

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In Favor - 12 Opposed - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Human Services Board Vice Chair John Andrews advocated for bringing attention to the need to provide additional funding for in-patient acute behavioral health units to serve the Northern Counties in Wisconsin. The Department of Human Services Board has recommended this at their last meeting.

Motion was made by Supervisor Wright, seconded by Supervisor G. Bauer, to adopt Resolution 26-24 titled, "Resolution Advocating for An Impatient Behavioral Health Facility or Northern Wisconsin." Roll call vote was taken, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes and Supervisor V. Kosok-yes. Motion carried.

**RESOLUTION NO. 27-24  
RESOLUTION IN SUPPORT OF FUNDING FOR COMMUNITY  
SUPPORT PROGRAMS AND CRISIS SERVICES**

**WHEREAS**, Pepin County ("County") is concerned that the public mental health system in Wisconsin is in need of additional resources to respond appropriately to the needs of individuals with persistent mental illness and those experiencing a mental health crisis; and

**WHEREAS**, state law designates counties with the responsibility for the well-being, treatment, and care of individuals with mental illness, and serving those without private insurance coverage; and

**WHEREAS**, the Medical Assistance program (MA) covers an array of mental health services, ranging from office-based therapy to inpatient hospitalization, and many of these services are delivered by counties; and

**WHEREAS**, Community Support Programs (CSP) offer intensive community-based care for adults whose mental illness and functional limitations might otherwise require them to need institutionalized care. Counties use CSP services to keep people out of extended hospitalizations and support people in the community following emergency detentions; and

**WHEREAS**, counties are required to provide Crisis intervention services including an emergency mental health services program to serve persons in crisis situations; at a minimum, 24-hour crisis telephone service and 24-hour in-person response on an on-call basis; and

**WHEREAS**, while the state pays the full cost of most MA services, when it comes to county-based CSP and Crisis mental health services, the county finances the cost of the services up front, and receives MA reimbursement for only the federal share for that service; and

**WHEREAS**, Community Aids funding has not kept pace over the years with increased county costs for services, resulting in counties bearing a disproportionate share of CSP and Crisis service costs from county tax levy; and

**WHEREAS**, counties are limited in their capacity to use tax levy revenue due to state levy limits, so the lack of Community Aids increases combined with strict property tax controls makes it difficult for counties to maintain Crisis and CSP services; and

**WHEREAS**, in addition to the costs to county human service departments, counties and municipalities also incur law enforcement costs to transport and provide security for persons in a crisis; and

**WHEREAS**, the awareness of the 988 National Suicide & Crisis Lifeline has made mental health assessment and referral more readily available, resulting in more demand on the mental health crisis systems; and

**WHEREAS**, stagnant state funding results in variations in the extent of services available across counties, wait lists for services, and eligible people receiving limited services; and

**WHEREAS**, the limited state funding for Crisis services makes it difficult for counties to implement new evidence-based services, such as mobile crisis workers that could meet law enforcement officers in the field for crisis calls, that would reduce the need for law enforcement involvement and provide a more trauma-informed response to crisis situations, and;

**WHEREAS**, Wisconsin’s counties continue to cover the costs of mental health services for individuals who are not Medicaid eligible.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors does hereby request that the state of Wisconsin, in its 2025-27 state biennial budget, provide state GPR funding to cover the full non-federal share of MA CSP and Crisis services, and;

**BE IT FURTHER RESOLVED**, that the Pepin County Clerk is hereby authorized and directed to send a copy of this Resolution to the Governor of the State of Wisconsin, Wisconsin State Legislators with a constituency within Pepin County, and the Wisconsin Counties Association.

**RECOMMENDED BY THE PEPIN COUNTY DEPARTMENT OF HUMAN SERVICES BOARD:**

/s/ Andrew Winkler, Committee Chair

**COMMITTEE MEMBERS VOTE**

In favor-5    Oppose-0    Absent-1    Abstain-0

**FISCAL IMPACT REVIEWED** – The challenges faced and reasons for increasing county costs are noted above. State funding is essential to providing the services under these programs. Due to fixed county funding and levy limits, costs resulting from the impacts and decreasing

funding cannot be absorbed by the County without reductions in other programs or services offered.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommend

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In Favor - 12 Opposed - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Human Services Board Vice Chair John Andrews presented this Resolution to the County Board. This resolution is requesting additional funding for mental health programs and crisis services on a larger level.

Motion was made by Supervisor Wright, seconded by Supervisor Sabelko, to adopt Resolution 27-24 titled, "Resolution in Support of Funding for Community Support Programs and Crisis Services." Roll call vote was taken, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes and Supervisor Bocksell-yes. Motion carried

**RESOLUTION NO. 28-24  
2024 BUDGET MODIFICATION – FIDLAR REVENUE AND EXPENDITURES**

**WHEREAS**, Pepin County’s Register of Deeds Office had to switch software companies that enable the public to access to recorded documents; and

**WHEREAS**, Fidlar’s suite of programs includes Laredo, Tapestry, and Monarch, which are designed to be utilized by different types of users; and

**WHEREAS**, Pepin County previously established and adopted a fee schedule for users for each of these programs per Resolution # 41-23; and

**WHEREAS**, the original 2024 budget did not include the revenues or expenses that will result from Pepin County’s use of Fidlar programs.

**NOW, THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u>      | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|---------------------------------|-----------------------|---------------------------|-----------------------|
| <i>General Fund:</i>  |                                 |                       |                           |                       |
| 100-00-46137-0000-000 | Fidlar Laredo Subscription Fees | \$ 0                  | \$ 3,600                  | \$ 3,600              |
| 100-00-46135-0000-000 | Fidlar Tapestry Fees            | \$ 0                  | \$ 2,400                  | \$ 2,400              |
| 100-00-51710-0000-000 | Register of Deeds Expense       | \$145,721             | \$ 6,000                  | \$151,721             |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE:

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director                      Recommend ✓                      Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.  
In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented this resolution. The Register of Deeds is changing the software needed for the public to access recorded documents on-line. The original 2024 budget did not include the revenues or expenses that is associated with this change, so a budget modification is needed.

Motion was made by Supervisor G. Bauer, seconded by Supervisor Hoch, to adopt Resolution 28-24 titled, "2024 Budget Modification- Fidar Revenue and Expenditures."

Roll call vote was taken, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes and Supervisor Wright-yes. Motion carried.

**RESOLUTION NO. 29-24**

**AUTHORIZING PEPIN COUNTY TO ENTER INTO THE SETTLEMENT AGREEMENT WITH THE KROGER CO. AND AGREE TO THE TERMS OF ADDENDUM TWO TO THE MOU ALLOCATING SETTLEMENT PROCEEDS**

**WHEREAS**, the County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the County's expenditure of vast money and resources to combat the opioid epidemic; and

**WHEREAS**, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants; and

**WHEREAS**, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the "Litigation"); and

**WHEREAS**, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation; and

**WHEREAS**, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County's case for trial and engage in extensive settlement discussions with the Opioid Defendants; and

**WHEREAS**, the settlement discussions with The Kroger Co. (the “Settling Defendant”) resulted in a tentative agreement as to settlement terms pending agreement from the County and other plaintiffs involved in the Litigation; and

**WHEREAS**, copies of the settlement agreement relating to the Settling Defendant (“Settlement Agreement”) representing the terms of the tentative settlement agreement with the Settling Defendant has been made available at <https://nationalopioidsettlement.com/wp-content/uploads/2024/05/Kroger-Multistate-Settlement-Agreement-Circulated-to-States-March-25-2024.pdf>; and

**WHEREAS**, the Settlement Agreement provides, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreement) upon the occurrence of certain events detailed in the Settlement Agreement; and

**WHEREAS**, the County is a Participating Subdivision in the Settlement Agreement and has the opportunity to participate in the benefits associated with the Settlement Agreement provided the County (a) approves the Settlement Agreement; (b) approves the Addendum Two to the Memorandum of Understanding allocating proceeds from the Settlement Agreement (“MOU”) among the various Wisconsin Participating Subdivisions, a copy of which is attached to this Resolution (“Addendum Two”); and (c) the Legislature’s Joint Committee on Finance approves the terms of the Settlement Agreement; and

**WHEREAS**, pursuant to Section 12 of the State-Local MOU entered into between the Wisconsin Participating Subdivisions and the Attorney General of the State of Wisconsin (“State-Local MOU”), the Attorney General has provided notice that the terms of the State-Local MOU shall apply to the Settlement Agreement and all proceeds of such Settlement Agreement; and

**WHEREAS**, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the settlement of all or part of the Litigation; and

**WHEREAS**, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on Finance is required to approve the Settlement Agreement; and

**WHEREAS**, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State; and

**WHEREAS**, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be deposited in a segregated account (the “Opioid Abatement Account”) and may be expended only for approved uses for opioid abatement as provided in the Settlement Agreement; and

**WHEREAS**, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021; and

**WHEREAS**, the definition of Participating Subdivisions in the Settlement Agreement recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result, the only Participating Subdivisions in Wisconsin are those counties and municipalities that were parties

to the Litigation (or otherwise actively litigating a claim against one, some, or all of the Opioid Defendants) as of June 1, 2021; and

**WHEREAS**, the Legislature's Joint Committee on Finance is not statutorily authorized or required to approve the allocation of proceeds of the Settlement Agreement among Wisconsin Participating Subdivisions; and

**WHEREAS**, the Wisconsin Participating Subdivisions previously negotiated and approved the allocation of proceeds among themselves, which allocation is reflected in Exhibit A to the MOU, which is an agreement between all of the entities identified in the Allocation MOU as to how the proceeds payable to those entities under the Settlement Agreements will be allocated; and

**WHEREAS**, the County and all other Wisconsin Participating Subdivisions agreed to and entered into that certain Addendum to the MOU ("Addendum One") that provided for allocation of settlement proceeds from previous settlements with certain pharmacies and manufacturers according to the same percentages as that provided in the MOU; and

**WHEREAS**, the County has been informed as to the deadlines related to the effective dates of the Settlement Agreement, the ramifications associated with the County's refusal to enter into the Settlement Agreement, the form of Addendum Two and an overview of the process for finalizing the Settlement Agreements and such information, together with additional resources related to the settlement can be found at <https://nationalopioidsettlement.com/kroger-co-settlement/>; and

**WHEREAS**, the County, by this Resolution, shall deposit the proceeds of the Settlement Agreement consistent with the terms of this Resolution and Wis. Stat. § 165.12(4)(b); and

**WHEREAS**, pursuant to the County's engagement agreement with the Law Firms, the County shall pay up to an amount equal to 25% of the proceeds from successful resolution of all or part of the Litigation, whether through settlement or otherwise, plus the Law Firms' costs and disbursements, to the Law Firms as compensation for the Law Firms' efforts in the Litigation and any settlement; and

**WHEREAS**, the Law Firms anticipate making application to the national fee fund established in the Settlement Agreement seeking payment, in whole or part, of the fees, costs, and disbursements owed the Law Firms pursuant to the engagement agreement with the County; and

**WHEREAS**, it is anticipated the amount of any award from the fee fund established in the Settlement Agreements will be insufficient to satisfy the County's obligations under the engagement agreement with the Law Firms; and

**WHEREAS**, the County, by this Resolution, and pursuant to the authority granted the County in the applicable Order emanating from the Litigation in relation to the Settlement Agreement and payment of attorney fees, shall authorize and direct the escrow agent responsible for the receipt and distribution of the proceeds from the Settlement Agreement to establish an account for the purpose of segregating funds to pay the fees, costs, and disbursements of the Law Firms owed

by the County (the "Attorney Fees Account") in order to fund a local "backstop" for payment of the fees, costs, and disbursements of the Law Firms; and

**WHEREAS**, in no event shall payments to the Law Firms out of the Attorney Fees Account and the fee fund established in the Settlement Agreement exceed an amount equal to 25% of the amounts allocated to the County by virtue of the Addendum Two (Exhibit A to the MOU); and

**WHEREAS**, the intent of this Resolution is to authorize the County to enter into the Settlement Agreement, the Addendum Two, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and

**WHEREAS**, the County, by this Resolution, shall authorize the County's corporation counsel to finalize and execute any other document or agreement necessary to effectuate the Settlement Agreement and the other agreements referenced herein.

**NOW, THEREFORE, BE IT RESOLVED:** the County Board of Supervisors hereby approves:

1. The execution of the Settlement Agreement and any and all documents ancillary thereto and authorizes the Pepin County Board Chair or designee to execute same.
2. The final negotiation and execution of Addendum Two in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the Pepin County Board Chair or designee to execute same upon finalization provided the percentage share identified as allocated to the County is substantially similar to that identified in the Addendum Two provided to the Board with this Resolution.
3. The execution by the Pepin County Board Chair or designee of any additional documents or agreements for the receipt and disbursement of the proceeds of the Settlement Agreement.

**BE IT FURTHER RESOLVED:** all proceeds from the Settlement Agreement not otherwise directed to the Attorney Fees Account shall be deposited in the County's Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreement; and

**BE IT FURTHER RESOLVED:** the County hereby authorizes the establishment of an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by the County as the "Attorney Fees Account." An escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of the County's proceeds from the Settlement Agreement into the Attorney Fees Account. If the payments to the County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement Agreement attributable to Local Governments (as that term is defined in the MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between the County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement Agreement and

allocable to the County. The Law Firms may make application for payment from the Attorney Fees Account at any time and the County shall cooperate with the Law Firms in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account.

**BE IT FURTHER RESOLVED** that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE:

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**Fiscal Impact** – Monetary amounts will be allocated to the County per the settlement agreements. The funds received are restricted in use and will need to be handled as such per the agreements for purposes of opioid remediation activities.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors this 21<sup>st</sup> day of August 2024.

In Favor -12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented this resolution to authorize the County to enter into the Settlement Agreement, the Addendum Two and establish the County's Opioid Abatement Account and Attorney Fees Account.

Motion was made by Supervisor Wright, seconded by Supervisor Sabelko, to adopt Resolution 29-24 titled, "Authorizing Pepin County to Enter into the Settlement Agreement with the Kroger Co. and Agree to the Terms of Addendum Two to the Memorandum of Understanding (MOU) Allocating Settlement Proceeds." Roll call vote was taken, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes and Supervisor Bocksell-yes. Motion carried.

**Review and Approve Subdivisions Participation/Special District Settlement Participation Forms**

In order to participate in the settlement agreement, the approval of the subdivisions participation/special district settlement participation forms are needed. Motion was made by Supervisor K. Kosok, seconded by Supervisor V. Kosok, to approve the subdivisions participation / special district settlement participation forms as presented. Roll call vote was taken, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor Bocksell-yes and Supervisor Winkler-yes. Motion carried.

**RESOLUTION NO. 30-24**

**CLOSE OUT CAPITAL PROJECTS FUND BALANCE AND DESIGNATE FUNDS FOR GOVERNMENT CENTER FACILITY MAJOR REPAIRS OR REPLACEMENT PROJECTS**

**WHEREAS**, on December 20<sup>th</sup>, 2017 the Pepin County Board of Supervisors adopted Resolution 51-17 to authorize an amount not to exceed \$6,000,000 for the public purpose of financing building improvement projects and communications facilities and equipment; and

**WHEREAS**, on March 21<sup>st</sup>, 2018 the Pepin County Board of Supervisors adopted Resolution 06-18 Providing for the Sale of \$5,000,000 General Obligation County Project Bonds; and

**WHEREAS**, in 2018 the exact timing and scope of the two projects was being finalized as Pepin County worked with the appropriate project consultants; and

**WHEREAS**, for accounting purposes a Capital Projects Fund was set up to track the project revenues and expenses the Communications Project and Facility Renovation project; and

**WHEREAS**, prior to any bond sale to provide funds for the projects, initial expenses needed to begin to be incurred and were financed with a cash Advance From the General Fund in the amount of \$172,500 per Resolution 22-18; and

**WHEREAS**, a portion of the approved Project Bonds in the amount of \$3,155,000 were sold to proceed with the Communications Project in late 2019 and reimburse any amount used of the Advance from the General Fund. The Communications project was completed from 2020 through 2022; and

**WHEREAS**, in 2018 Pepin County was approached by Kwik Trip to sell the existing Highway Shop property; and

**WHEREAS**, in 2018 Pepin County identified facility needs at their existing Highway Shop; and

**WHEREAS**, as a result of the unforeseen Highway facility improvement opportunity, the Government Center building improvement project was put on hold to focus time and resources on addressing one facility project at a time; and

**WHEREAS**, the Capital Projects Fund was also utilized to track the project revenues and expenses from the Highway Facility project; and

**WHEREAS**, all active projects that were tracked in the Capital Projects Fund have been completed; and

**WHEREAS**, the cash advance from the General Fund in the amount of \$172,500 per Resolution 22-18 should also be reimbursed; and

**WHEREAS**, after reimbursing the General Fund for the cash advance, a cash balance in the Capital Projects Fund of \$199,791 remains; and

**WHEREAS**, discussions regarding the Government Center building improvement project will now need to be resumed and any facility studies and engineering plans will need to be refreshed. Any Government Center building improvement planning should be done in conjunction with the current jail portion of the facility discussions; and

**WHEREAS**, it is recommended by the Administrative Committee that the Capital Project Fund be closed out and the remaining funds transferred back to the General Fund as designated to

be reserved for future Government Center building improvement planning, updating the previous facility studies and engineering plans or for significant unforeseen repairs to the current facility until future plans are determined.

**NOW, THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes reimbursing the cash advance from the General Fund in the amount of \$172,500; and

**BE IT FURTHER RESOLVED** that the Capital Project funds should be closed out and the cash balance in the Capital Projects Fund of \$199,791 be transferred to the General Fund; and

**BE IT FURTHER RESOLVED** that the cash balance transferred to the General Fund be designated to be reserved for future Government Center building improvement planning, updating the previous facility studies and engineering plans or for significant unforeseen repairs to the current facility until future plans are determined.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** The Capital Projects fund will be closed out and can be used for new future projects as needed. An amount of the general fund surplus will be designated for the purposes as noted above to support future needs and planning.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 21<sup>st</sup> day of August 2024.

In favor -12 Oppose -0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented this resolution to the County Board. It was recommended by the Administrative Committee that the Capital Project Fund be closed out and the remaining funds of \$199,791 be transferred back to the General Fund and designated to be reserved for future government center building improvement planning, update the previous facility studies and engineering plans or for other unforeseen repairs to the current facility.

Motion was made by Supervisor Andrews, seconded by Supervisor Wright, to adopt Resolution 30-24 titled, "Close out Capital Projects Fund Balance and Designate Funds for Government Center Facility Major Repairs or Replacement Project." Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor Bocksell-yes, Supervisor Winkler-yes and Supervisor Hoch-yes. Motion carried.

**Appointments**

**Re-Appoint Larry Dekan to the Board of Adjustment, term ending June 30, 2027**

**Appoint Jane Winter to the Inspiring & Facilitating Library Success (IFLS) Board, term ending December 2027**

Chair Milliren recommended the re-appointment of Larry Dekan to the Board of Adjustment and to appoint Jane Winter to the Inspiring & Facilitating Library Success (IFLS) Board.

Motion was made by Supervisor K. Kosok, seconded by Supervisor Sabelko, to approve the appointment of Larry Dekan to the Board of Adjustment and Jane Winter to the IFLS

Board. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor Bocksell-yes, Supervisor Winkler-yes, Supervisor Hoch-yes and Supervisor Weishapple-yes. Motion carried.

**Public Comments other than Agenda Items:** No public comments given.

**Correspondences:**

Recruitment Timeline with Public Administration Associates, LLC for Administrative Coordinator/Finance Director Position - Chair Milliren informed the County Board members of the recruitment timeline that the Public Administration Associates, LLC has put together.

**Future Agenda items and Next Meeting date:** September 18, 2024 at 7:00 p.m.

Meeting adjourned at 8:47 p.m.

Approved by the County Board of Supervisors on September 18, 2024.

/s/ Tom Milliren, Pepin County Board of Supervisors Chair

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Wednesday, September 18, 2024 at 7:00 p.m.**

The meeting of the Pepin County Board of Supervisors was called to order at 7:00 p.m. on Wednesday, September 18, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

**ESTABLISH QUORUM- ROLL CALL**

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| District #1- Michael Wright – In person | District #7- Kris Sabelko- In person   |
| District #2- Gary Bauer- In person      | District #8- Tom Milliren- In person   |
| District #3- Andy Winkler- In person    | District #9- John Andrews- In person   |
| District #4- Paul Hoch- In person       | District #10- Kevin Kosok- In person   |
| District #5- Robert Weishapple- Absent  | District #11- Vicki Kosok- In person   |
| District #6- Elizabeth Bauer- In person | District #12- Angie Bocksell- Remotely |

Eleven supervisors attended the meeting with Supervisor Weishapple absent.

**PLEDGE OF ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

**Public Comments Regarding Listed Agenda Items:**

No public comments given at this time.

**Consent Agenda Item:**

**Approval of the August 21, 2024 County Board of Meeting Minutes**

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to approve the August 21, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes and Supervisor E. Bauer-yes. Motion carried.

**Reports:**

**County Board Committee Reports**

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Treasurer's 2023 Annual Report**

Treasurer Patricia Scharr remotely presented the Treasurer's 2023 Annual Report to the County Board.

**Personnel's 2023 Annual Report**

Personnel Director Michelle Weiss presented the Personnel's 2023 Annual Report to the County Board.

**Community Justice Services' 2023 Annual Report**

Brenda Berning from the Community Justice Services remotely presented her 2023 Annual Report to the County Board.

**District Attorney/Victim Witness' 2023 Annual Report**

County Clerk Audrey Bauer shared the District Attorney's letter that she had received. She shared the highlights of the letter and his request for the 2025 budget that was to provide funding for the operations of the office of the DA at the same monetary level as last year with the exception of the staff stipend. If the County gives its County employees a raise in 2025, he asks that the same percentage increase be applied to the District Attorney Secretary and Victim Witness staff stipend line-item.

**Business:**

**Durand Public Library 2023 Annual Report and 2025 Proposed Budget**

Officers of the Durand Public Library Board attended the September Administrative Committee meeting requesting 100% of the cost of the circulation per residents without a library, totaling \$52,779.95. The Administrative Committee recommended that the County's budget include 98% of the total cost or the amount that was previously received, whichever is higher in amount. Chair Milliren informed the Durand Public Library board that they didn't need to attend this County Board meeting since they attended the September Administrative Committee meeting.

**Pepin Public Library 2023 Annual Report and 2025 Proposed Budget**

Pepin Public Library Director Christy Rundquist attended the County Board meeting and presented their 2023 Annual Report and the 2025 budget request of \$20,000.

Since the Durand Public Library has asked for additional support, the Pepin Public Library would receive the same, 98% of the total reimbursement cost or the amount previously given, whichever is higher.

Motion made by Supervisor Andrews, seconded by Supervisor G. Bauer, to budget for the Durand Public Library and the Pepin Public Library, 98% of the total circulation cost without a library, or the amount that was previously given, whichever is higher. Roll call vote was taken, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes. Supervisor Wright-yes, Supervisor G. Bauer, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor E. Bauer-yes and Supervisor Sabelko-yes. Motion carried.

**Resolutions:**

**RESOLUTION NO. 31-24**

**County Aid for Town Bridges and Culverts-Section 82.08 of The Statutes**

**WHEREAS**, under Section 82.08 of the Statutes, the Towns hereinafter named, have filed the following petitions with the Pepin County Highway Commissioner pursuant to this Statute; and

| TOWNSHIP | PROJECT                     | TOWN SHARE | COUNTY SHARE | TOTAL COST |
|----------|-----------------------------|------------|--------------|------------|
| PEPIN    | REPLACE CULVERT ON BOGUS RD | \$ 10,320  | \$ 10,320    | \$ 20,640  |

**WHEREAS**, under Section 82.08 (2), the Pepin County Board will levy a special tax for the County's share of this appropriation; and

**WHEREAS**, under Section 82.08 (7), these petitions shall not authorize the levy of a special tax upon the property in any city or village required to maintain its own bridges; and

**NOW, THEREFORE, BE IT RESOLVED**, that Pepin County Board of Supervisors does hereby levy this special tax to meet said appropriations.

**RECOMMENDED BY THE PEPIN COUNTY HIGHWAY COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In Favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT REVIEWED** - Special tax to be added to the 2024 Levy for the 2025 Budget as noted above.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBER VOTE**

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County of Supervisors on this 18<sup>th</sup> day of September 2024.

In favor -10 Oppose - 0 Absent - 1 Abstain -1

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Town of Pepin petitioned for county aid to replace a culvert on Bogus Road.

The County's share to levy would be \$10,320, half of the requested amount, with the town paying the other half.

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to adopt Resolution 31-24 titled, "County Aid for Town Bridges and Culverts- Sections 82.08 for the Statues – Town of Pepin." Roll call vote was taken, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes and Chair Milliren-yes. Motion carried.

**RESOLUTION NO. 32-24**

**2024 BUDGET MODIFICATION – TREASURER / REAL PROPERTY LISTER'S PRINTER**

**WHEREAS**, the Pepin County Treasurer / Real Property Lister's printer used for tax bills and tax and assessment rolls was purchased in 2017 and unexpectedly is no longer working; and

**WHEREAS**, repairing the printer is not possible or cost effective due to the age of the printer; and

**WHEREAS**, due to the volume of printing replacing this printer versus utilizing other facility printers is the most efficient option; and

**WHEREAS**, the tax bills must be printed within the current budget year and the printer needs to be replaced; and

**WHEREAS**, funds were not included within the budget for 2024.

**NOW, THEREFORE, BE IT RESOLVED** the 2024 Budget as adopted to be modified as noted below and authorizes the purchase of the printer for the Treasurer / Real Property Lister's office.

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase<br/>(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|--------------------------------|-----------------------|
| <i>General Fund:</i>  |                            |                       |                                |                       |
| 100-00-51520-0000-000 | Treasurer Equipment        | \$ 170,264            | \$ 3,165                       | \$ 173,429            |
| 100-00-59100-3900-000 | Contingency Fund           | \$ 18,782             | (\$ 3,165)                     | \$ 15,617             |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 18<sup>th</sup> day of September 2024.

In favor - 11 Oppose - 0 Absent - 1 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Treasurer Patty Scharr’s tax printer unexpectedly stopped working and needs to be replaced. The Administrative Committee recommended to purchase a printer using contingency funds for this purchase.

Motion was made by Supervisor Andrews, seconded by Supervisor K. Kosok, to adopt Resolution 32-24 titled, 202 Budget Modification - Treasurer/Real Property Lister’s Printer.” Roll call vote was taken, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes and Supervisor Andrews-yes. Motion carried.

**Appointments:**

**Re-appoint Supervisor John Andrews as a member of the Mississippi River Regional Planning Committee Member, term ending April 2026.**

The Mississippi River Regional Planning Committee Board appointed member's term has expired. Chair Milliren recommends re-appointing Supervisor John Andrews as a member of the Mississippi River Regional Planning Committee, term ending April 2026.

Motion was made by Supervisor K. Kosok, seconded by Supervisor Wright, to re-appoint Supervisor John Andrews as a member of the Mississippi River Regional Planning Committee member. Roll call vote was taken, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes and Supervisor K. Kosok-yes. Motion carried.

**Public Comments other than Agenda Items:** No public comments given.

**Correspondences:** Reminder of the Meet and Greet Invite on Oct 10<sup>th</sup> at 3:00 p.m.

**Future Agenda items and Next Meeting date:** October 16, 2024 at 7:00 p.m.

**Meeting adjourned at 8:05 p.m.**

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Wednesday, October 16, 2024

/s/ Tom Milliren

County Board Chair

# PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES

Wednesday, October 16, 2024 at 7:00 p.m.

The meeting of the Pepin County Board of Supervisors was called to order at 7:00 p.m. on Wednesday, October 16, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

## ESTABLISH QUORUM- ROLL CALL

|                                          |                                        |
|------------------------------------------|----------------------------------------|
| District #1- Michael Wright – In person  | District #7- Kris Sabelko- In person   |
| District #2- Gary Bauer- In person       | District #8- Tom Milliren- In person   |
| District #3- Andy Winkler- In person     | District #9- John Andrews- Remotely    |
| District #4- Paul Hoch- In person        | District #10- Kevin Kosok- In person   |
| District #5- Robert Weishapple- Remotely | District #11- Vicki Kosok- In person   |
| District #6- Elizabeth Bauer- In person  | District #12- Angie Bocksell- Remotely |

All Supervisors attended the meeting either remotely or in person to this meeting.

## PLEDGE OF ALLEGIANCE

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

## Public Comments Regarding Listed Agenda Items:

No public comments given at this time.

## Consent Agenda Item:

### Approval the September 18<sup>th</sup>, 2024 County Board of Meeting Minutes

Motion was made by Supervisor Hoch, seconded by Supervisor Winkler, to approve the September 18, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes and Supervisor Wright-yes. Motion carried.

## Reports:

### WIPFLI 2023 Audit Financial Audit Presentation

Rob Ganschow and Emily Thompson from WIPFLI presented the Pepin County 2023 Financial Audit to the County Board of Supervisors. The findings from the audit consist of unmodified opinion on the Financial Statement, which means it meets all material aspects of the financial statement according to the general accepted accounting standards. The Government Auditing Standards came in as unmodified for both internal controls and compliance with a control weakness reported for segregation of duties which happens due to the lack of staff in different offices. Overall the compliance for each major Federal and State Programs were unmodified. Emily from WIPFLI stated that they appreciated the help that they received from the County's finance department while compiling the audit materials.

## County Board Committee Reports

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Board of Human Services, Administrative, Law Enforcement and Highway Committees.

**Highway Department 2023 Annual Report**

Highway Commissioner Chris Bates presented the 2023 Annual Report to the County Board.

**Business:**

**Resolutions**

**RESOLUTION NO. 33-24  
2024 BUDGET MODIFICATION – CIRCUIT COURT JUDGE EXPENDITURES**

**WHEREAS**, a Pepin County Court case experienced unusually extensive fees for Appointed Attorney Fees, Interpreter Expenses and Transcript Expenses will exceed the budget due to cases needing court appointed attorneys, interpreters and transcript expenses; and

**WHEREAS**, a particular jury trial required five days of interpreter service and five days of county appointed attorney expenses for Pepin County in an unprecedented criminal prosecution; and

**WHEREAS**, the Pepin County Judge’s Court Appointed Attorney Fees, Interpreter Expenses and Transcript Expenses will exceed the budget due to cases needing court appointed attorneys, interpreters and transcript expenses; and

**WHEREAS**, the additional court appointed attorney fees have been collected as a result of the additional cases and interpreter fees as a result of additional funding through the State and thus exceed the original 2024 budgeted revenues.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the 2024 Budget as adopted to be modified based on the need for court appointed attorneys, interpreters and transcripts.

| <u>Account Number</u>       | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase/<br/>Decrease</u>  | <u>Amended Budget</u> |
|-----------------------------|----------------------------|-----------------------|--------------------------------|-----------------------|
| <b><u>General Fund:</u></b> |                            |                       |                                |                       |
| 100-00-46151-0000-000       | Atty./GAL Reimb Revenue    | \$ 16,000             | \$ 8,700                       | \$ 24,700             |
| 100-00-43514-0000-000       | Interpreter Fees/Revenue   | \$ 4,800              | \$ 7,571                       | \$ 12,371             |
| 100-00-49300-0000-000       | Surplus Applied            | \$ 628,771            | <u>\$ 3,904</u><br>\$20,175    | \$ 632,675            |
| 100-00-51212-0000-000       | Judge Expenses             | \$ 152,415            | \$ 35,792                      | \$ 188,207            |
| 100-00-59100-3900-000       | Contingency Fund           | \$ 15,617             | <u>(\$15,617)</u><br>\$ 20,175 | \$ 0                  |

**RECOMMENDED BY THE PEPIN COUNTY LAW ENFORCEMENT COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Kevin Kosok, Committee Chair

In favor-3    Oppose-0    Absent-2    Abstain-0

**FISCAL IMPACT:** Entire impact as noted above with additional Surplus needing to be applied to the 2024 Budget.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16th day of October, 2024  
In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Judge Thomas Clark presented this resolution to the County Board. Pepin County Court had experienced unusual extensive fees and expenses that exceeded their budget. A particular jury trial required interpreter services and attorney expenses in a unprecedented criminal prosecution. A budget modification is needed to help cover these additional expenses. The Law Enforcement and Emergency Management Committee recommended to approve this resolution.

Motion was made by Supervisor K. Kosok, seconded by Supervisor Hoch, to adopt Resolution 33-24 titled, "2024 Budget Modification- Circuit Court Judge Expenditures." Roll call vote was taken, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes and Supervisor V. Kosok-yes. Motion carried.

**RESOLUTION NO. 34-24**

**RESCINDING RESOLUTION NO. 19-2014 AND APPROVING REVISED SCHEDULE FOR CERTIFIED SURVEY MAP (CSM) REVIEW FEES**

**WHEREAS**, Section 17.6 of the Pepin County’s Certified Survey Map (CSM) Code states “the subdivider shall pay the County all fees specified by resolution to defray administrative expenses”; and

**WHEREAS**, the expenses to cover the review of Certified Survey Maps have exceeded the revenues collected by Pepin County in each year since 2020; and

**WHEREAS**, the fee schedule has also been revised to provide additional clarification to surveyors and the public regarding policies related to certified survey maps established by the Land Conservation & Planning Department; and

**WHEREAS**, Resolution No. 19-2014 previously established fees for the review of certified survey maps.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors does hereby rescind Resolution No. 19-2014 effective January 1, 2025.

**BE IT FURTHER RESOLVED** that the Pepin County Board of Supervisors does hereby establish the following fees be assessed and collected for the reviews of Certified Survey Maps which must be completed by the Pepin County Surveyor:

1. Initial review fee is \$300 for the first lot and \$25 for each additional lot or outlot.
2. Each substantial revision or lot reconfiguration to the Certified Survey Map after the initial review will be imposed an additional fee of \$150.

Policies Related to Certified Survey Map Fees:

- Certified Survey Map review fees are non-refundable.
- Certified Survey Maps will not be signed or recorded until all fees have been paid.

- All Certified Survey Maps shall meet the standard format required for recorded documents described in Wis. Stats 59.43(2m).
- For the purposes of this resolution, substantial revisions shall be defined as 10 or more errors on a Certified Survey Map, excluding recordability issues, typos, and errors due to rounding.
- To avoid additional fees, surveyors doing work in Pepin County are strongly encouraged to review their work, or the work of others performing work under their license, prior to submitting to the county surveyor for review.
- Fees are established base rate fees. Additional fees can be charged at prescribed hourly rate in circumstances where the service costs incurred by Pepin County exceed the base rate.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING AND EXTENSION COMMITTEE:**

/s/ Angie Bocksell, Chair COMMITTEE MEMBERS VOTE In favor-4 Oppose-0 Absent-1 Abstain-0

**FISCAL IMPACT:** An increase in revenue of approximately \$2,000 annually is estimated.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of October 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Land Information Officer Maria Nelson remotely presented this resolution to the County Board. Resolution 19-2014 was adopted to established fees for the review of certified survey maps. With the increasing cost, there is a need to rescind resolution 19-2014 and revise the fees to be assessed for the review of CSM to offset the expenses that occur in this process. A policy related to the CSM fees was also included in this resolution. The Land Conservation, Planning and Extension Committee has recommended to approve this resolution at their last meeting. Motion was made by Supervisor Andrews, seconded by Supervisor Sabelko, to adopt Resolution 34-24 titled, "Rescinding Resolution No 19-2014 and Approving Revised Schedule for Certified Survey Map (CSM) Review Fees." Roll call vote was taken, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes and Supervisor Bocksell-yes. Motion carried.

**RESOLUTION NO. 35-24**

**Rescinding Resolution No. 31-2019 And Approving Revised Schedule For Permit Fees**

**WHEREAS**, Pepin County has tasked the Zoning Administrator with increasing permit fees and reviewing payment for other services provided by the Land Conservation and Planning Department to help minimize the expenses of the county for providing zoning services that are primarily funded by the tax levy; and

**WHEREAS**, over the past five years, zoning related revenues have been less than one quarter of the expenses associated with providing zoning services to the public on an annual basis; and

**WHEREAS**, the Zoning Administrator has utilized time tracking to evaluate and revise the permit fees based on staff time carrying out the responsibilities associated with administration of zoning ordinances adopted by Pepin County; and

**WHEREAS**, the fee schedule has also been revised to provide additional clarification to the public regarding policies related to permits established by the Land Conservation & Planning Department; and

**WHEREAS**, Resolution No. 31-2019 previously established fees for permits and hearings.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors does hereby rescind Resolution No. 31-2019 effective January 1, 2025.

**BE IT FURTHER RESOLVED** that the following fees shall be assessed and collected by the appropriate office for the following:

Land Use Permits Fees

Highway Setback Ordinance

Land Use Permits \$100.00

Sign Permits \$50.00

Bluffland, Great River Road Preservation, Floodplain & Shoreland Protection

Ordinances

Primary Structures \$200.00

Non-enclosed Accessory Structures \$100.00

Grading/Filling/Paving Related Activities \$100.00

Site Inspection before obtaining permit \$50.00

Land Use Permit fees are not cumulative, property owners pay the highest fee based upon the applicable zoning districts that apply to the property and their proposed activities.

Sanitary Permit Fees

Conventional ~~\$350.00~~ \$400.00

Holding Tank ~~\$400.00~~ \$500.00

Mound/At-Grade/Pressurized ~~\$450.00~~ \$500.00

Adding Filter or Treatment System \$150.00

Reconnection \$150.00

Privy \$100.00

Composting/Incinerating Toilet \$100.00

Transfer \$50.00

Renewal/Revision to existing permit \$50.00

Fire Numbers

New Address Assignment \$75.00

Replacement Sign \$25.00

Permits/Appeals/Amendments Requiring Public Hearings:

Conditional Use Permit ~~\$500.00~~ \$600.00

Variance Request ~~\$500.00~~ \$600.00

Administrative Appeals ~~\$500.00~~ \$600.00

Zoning Text or Map Amendment ~~\$500.00~~ \$600.00

Special Exception Permits ~~\$500.00~~ \$600.00

Policies Related to Permit Fees:

- Permit fees are non-refundable.
- Renewals must be requested prior to the expiration date on the original permit.
- Floodplain permits can only be renewed once per FEMA regulations.
- Under State law, a sanitary permit is required before individuals can obtain a building or land use permit for structures that require a septic system, connect to an existing sanitary system, or that alters the flow or contaminant load entering a system.
- All applications missing information required by an ordinance or state law must be completed within 30 days of being notified by zoning staff that additional information is needed. If the additional information is not provided within this timeframe, a new application and permit fee will need to be turned in when all required materials have been compiled.
- Fees are established base rate fees. Additional fees can be charged at prescribed hourly rate in circumstances where the service costs incurred by Pepin County exceed the base rate.
- After the fact permits will be assessed a fee that is twice amount of the original fee when permit is not obtained prior to starting development activities.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING AND EXTENSION COMMITTEE:**

/s/ Angie Bocksell, Chair

**COMMITTEE MEMBERS VOTE**

In favor-4    Oppose-0    Absent-1    Abstain-0

**FISCAL IMPACT:** An increase in revenue of approximately \$2,000 annually is estimated.

/s/ Pamela Hansen, Finance Director

Recommend ✓    Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of October 2024.

In favor – 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Zoning Administrator Maria Nelson remotely presented this resolution to the County Board. The Zoning Administrator has utilized time tracking to evaluate costs incurred and due to the increase in permit fees and payment for other services provided by the Land Conservation Department is requesting to rescind resolution 31-2019 and assess and collect fees by the appropriate offices depending upon the permit with the revised schedule. The Land Conservation, Planning and Extension Committee has recommended to approve this resolution at their last meeting.

Motion was made by Supervisor Andrews, seconded by Supervisor Wright to adopt Resolution 35-24 titled, “Rescinding Resolution No. 31-2019 and Approving Revised Schedule for Permit Fees.” Roll call vote was taken, Supervisor G. Bauer-yes. Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes and Supervisor Wright-yes. Motion carried.

**RESOLUTION NO. 36-24  
RESOLUTION TO REVISE PAY RATE FOR  
ON CALL SYSTEM TO INCLUDE DAILY AND HOURLY RATE**

**WHEREAS**, the Pepin County Department of Human Services is mandated by Wisconsin Statutes 48.067 Powers and Duties of intake workers, to “provide intake services 24 hours a day, 7 days a week, for the purpose of screening children taken into custody and not released under s.48.209 (2) and the adult expectant mothers of unborn children taken into custody and not released under s48.203 (1); and

**WHEREAS**, the Pepin County Department of Human Services is mandated by Wisconsin Statutes 938.067 (1) “screening: provide intake services 24 hours a day, 7 days a week, for the purpose of screening juveniles taken into custody and not released under s. 938.20 (2); and

**WHEREAS**, the Pepin County Department of Human Services is mandated by Wisconsin Statutes 51.22 Care and Custody of Persons to have trained personnel available 24 hours a day, 7 days a week, for the purpose of assessing and authorization of , “any persons committed under this chapter shall be committed to the county department under 51.42 or 51.437 (mental health, developmental disability, alcoholism and drug abuse services) serving the person’s county of residence, and such county department shall authorize placement of the person in an appropriate facility for care, custody and treatment according to s 51.42 (3) or 51.437 (4rm)”; and

**WHEREAS**, Resolution 12-16 established the weekly on call rates as Mobile crisis \$175, and Child Protection & Juvenile Justice \$175; and

**WHEREAS**, the current pay structure significantly limits the flexibility workers need to balance work and home expectations; and

**WHEREAS**, adding a **daily** rate of \$50 and an **hourly** rate of \$2.72 would provide more flexibility to staff to work together to cover on-call during the scheduled on-call hours below; and

| <b>On Call</b> |                       |       |
|----------------|-----------------------|-------|
|                | Time                  | Hours |
| Monday         | 5:00 p.m -8:00 a.m.   | 15    |
| Tuesday        | 5:00 p.m -8:00 a.m.   | 15    |
| Wednesday      | 5:00 p.m -8:00 a.m.   | 15    |
| Thursday       | 5:00 p.m -8:00 a.m.   | 15    |
| Friday         | 11:30 a.m.-11:59 p.m. | 12.5  |
| Saturday       | 12:00 a.m.-11:59 p.m. | 24    |
| Sunday         | 12:00 a.m.-11:59 p.m. | 24    |
|                | 12:00 a.m. -8:00 a.m. | 8     |
|                |                       | 128.5 |

**WHEREAS**, the inclusion of a daily and hourly rate would have no impact on the budget.

**NOW, THEREFORE BE IT RESOLVED**, that Pepin County Board of Supervisors establish a daily and hourly rate of pay for Human Services on call reimbursement as follows:

**NEW:** Daily rate of \$50.00  
Hourly rate of \$2.72

**BE IT FURTHER RESOLVED**, the new daily rates and hourly rates will be effective the first pay period of 2025.

**RECOMMENDED BY THE PEPIN COUNTY DEPARTMENT OF HUMAN SERVICES BOARD:**

COMMITTEE MEMBERS VOTE

/s/ Andrew Winkler, Committee Chair

In favor-4 Oppose-0 Absent-2 Abstain-0

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** No fiscal impact as expense remains equal.

/s/ Pamela Hansen, Finance Director

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors this 16<sup>th</sup> day of October 2024

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Human Services Director Matt Roesler remotely attended to present this resolution to the County Board. Currently the intake workers for Human Services can be on call for a given day. Weekly on call rates were established in 2016. With this resolution, asking to add a daily rate of \$50 and an hourly rate of \$2.72 to provide flexibility to staff to work together to cover on call during the scheduled-on call hours. By making this change, no impact on the budget would occur. These new daily rates and hourly rates would be effective on the first day period of 2025.

Motion was made by Supervisor Andrews, seconded by Supervisor Wright, to adopt Resolution titled, "Resolution to Revise Pay Rate for on Call System to Include Daily and Hourly Rate." Roll call vote was taken, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes and Supervisor G. Bauer-yes. Motion carried.

**RESOLUTION NO. 37-24**

**2024 BUDGET MODIFICATION – FUND BALANCE TRANSFER**

**WHEREAS**, Resolution No. 1-2001 established a Pepin County fund balance policy which calls for transfers of excess funds in the special revenue funds to the general fund; and

**WHEREAS**, the fund balance policy and the Pepin County Finance Director's 2023 calculation of excess funds is attached; and

**WHEREAS**, the Human Services and Health Funds have excess funds that resulted from additional supplemental grants and funding received in 2023. The fund balance policy applicable to the Special Revenue Funds excludes local collections, local donations earmarked for specific programs and unspent state and federal dollars; and

**WHEREAS**, historically the Human Services Fund experiences delays in cash collections due to the nature of their funding sources resulting in an ongoing negative cash balance throughout the year in this fund in the approximate amount of \$175,000 at year end 2023. The negative cash balance issue would be addressed by allowing this additional amount to be reserved; and

**WHEREAS**, the transfer of excess funds was not provided for in the original 2024 Budget.

**NOW THEREFORE BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the 2024 Budget to be modified as follows and an additional amount of \$175,000 to be reserved in the Human Services Fund:

| <u>Account Number</u>            | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|----------------------------------|----------------------------|-----------------------|---------------------------|-----------------------|
| <i>General Fund:</i>             |                            |                       |                           |                       |
| 100-00-49300-0000                | Surplus Applied            | \$ 922,315            | (\$ 179,968)              | \$ 742,347            |
| 100-00-49200-0000                | Transfers from Other Funds | \$ 200,209            | \$ 179,968                | \$ 380,177            |
| <i>Human Services Dept Fund:</i> |                            |                       |                           |                       |
| 210-00-592000-000                | Transfers to Other Funds   | \$ 0                  | \$ 168,821                | \$ 168,821            |
| 210-01-493000-000                | Surplus Applied            | \$ 0                  | \$ 168,821                | \$ 168,821            |
| <i>Health Dept Fund:</i>         |                            |                       |                           |                       |
| 230-00-49300-0000                | Surplus Applied            | \$ 0                  | \$ 11,147                 | \$ 11,147             |
| 230-00-59200-0000                | Transfers to Other Funds   | \$ 0                  | \$ 11,147                 | \$ 11,147             |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair In favor-5 Oppose Absent Abstain

**FISCAL IMPACT REVIEWED** – Resolution initiated by Finance Director per Fund Balance policy.

/s/ Pamela Hansen, Finance Director Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

**ADOPTED** by the Pepin County Board of Supervisors on this 16<sup>th</sup> day of October 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk /s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented the Fund Balance Transfer to the County Board. Each year since 2001, a transfer of excess funds from special revenue accounts to the general fund account is made. Excess funds totaling \$179,968 from Human Services and Health will be transferred into the General Fund. The Administrative Committee recommended that these excess funds be transferred.

Motion was made by Supervisor Andrews, seconded by Supervisor V. Kosok, to adopt Resolution 37-24 titled, “2024 Budget Modification- Fund Balance Transfer.” Roll call vote was taken, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes Supervisor G. Bauer-yes and Supervisor Winkler-yes. Motion carried.

**RESOLUTION NO. 38-24**

**FINAL AUTHORIZATION FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS and 2024 BUDGET MODIFICATION**

**WHEREAS**, Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the funds must be expended or obligated by December 31, 2024 and expended by December 31, 2026. Thus, Pepin County must make the final decisions regarding all funds to ensure expenditure or obligation by the deadline; and

**WHEREAS**, the ARPA Committee has determined that the following projects should be the remaining priorities with the balance of the funds uncommitted and recommend them to be funded as noted.

Expenditures to fund yet in 2024:

- Building repairs and maintenance to include replacement of 3 exterior doors/1interior door and 1 window in the amount of \$20,477
- Parking lot maintenance to include chip seal of Lot 3 in the amount of approximately \$10,000
- Replacement of the main facility water softener in the amount of \$4,976
- Replacement of 2 computer servers the first partially funded in the amount of \$8,644 and the second until funded at a cost of \$19,725
- General aged computer replacements in the amount of \$37,925
- Other capital item purchases approved in the general County Equipment Replacement Fund in the amount of \$19,836
- Overlapping Outsourced Fully Managed IT Computer service coverage during the vendor transition month in the amount of \$5,945
- Addition of a TV and wiring in the court room in the amount of \$1,325

Expenditures obligated to occur in 2025:

- Wage and Salary survey in the estimated amount of \$15,000
- Ongoing facility brick maintenance in the estimated amount of \$30,000
- Road maintenance in Holden Park to include black top of the campground loop in the amount of \$32,105
- Road maintenance in Holden Park to include black top in the areas at the top of the hill in the amount of \$22,699
- Road maintenance in Holden Park to include seal coating the hill portion of the road area in the amount of \$6,000
- Removal of dead ash trees in Holden Park in the amount of \$6,000

Expenditures obligated to occur in 2026:

- Annual Tyler Technologies Maintenance and Software fee due per contract in the amount of \$60,988

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes expenditure of the ARPA funds received on the projects as noted above and authorizes the capital expenditure purchases as noted and the 2024 Budget to be modified as follows of which revenue will be recognized and the costs incurred yet in 2024. The remaining revenues and costs will be included in the applicable future year budgets.

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 533,025            | \$ 128,853                 | \$ 661,878            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 534,025            | \$ 128,853                 | \$ 662,878            |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** Calendar year impact as noted above and per project expense as noted in narrative. This should be the approval to designate the final expenditures and obligations of the Pepin County ARPA funds received.

/s/ Pamela Hansen, Finance Director

Recommend ✓ Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on 16<sup>th</sup> October 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

**Final Authorization for Expenditure for American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification**

Finance Director Pam Hansen presented the American Rescue Plan Act Expenditure and what the final steps were that needed to be completed. As of the October 16, 2024 Administrative Committee meeting, there is an uncommitted amount of \$301,645.

The committee discussed the possibility of using some of the ARPA funds to help lower the County’s levy amount that would be needed in the 2025 budget. The Administrative Committee recommended to use ARPA funds as noted on the resolution that is be presented today for adoption.

Motion was made by Supervisor Andrews, seconded by Supervisor G. Bauer, to adopt Resolution 38-24 titled, “Final Authorization for Expenditure for American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification.” Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor k. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes and Supervisor Hoch-yes. Motion carried.

**Appointments:** None

**Public Comments other than Agenda Items:** No public comments given.

**Correspondences:** None

**Future Agenda items and Next Meeting date:** November 12, 2024 at 3:00 p.m.

Meeting adjourned at 8:15 p.m.

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Tuesday, November 12, 2024

/s/ Tom Milliren  
County Board Chair

## PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES

Tuesday, November 12, 2024 at 3:00 p.m.

The Pepin County Board of Supervisors Annual Meeting was called to order at 3:00 p.m. on Tuesday, November 12, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

### ESTABLISH QUORUM- ROLL CALL

|                                           |                                         |
|-------------------------------------------|-----------------------------------------|
| District #1- Michael Wright – In person   | District #7- Kris Sabelko- In person    |
| District #2- Gary Bauer- In person        | District #8- Tom Milliren- In person    |
| District #3- Andy Winkler- In person      | District #9- John Andrews- In person    |
| District #4- Paul Hoch- In person         | District #10- Kevin Kosok- In person    |
| District #5- Robert Weishapple- In person | District #11- Vicki Kosok- In person    |
| District #6- Elizabeth Bauer- In person   | District #12- Angie Bocksell- In person |

All Supervisors attended the meeting in person to this meeting.

### PLEDGE OF ALLEGIANCE

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

### Public Comments Regarding Listed Agenda Items:

No public comments given at this time.

### Consent Agenda Item:

#### Approval of the October 16, 2024 County Board of Meeting Minutes

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch approving the October 16, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple- Motion carried.

### Public Hearing: Pepin County 2025 Proposed Budget

Chair Milliren opened the public hearing on the Proposed 2025 Budget at 3:05 p.m. Chair Milliren asked for any questions from the public about the proposed budget. The Administrative Committee had discussed the budget and is recommending bringing it to the full County Board for adoption. Finance Director Pam Hansen explained in detail the 2025 budget figures and what was included in this budget. The proposed 2025 budget summary was published in the Courier Wedge, our official newspaper. After the presentment of the proposed budget, Chairman Milliren asked for public comments again before ending the public hearing. The public hearing was adjourned by Chair Milliren at 4:00 p.m.

### Reports:

#### County Board Committee Reports:

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Human Services Board, Administrative, Law Enforcement and Emergency Management and the Highway Committee.

**County Clerk’s 2023 Annual Report:**

County Clerk Audrey Bauer gave the County Clerk, County Board and Elections 2023 Annual Report to the County Board.

**Business:  
Resolutions:**

**RESOLUTION NO. 39-24  
2024 BUDGET MODIFICATION –TRANSFER SHERIFF’S  
OFFICE PART-TIME WAGE EXPENSE**

**WHEREAS**, additional funding for Sheriff’s Office Patrol part-time wage expenditures is needed in addition to the original budgeted amount due to anticipated vacations and a full-time deputy going out on Family and Medical Leave Act (FMLA); and

**WHEREAS**, based on needs to date for the Sheriff’s Office Jail/Communications staffing, all of the part-time funds budgeted in the amount of \$1,879 will not be spent in 2024; and

**WHEREAS**, the Pepin County Sheriff’s Office is requesting to transfer funds from the Jail/Communications budget to the Patrol budget to fund the additional expenditures needed; and

**WHEREAS**, the Sheriff’s Office will also utilize expenditures budgeted as Patrol overtime for Patrol part-time wage expense.

**NOW THEREFORE BE IT RESOLVED** that wages expenditures budgeted for Patrol overtime are approved to be used for Patrol part-time wage expense; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Pepin County Board of Supervisors authorizes the 2024 Budget to be modified as follows:

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase(Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|---------------------------|-----------------------|
| <i>General Fund:</i>  |                            |                       |                           |                       |
| 100-00-52120-0000-000 | Sheriff - Patrol           | \$ 1,410,999          | \$ 1,879                  | \$ 1,412,878          |
| 100-00-52125-0000-000 | Sheriff - Corrections      | \$ 1,491,822          | \$ ( 1,879)               | \$ 1,489,943          |

**RECOMMENDED BY THE PEPIN COUNTY LAW ENFORCEMENT COMMITTEE:  
COMMITTEE MEMBERS VOTE**

/s/ Kevin Kosok- Committee Chair                      In favor-5    Oppose-0    Absent-0    Abstain-0

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:  
COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren – Committee Chair                      In favor-5    Oppose-0    Absent-0    Abstain-0

**FISCAL IMPACT REVIEWED** – Entire impact as noted above.

/s/ Pamela Hansen, Finance Director                      Recommend ✓                      Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.

In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Sheriff Joel Wener is requesting a transfer of additional funds between the Sheriff Patrol and Sheriff Corrections accounts to cover some unforeseen issues in the department. Motion was made by Supervisor Andrews, seconded by Supervisor K. Kosok, to adopt Resolution 39-24 titled, "2024 Budget Modification - Transfer Sheriff's Office Part-Time Wage Expense." Roll call vote was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes and Supervisor E. Bauer-yes. Motion carried.

**RESOLUTION NO. 40-24  
AUTHORIZING \$296,416 BANK LOAN FOR CAPITAL  
EQUIPMENT PURCHASES IN 2025 BUDGET**

**WHEREAS**, Pepin County, Wisconsin ("County") is presently in need of funds up to a maximum aggregate amount of two hundred and ninety-six thousand four hundred sixteen dollars (\$296,416) for the purposes of financing the capital equipment in the 2025 Budget year and for no other purpose, and

**WHEREAS**, the County Board of Supervisors deems it necessary and in the best interest of the County that, pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of up to two hundred and ninety-six thousand four hundred sixteen dollars (\$296,416) be borrowed for such purposes from time to time upon the terms and conditions hereinafter set forth.

**NOW, THEREFORE BE IT RESOLVED**, that for the purposes hereinabove set forth the County, by its Chairperson of the County Board and County Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from Security Financial Bank, Durand, Wisconsin ("Lender"), from time to time, in one or more advances, a maximum aggregate amount of \$296,416 or if less, the aggregate principal amount of all advances as may be required to meet the above-stated purposes, and

**BE IT FURTHER RESOLVED** that each such advance be requested in writing by the County Clerk or County Finance Director which request may be conclusively relied upon by the lender, and

**BE IT FURTHER RESOLVED** that there shall be raised and there is levied upon all taxable property within the County, a direct annual tax for the purpose of paying interest and principal on the loan as they become due, and

**BE IT FURTHER RESOLVED**, that to evidence such indebtedness, said Chairperson of the County Board and County Clerk shall make, execute and deliver to the Lender for and on behalf of the County the promissory note of the County to be dated in December, 2024 in said principal amount with interest at the rate of four and eighty-five one hundredth's percent (4.85%) per annum and payable as follows:

In 2025, two equal quarterly payments of principal and interest plus additional Interest due based on the timing of the draws, and

In 2026, 2027, 2028 and 2029 equal quarterly payments of principal and interest, and

In 2030, the remaining quarterly payments of principal and interest.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-5    Oppose-0    Absent-0    Abstain-0

**FISCAL IMPACT REVIEWED:** Included in the 2025 Budget which was compiled by the Finance Director.

/s/ Pamela Hansen, Finance Director

Recommend ✓                      Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.

In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented this resolution to the County Board. As done in other years, a loan was taken out to fund only capital purchases which is included in the proposed 2025 budget. The funds will be borrowed from Security Financial Bank at the rate of 4.85% over the said term on the resolution, making quarterly payments.

Motion was made by Supervisor Andrews, seconded by Supervisor Weishapple, to adopt Resolution 40-24 titled, "Authorizing \$296,416 Bank Loan for Capital Equipment Purchases in 2025 Budget." Roll call vote was taken, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes and Supervisor Sabelko-yes. Motion carried.

**RESOLUTION NO. 41-24  
AUTHORIZING \$700,000 BANK LOAN FOR HIGHWAY  
ROAD IMPROVEMENTS IN 2025 BUDGET**

**WHEREAS**, Pepin County, Wisconsin ("County") is presently in need of funds up to a maximum aggregate amount of seven hundred thousand dollars (\$700,000) for the purposes of financing the highway road improvement plan in the 2025 Budget year and for no other purpose, and

**WHEREAS**, the County Board of Supervisors deems it necessary and in the best interest of the County that, pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of up to seven hundred thousand dollars (\$700,000) be borrowed for such purposes from time to time upon the terms and conditions hereinafter set forth.

**NOW, THEREFORE BE IT RESOLVED**, that for the purposes hereinabove set forth the County, by its Chairperson of the County Board and County Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from Security Financial Bank, Durand, Wisconsin ("Lender"), from time to time, in one or more advances, a maximum aggregate amount of \$700,000 or if less, the aggregate principal amount of all advances as may be required to meet the above-stated purposes, and

**BE IT FURTHER RESOLVED** that each such advance be requested in writing by the County Clerk or County Finance Director which request may be conclusively relied upon by the lender, and

**BE IT FURTHER RESOLVED** that there shall be raised and there is levied upon all taxable property within the County, a direct annual tax for the purpose of paying interest and principal on the loan as they become due, and

**BE IT FURTHER RESOLVED**, that to evidence such indebtedness, said Chairperson of the County Board and County Clerk shall make, execute and deliver to the Lender for and on behalf of the County the promissory note of the County to be dated in December, 2024 in said principal amount with interest at the rate of five and fifteen hundredth's percent (5.15%) per annum and payable as follows:

In one payment of interest in June, 2025, and

In or prior to December, 2025 payments of all remaining principal and interest due based on the amount and timing of the draws to pay all loan balances due in full.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED:** Included in the 2025 Budget which was compiled by the Finance Director.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Finance Director Pam Hansen presented the resolution to the County Board. The Highway Road improvement loan of \$700,000 would be for the purpose of financing the highway road improvements in the 2025 budget year. The funds will be borrowed from Security Financial Bank at the rate of 5.15% over the said term on the resolution.

Motion was made by Supervisor V. Kosok, seconded by Supervisor Hoch, to adopt Resolution 41-24 titled, "Authorizing \$700,000 Bank Loan for Highway Road Improvements on 2025 Budget." Roll call vote was taken, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor, Sabelko-yes and Chair Milliren- Yes. Motion carried.

**RESOLUTION NO. 42-24**

**APPROVING NON-UNION, NON-ELECTED MARKET ADJUSTMENT WAGE GRADE  
COMPENSATION STRUCTURE**

**WHEREAS**, Resolution 33-20 adopted the recommendation of the 2020 employee classification and compensation study completed by Carlson Dettmann Consulting LLC; and

**WHEREAS**, the Pepin County Administrative Committee has reviewed the compensation structure and recommends 3% market adjustment increase effective January 1, 2025; and

**WHEREAS**, in addition, the Pepin County Administrative Committee recommends step increases as described in Section 5 of the Pepin County Employee Handbook for non-union, non-elected employees.

**NOW BE IT RESOLVED** that the Pepin County Board of Supervisors does hereby approve a 3% market adjustment increase to the current compensation structure for all non-union, non-elected positions effective January 5, 2025, with step increases as described in Section 5 of the Pepin County Employee Handbook.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED** – The entire fiscal impact of approximately \$152,000 was included in the respective department 2025 Budgets as proposed to the County Board.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

This resolution would give a 3% market adjustment wage compensation for the non-union, non-elected employees making it effective January 1, 2025 if approved. This increase was included in the proposed 2025 budget. Motion was made by Supervisor Andrews, seconded by Supervisor Sabelko, to adopt Resolution 42-24 titled, "Approving Non-Union, Non-Elected Market Adjustment Wage Grade Compensation Structure."

Roll call vote was taken, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor, Sabelko- Yes, Chair Milliren-Yes and Supervisor Andrews-yes. Motion carried.

**RESOLUTION NO. 43-24  
ESTABLISHING THE 2024 PEPIN COUNTY TAX LEVY  
AND ADOPTING THE 2025 PEPIN COUNTY BUDGET**

**WHEREAS**, the Pepin County Finance Director has reviewed, with the County Board, the 2025 Pepin County Budget at a public hearing today.

**NOW THEREFORE BE IT RESOLVED**, that the Pepin County Board of Supervisors, assembled in annual session, does hereby levy and assess upon all the taxable property in Pepin County, the sum of \$5,779,334 as county taxes for the year 2024, with the \$5,779,334 to be apportioned by the County Clerk as provided by law and in accordance with the 2024 County Apportionment Report published by the Wisconsin Department of Revenue.

**BE IT FURTHER RESOLVED**, that the Pepin County Board of Supervisors does hereby adopt the 2025 Pepin County Budget as presented at the public hearing.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED:** 2025 Budget was compiled by the Finance Director.

/s/ Pamela Hansen, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.  
In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

The 2025 budget book and the proposed 2025 budget information were given by Finance Director Pam Hansen during the public hearing and reviewed by the County Board. The proposed County tax levy amount of \$5,779,334 would be assessed upon all taxable property in Pepin County if adopted.

Motion was made by Supervisor Andrews, seconded by Supervisor Wright, to adopt Resolution 43-24 titled, "Establishing the 2024 Pepin County Tax Levy and Adopting the 2025 Pepin County Budget." Roll call vote was taken, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor, Sabelko- Yes, Chair Milliren-Yes, Supervisor Andrews- yes and Supervisor K. Kosok-yes. Motion carried.

**RESOLUTION NO. 44-24**

**2025 BUDGET MODIFICATION – Children’s Long-term Support Program Position**

**WHEREAS**, the Children’s Long-Term Support Program (CLTS) through Pepin County Department of Human Services has grown substantially over the last few years; and

**WHEREAS**, the Department of Human Services is no longer able to adequately serve the number of children/youth eligible for the program; and

**WHEREAS**, the Department of Human Services is not allowed by the State of Wisconsin to have a wait list for services; and

**WHEREAS**, the Department of Human Services will be at risk of fiscal penalties if children/youth are not enrolled and served within program requirements; and

**WHEREAS**, the Children’s Long-Term Support Program is a fully funded through the State of Wisconsin through case management billings and the reconciliation process; and

**WHEREAS**, funds were not included within the budget for 2025.

**NOW, THEREFORE, BE IT RESOLVED** the 2025 Budget as adopted to be modified as noted below and authorizes the hiring for a .6 Children’s Long-Term Support Program position in the Department of Human Services.

| <u>Account Number</u>       | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| <i>Human Services Fund:</i> |                            |                       |                            |                       |
| 210-07-43596-0000-000       | CLTS State Aid             | \$ 138,102            | \$ 36,967                  | \$ 175,069            |
| 210-07-54521-0000-000       | CLTS Expenses              | \$ 160,057            | \$ 36,967                  | \$ 197,024            |

**RECOMMENDED BY THE PEPIN COUNTY HUMAN SERVICES COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Andy Winkler, Committee Chair

In favor-5    Oppose-0    Absent-1    Abstain-0

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBER VOTE**

/s/ Tom Milliren- Committee Chair

In favor-5    Oppose-0    Absent-1    Abstain-0

**FISCAL IMPACT:** Entire impact as noted above.

/s/ Pamela Hansen, Finance Director

Recommend P

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 12<sup>th</sup> day of November 2024.

In favor - 12    Oppose - 0    Absent - 0    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Social Worker Supervisor Carol Pulkrabek presented this resolution to the County Board. The Children's Long-Term Support Program has grown substantially over the last few years and is unable to serve all the needs. Looking to fill a .6 Children's long term program position which would be fully funded through the State of Wisconsin through case management billings and the reconciliation process. This was not included in the 2025 budget, so a budget modification is needed at this time.

Motion was made by Supervisor Andrews, seconded by Supervisor E. Bauer, to adopt Resolution 44-24 titled, "2025 Budget Modification- Children's Long -Term Support Program Position." Roll call vote was taken, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, E. Bauer-yes, Supervisor, Sabelko- Yes, Chair Milliren-Yes, Supervisor Andrews- yes, Supervisor K. Kosok-yes and Supervisor V. Kosok-yes. Motion carried.

**Appointment:**

**Appoint Eric Bechel as the Land Conservation Ag Representative Citizen Member**

At the last Land Conservation, Planning and Extension meeting the Committee recommended appointing Eric Bechel as an Ag Representative to their Committee. Motion was made by Supervisor Bocksell, seconded by Supervisor Sabelko, to appoint Eric Bechel as the Land Conservation Ag Representative Citizen Member. Roll call vote was taken, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor, Weishapple-yes, Supervisor E. Bauer-yes, Supervisor, Sabelko- Yes, Chair Milliren-Yes, Supervisor Andrews- yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes and Supervisor Bocksell-yes. Motion carried.

**Public Comments other than Agenda Items:**

Chris Kees Winkler remotely attended, stating that the water quality problem is lacking in the budget. Asking for the results of the Town of Lima nitrate contaminate study that was done. She would appreciate the results to be either mailed or emailed to her.

**Correspondences:** None

**Future Agenda items and Next Meeting date:** December 18, 2024 at 7:00 p.m.

**Meeting adjourned at 4:33 p.m.**

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Wednesday, December 18, 2024

/s/ Tom Milliren, County Board Chair

# PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES

Wednesday, December 18, 2024

The Pepin County Board of Supervisors Meeting was called to order at 7:00 p.m. on Wednesday, December 18, 2024 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

## ESTABLISH QUORUM- ROLL CALL

District #1- Michael Wright – Remotely  
District #2- Gary Bauer- In person  
District #3- Andy Winkler- In person  
District #4- Paul Hoch- In person  
District #5- Robert Weishapple- Remotely  
District #6- Elizabeth Bauer- In person

District #7- Kris Sabelko- In person  
District #8- Tom Milliren- In person  
District #9- John Andrews- In person  
District #10- Kevin Kosok- In person  
District #11- Vicki Kosok- In person  
District #12- Angie Bocksell- Remotely

All members attended the meeting, nine Supervisors attend in person and three Supervisors attended remotely.

## PLEDGE OF ALLEGIANCE

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

## Public Comments Regarding Listed Agenda Items:

No public comments given at this time.

## Consent Agenda Item:

### Approval of the November 12, 2024 County Board of Meeting Minutes

Motion was made by Supervisor Andrews, seconded by Supervisor Kosok, approving the November 12th, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes and Supervisor Weishapple-yes. Motion carried.

Chair Milliren changed the order of the agenda items- Recognition of Staff Retirements to the end of the agenda to be able to celebrate after the meeting was adjourned.

## Reports:

### County Board Committee Reports:

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Human Services Board, Administrative, Law Enforcement and Emergency Management and the Highway Committee.

**Business:**

**RESOLUTION NO. 48-24  
A RESOLUTION TO SUPPORT THE DESIGNATION OF THE  
MISSISSIPPI RIVER TRAIL WITHIN PEPIN COUNTY**

**WHEREAS** bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

**WHEREAS** the Mississippi River Trail is a national bicycle route along the length of the Mississippi River, through ten states, from the headwaters at Lake Itaska to the Gulf of Mexico; and

**WHEREAS** the Mississippi River Trail was designated as one of only 16 National Millennium Trails which honor the past and imagine the future by preserving and commemorating major events and aspects of America's history and culture; and

**WHEREAS** the Mississippi River Trail provides access to and promotes the scenic historic, archaeological, cultural, recreational and natural qualities of the Mississippi River and its amenities; and

**WHEREAS** the Mississippi River Trail is located primarily on the Wisconsin All-American Great River Road National Scenic Byway (WIS 35) between Prescott and Illinois State Line, but also routed on the other state and county highways, local roads or alternative routes for bicycling; and

**WHEREAS** the Wisconsin Mississippi River Parkway Commission and Pepin County, with the cooperation of the Wisconsin Department of Transportation, Wisconsin Department of Natural Resources and other stakeholders, have proposed a specific route to be designated as the Mississippi River Trail; and

**WHEREAS** the Mississippi River Trail implements Wisconsin Statutes Chapters 1.11, 84.01(35), 84.60, and 85.02, 349.23 and Wisconsin Administrative Code Chapter Trans 400 which required that "due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects"; and

**WHEREAS** the Mississippi River Trail adds value to existing roads and trails; and

**WHEREAS** the Mississippi River Trail is largely ready to sign and market, and many suggested improvements are already planned; and

**WHEREAS** the Mississippi River Trail will contribute to sustainable economic development in 33 Wisconsin Mississippi River communities; and

**WHEREAS** the proposed route for the Mississippi River Trail comes through Pepin County and can therefore provide a benefit to our residents and businesses; and

**WHEREAS** the Mississippi River Trail will provide increased recreational and transportation choices for individuals to enjoy the outdoors as well as provide health, economic and quality of life benefits; and

**WHEREAS** the Mississippi River Trail continues Wisconsin's tradition of honoring and enhancing the Mississippi River by offering multiple bicycling experiences, each in a unique river landscape; and

**WHEREAS** we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area.

**THEREFORE, BE IT RESOLVED**, that Pepin County in order to receive full benefit of the Mississippi River Trail, hereby expresses its approval and support for the development of the Mississippi River Trail, and requests that the appropriate officials see to it that the route is officially designated along the following segments within the limits of Pepin County:

SOUTHBOUND: WIS 35 from the north county line south to the east county line.

NORTHBOUND: WIS 35 from the east county line north to the north county line.

(see attached map)

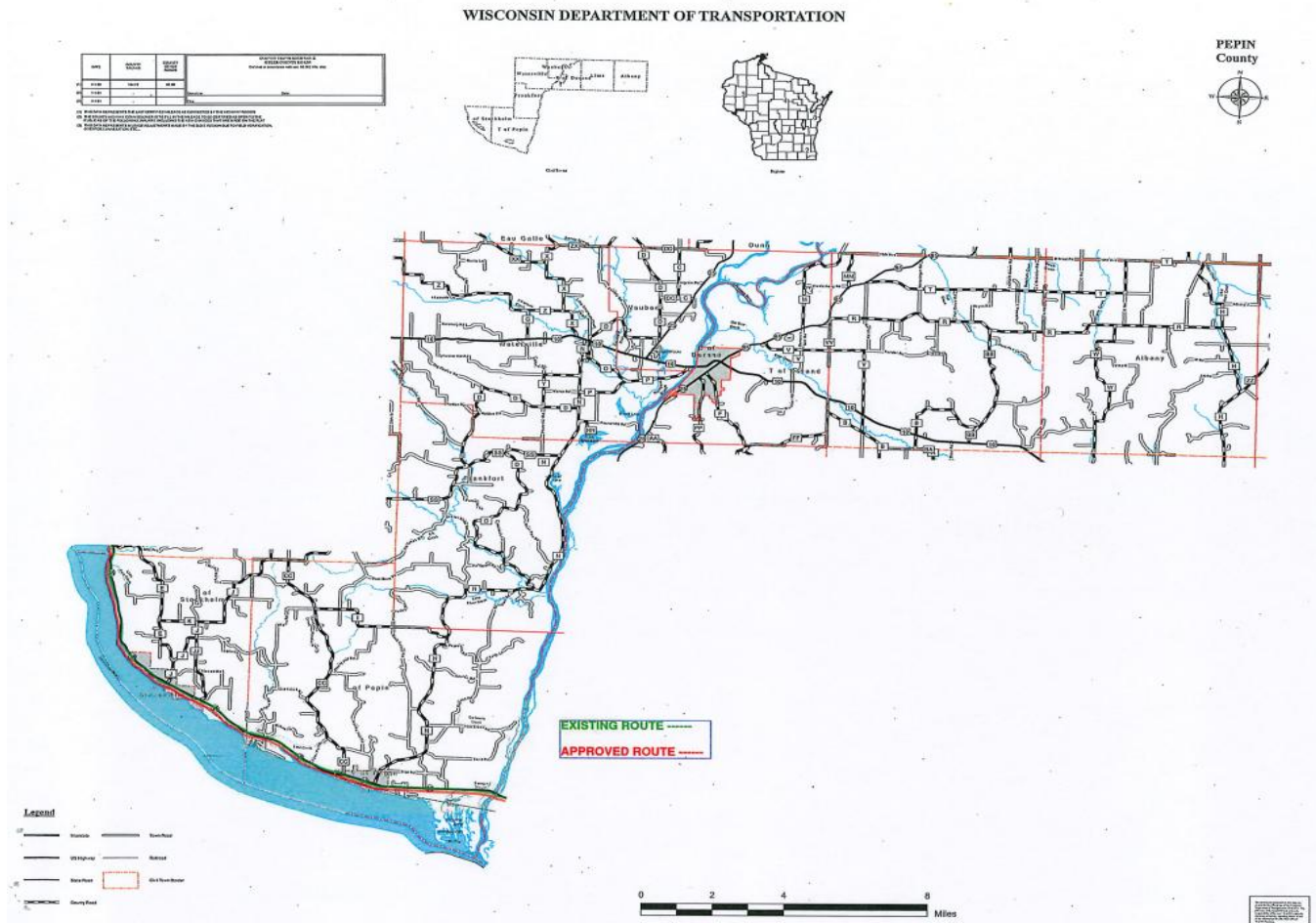
/s/ Tom Milliren, County Board Chair 12-18-2024

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 18<sup>th</sup> day of December 2024

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk



Francis Schelfhout, the Urban/Regional Planner for Wis DOT, attended the County Board meeting, along with LeAnna Kavanaugh who is on the Wisconsin River Parkway Commissioner's Board. They both support and are asking for the County's support designating approximately 250 miles of the Mississippi River Trail (MRT) which follows Highway 35 along the borders of our County. This would primarily draw touring cyclists who choose to ride the entire Wisconsin segment, which would increase tourism and economic benefits to the communities along the route. Francis has been visiting the County's municipalities that are involved in this route and asking for their support on this project. Discussion took place on the concerns of the safety of the bikers on this route, traveling with larger vehicles such as semis. At this time, a resolution has been presented to support the designation of the Mississippi River Trail within the Limits of Pepin County.

Motion was made by Supervisor Andrews and seconded by Supervisor E. Bauer, to adopt Resolution 48-24 titled, "A Resolution to Support the Designation of the Mississippi River Train within the Limits of Pepin County." Roll call vote was taken, Supervisor Winkler-no, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-no, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor G. Bauer-yes. Supervisor Wright abstained from voting. Nine votes supporting this resolution, two negative votes and one abstain. Motion carried.

#### **Resolutions:**

#### **RESOLUTION NO. 45-24**

#### **Resolution to Support Knowles-Nelson Stewardship Grant to Landmark Conservancy for Acquisition of Land Containing the Chippewa River State Trail**

**WHEREAS**, Pepin County has been informed that the Wisconsin Department of Natural Resources has tentatively awarded a grant for the acquisition of 90 acres of land containing the Chippewa River State Trail to Landmark Conservancy for conservation and public recreational purposes; and

**WHEREAS**, Wisconsin State Statutes 23.0917(5t) provides that a county may adopt a resolution that supports or opposes land acquisitions funded by the Stewardship Program; and

**WHEREAS**, Pepin County believes that it would be in the best interest of our county residents to adopt a resolution which supports the acquisition of said acreage for conservation and public recreational purposes; and

**WHEREAS**, Pepin County's Outdoor Recreational Plan identifies "facilitating the transfer of the existing bike trail in Pepin County to public ownership so that it continues to be available for recreational use" as a high priority goal; and

**WHEREAS**, Pepin County has been working in partnership with Landmark Conservancy to pursue this grant opportunity to secure the bike trail for continued public use.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors hereby declares its support of the tentative grant by the Knowles-Nelson Stewardship Program to the Landmark Conservancy for the acquisition of 90 acres of land containing the Chippewa River State Trail; and

**BE IT FURTHER RESOLVED** Pepin County Board of Supervisors directs Pepin County staff to transmit a copy of this resolution to Grace Mikelsons, project manager at the Wisconsin Department of Natural Resources.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING & EXTENSION COMMITTEE:**

/s/ Kevin Kosok, Committee Vice-Chair COMMITTEE MEMBERS VOTE  
In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** No fiscal impact at this time.

/s/ Karen Amsrud, Finance Director Recommend ✓ Not Recommended

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

/s/ Tom Milliren, Committee Chair COMMITTEE MEMBERS VOTE  
In Favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 18<sup>th</sup> day of December 2024  
In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Land Information Officer Maria Nelson presented this resolution to the County Board. Dunn County and Pepin County have been working together with Landmark on a grant to apply towards the purchase the Chippewa River State Trail. At this time, they are asking for our support of the Knowles-Nelson Stewardship Grant and are in favor of pursuing this action. Motion was made by Supervisor Andrews, seconded by Supervisor Winkler, to adopt Resolution 45-24 titled, "Resolution to support Knowles-Nelson Stewardship Grant to Landmark Conservancy for Acquisition of Land Containing the Chippewa River State Trail." Roll call vote was taken, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes and Supervisor Winkler-yes. Motion carried.

**RESOLUTION NO. 46-24**

**AMEND RESOLUTION 38-24, FINAL AUTHORIZATION FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS and 2024 BUDGET MODIFICATION**

**WHEREAS**, Pepin County received Coronavirus State and Local Fiscal Recovery funds through the American Rescue Plan Act of 2021 (ARPA) in the total amount of \$1,415,414. These funds are intended to provide local governments with resources to continue to address the ongoing coronavirus pandemic as well as providing local units of government with the opportunity for recovery and to assist their communities with economic recovery; and

**WHEREAS**, the Pepin County Administrative Committee was designated and has been serving as the ARPA Committee to consider options and determine priorities for recommendations regarding spending the Pepin County allocation of ARPA funds; and

**WHEREAS**, the funds must be expended or obligated by December 31, 2024 and expended by December 31, 2026. Thus, Pepin County must make the final decisions regarding all funds to ensure expenditure or obligation by the deadline; and

**WHEREAS**, the ARPA Committee has determined that the following projects should be the remaining priorities with the balance of the funds uncommitted and recommend them to be funded as noted.

**Amended Expenditures to fund yet in 2024:**

- Building repairs and maintenance to include replacement of 3 exterior doors/1interior door and 1 window in the amount of \$20,477
- Parking lot maintenance to include chip seal of Lot 3 in the amount of ~~approximately \$10,000~~ **\$11,664.20** **\$12,718** and line painting parking lot for \$650
- Replacement of the main facility water softener in the amount of \$4,976
- Replacement of 2 computer servers the first partially funded in the amount of \$8,644 and the second until funded at a cost of \$19,725
- General aged computer replacements in the amount of ~~\$37,925~~ **\$30,865**
- Other capital item purchases approved in the general County Equipment Replacement Fund in the amount of ~~\$19,836~~ **\$23,560.**
- Overlapping Outsourced Fully Managed IT Computer service coverage during the vendor transition month in the amount of \$5,945
- Addition of a TV and wiring in the court room in the amount of ~~\$1,325~~ **\$1,293**

**Amended Expenditures obligated to occur in 2025:**

- Wage and Salary survey in the ~~estimated~~ amount of ~~\$15,000~~ **\$16,500**
- Ongoing facility brick maintenance in the ~~estimated~~ amount of ~~\$30,000~~ **\$34,050**
- Road maintenance in Holden Park to include black top of the campground loop in the amount of \$32,105
- Road maintenance in Holden Park to include black top in the areas at the top of the hill in the amount of \$22,699
- Road maintenance in Holden Park to include seal coating the hill portion of the road area in the amount of ~~\$6,000~~ **\$5,884**
- Removal of dead ash trees in Holden Park in the amount of \$6,000

**Amended Expenditures obligated to occur in 2026:**

- Annual Tyler Technologies Maintenance and Software fee due per contract in the amount of ~~\$60,988~~ **\$55,422**

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes expenditure of the ARPA funds received on the projects as noted above and authorizes the capital expenditure purchases as noted and the 2024 Budget to be modified as follows of which revenue will be recognized and the costs incurred yet in 2024. The remaining revenues and costs will be included in the applicable future year budgets.

| <u>Account Number</u> | <u>Account Description</u> | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-43300-0000     | ARPA Revenue               | \$ 533,025            | <b>\$130,703</b>           | \$ 661,878            |
| 100-00-51512-0000     | ARPA Expenses              | \$ 534,025            | <b>\$130,703</b>           | \$ 662.878            |

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:** **After 12-12-2024 Administrative Committee Meeting, unused funds were recalculated causing an increase for two expenditures and increased the 2024 budget shown in red.**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chairperson

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT:** Calendar year impact as noted above and per project expense as noted in narrative. This should be the approval to designate the final expenditures and obligations of the Pepin County ARPA funds received.

/s/ Karen Amsrud, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on 18<sup>th</sup> day, December 2024.

In favor - 12 Oppose - 0 Absent - 0 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

At the November County Board Meeting, the Board adopted the final authorization of expenditures using of the County's ARPA fund. Since then, some of the expenditure amounts changed so an amendment is needed. Interim Finance Director Karen Amsrud explained what expenditure changes took place and these were shown in bold black and red of the amended resolution.

Motion was made by Supervisor Andrews, seconded by Supervisor V. Kosok, to adopt Resolution 46-24 titled, " Amend Resolution 38-24, Final Authorization for Expenditure of American Rescue Plan Act (ARPA) Funds and 2024 Budget Modification." Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes and Supervisor Hoch-yes. Motion carried.

**Approval of the Town of Durand Zoning Ordinance**

The Town of Durand has its own Zoning Ordinance. It has been recently amended and adopted at the Town of Durand's Town Meeting on December 9<sup>th</sup>, 2024. Pepin County Board needs to approve the amended zoning ordinance before it can take effect. Motion made by Supervisor Andrews, seconded by Supervisor Sabelko, to approve the Town of Durand's Zoning Ordinance. Roll call vote was taken, Supervisor E. Bauer-yes, Supervisor K. Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-abstained, Supervisor Hoch-yes and Supervisor Weishapple-yes. Motion carried.

**Public Comments other than Agenda Items:**

Personnel Director Michelle Weiss informed the County Board Supervisors that the Pepin County Holiday Party is scheduled for January 16<sup>th</sup> starting at 5:30 p.m. It will be held at the Durand Riverside Bar and Grill in the Horton Room. All Supervisors are invited to attend.

**Appointments:** No appointments at this time.

**Correspondences:**

Recognition of the Retirement of Three Pepin County Employees: Register of Deeds Monica J. Bauer worked for Pepin County for 37 years, Tim Herbst worked at the Highway Department for 17 years, and Carol Pulkrabek worked in Human Services for 7 years.

Everyone wished each of them Best Wishes on their retirement. Hot apple cider, cupcakes, cheese and sweets were shared with everyone.

**Future Agenda items and Next Meeting date:** January 15, 2025, at 7:00 p.m.

Meeting adjourned at 7:50 p.m.

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Wednesday, January 15, 2025

/s/ Tom Milliren  
County Board Chair

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES**  
**Wednesday, January 15, 2025**

The Pepin County Board of Supervisors Meeting was called to order at 7:00 p.m. on Wednesday, January 15, 2025 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

**ESTABLISH QUORUM- ROLL CALL**

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| District #1- Michael Wright – Remotely  | District #7- Kris Sabelko- In person   |
| District #2- Gary Bauer- In person      | District #8- Tom Milliren- In person   |
| District #3- Andy Winkler-Absent        | District #9- John Andrews- In person   |
| District #4- Paul Hoch- In person       | District #10- Kevin Kosok- In person   |
| District #5- Robert Weishapple-Remotely | District #11- Vicki Kosok- In person   |
| District #6- Elizabeth Bauer- In person | District #12- Angie Bocksell- Remotely |

Of the members of the County Board, eight Supervisors attend in person and three Supervisors attended remotely and one absent.

**PLEDGE OF ALLEGIANCE**

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

**Public Comments Regarding Listed Agenda Items:**

No public comments given at this time.

**Consent Agenda Item:**

**Approval of the December 18, 2024 County Board of Meeting Minutes**

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, approving the December 18<sup>th</sup>, 2024 County Board meeting minutes. Roll call vote was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes and Supervisor E. Bauer-yes. Motion carried.

**Reports:**

**Award Presentation from the Regional Office Director for the Department of Health Services**

Representing the Wisconsin Department of Health Services, Division of Public Health, Christa Cupp presented the Pepin County Health Department and Board of Health with Level II Health Department Certification Award. Pepin County Health Department has supported community health assessments and improvement plans, promoted the National Public Health Performance Standards and facilitated activities that build up the public health system. Good job done.

**County Board Committee Reports:**

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Human Services Board, Administrative, Law Enforcement and Emergency Management and the Highway Committee.

**Business:**

**AMENDMENT NO. 139 TO PEPIN COUNTY ORDINANCE 179  
CHAPTER 16 – SHORELAND PROTECTION ORDINANCE  
THAT THE CODE OF ORDINANCE BE AMENDED BY REPEALING AND REPLACING  
CHAPTER 16, SHORELAND PROTECTION ORDINANCE**

**BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:**

**16.01 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE**

- (1) STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats to implement 59.692, and 281.31.
- (2) FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Pepin County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to reserve shore cover and natural beauty. This responsibility is hereby recognized by Pepin County, Wisconsin.
- (3) PURPOSE AND INTENT. (§281.31(1), Wis. Stat, §59.692(1c), Wis. Stat., and NR115.01) To promote and protect the public trust in navigable waters and to the effect the purposes of §281.31 Wis. Stat., by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct and cumulative impacts of shoreland development, and promoting the public health, safety, convenience and general welfare, this ordinance has been established to:
  - (a) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
    1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
    2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
    3. Controlling filling and grading to prevent soil erosion problems.
    4. Limiting impervious surfaces to control runoff which carries pollutants.
  - (b) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
    1. Preserving wetlands and other fish and aquatic habitat.
    2. Regulating pollution sources.
    3. Controlling shoreline alterations, dredging and lagooning.
  - (c) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
    1. Prohibiting certain uses detrimental to the shoreland-wetlands.
    2. Setting minimum lot sizes and widths.
    3. Setting minimum building setbacks from waterways.
    4. Setting the maximum height of near shore structures.

(d) RESERVE SHORELAND COVER AND NATURAL SCENIC BEAUTY THROUGH:

1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.

(4) TITLE. Shoreland Protection Ordinance for Pepin County, Wisconsin.

**16.02 GENERAL PROVISIONS.**

(1) **AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Pepin County which are:

(a) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) or within one thousand (1,000) feet of the high water mark of navigable glacial pothole lakes (59.692(1)(b)(1)). Lakes, ponds, or flowages in Pepin County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following website:

<http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24:000 scale), or other zoning base maps.

(b) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)). Rivers and streams in Pepin County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps, or other existing county floodplain maps shall be used to delineate floodplain areas.

(c) The provisions of this chapter apply to the regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1m), Stats., applies. (NR 115.02). Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(d) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator may contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

(e) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

1. Lands adjacent to farm drainage ditches if:
  - (a) Such lands are not adjacent to a natural navigable stream or river;
  - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(2) COMPLIANCE. (NR 115.04) The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings, other structures, and land disturbances (including filling and grading, etc.) shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

(3) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022 Wis. Stats., applies.

(4) ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5) Wis. Stats.) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(a) (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(b) (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) (s. 59.692(2)(c), Wis. Stats.) This ordinance shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable, so far as practicable.

(e) (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated by a shoreland zoning standard under NR 115.05(1) and that further the purposes of shoreland zoning as described in Section 16.01(3) of this ordinance,

(f) (s. 59.692(1k)(a)3, Wis. Stats.) This ordinance may not require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(5) SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

### **16.03 SHORELAND-WETLAND DISTRICT. (NR 115.04)**

(1) PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands within the shoreland zone. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(2) DESIGNATION. This district shall include all wetlands shown in the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(3) SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at:

<https://dnrmaps.wi.gov/H5/?Viewer=SWDV>.

(a) LOCATING SHORELAND-WETLAND BOUNDARIES. (NR 115.04(2)(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time, not to exceed one year following the determination.

(4) PERMITTED USES. (NR 115.04(3)) NR 115 currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. NR 115 does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock and the construction and maintenance of fences;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

(b) Uses which require the issuance of a zoning permit and must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

1. The construction or maintenance of piers, docks or walkways built on pilings.

2. The construction or maintenance of nonresidential buildings, provided that all of the following apply:
  - a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or used solely for a purpose that is compatible for wetland preservation;
  - b. The building cannot, as a practical matter, be located outside the wetland;
  - c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
3. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided:
  - a. No filling is done.
  - b. Any private wildlife habitat area is used exclusively for that purpose.
  - c. Any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall comply with the floodplain ordinance and secure all other required permit related to dike and dam construction.

(c) Uses which do not require the issuance of a zoning permit, but which may include filling, flooding, draining, dredging, ditching, tiling, or excavating as necessary but only to the extent specifically provided below:

1. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
2. The maintenance and repair of existing agricultural drainage systems such as ditching and tiling necessary to maintain the level of drainage required to continue the existing agricultural use.
3. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges.

(d) Uses which require the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating as necessary, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
  - a. The road cannot as a practical matter be located outside the wetland;
  - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 16.03(6)(b);
  - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
  - d. Road construction activities are carried out in the immediate area of the roadbed only.
  - e. The construction of a road for silvicultural activities for temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided:

- a. Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact upon the natural functions of the wetland enumerated in Section 16.03(6)(b).
- 3. The construction or maintenance of railroad lines provided:
  - a. The railroad lines cannot, as a practical matter, be located outside the wetland;
  - b. Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact upon the natural functions of the wetland enumerated in Section 16.03(6)(b).

(5) PROHIBITED USES. NR 115.04(4) Any activity or use not listed in Sections 16.03(4) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 16.03(6) of this ordinance and s. 59.69(5)(e), Wis. Stats.

(6) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT (NR 115.04(2))

(a) For all proposed shoreland wetland rezoning requests under this ordinance, the appropriate office with the Department shall be provided with the following:

- (1) A copy of every proposed petition for a shoreland wetland rezoning request under this ordinance, within 5 days of the filing of such petition with the county clerk.
- (2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
- (3) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
- (4) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

(b) (NR 115.04(2)(c)4) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and flood water storage capacity;
- (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(c) If the Department notifies the county zoning agency that a proposed shoreland wetland rezoning request under this ordinance may have a significant adverse impact upon any of the criteria listed in Section 16.03(6)(b) of this ordinance, that shoreland wetland rezoning request, if approved by the county board, shall contain the following provision:

"This shoreland wetland rezoning shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this shoreland wetland rezoning is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

#### **16.04 MINIMUM LOT SIZE FOR CONFORMING LOTS (NR 115.05(1))**

(1) PURPOSE (NR115.05(1)(a)) Minimum lot sizes in the shoreland area have been established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

(2) SEWERED LOTS. (NR 115.05(1)(a)1.) For each lot served by public sanitary sewer the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage width at the ordinary high water mark.

(3) UNSEWERED LOTS. (NR 115.05(1)(a)2.) For each lot not served by public sanitary sewer the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage width at the ordinary high water mark.

#### **16.05 SUBSTANDARD LOTS (NR 115.05(1)(a)3.)**

(1) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.

(2) OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of Sections 16.05(4) a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 16.05(2) and 16.05(3) shall be issued only if a variance is granted by the board of adjustment.

#### **16.06 ILLEGALLY CREATED LOTS**

(1) An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

#### **16.07 SETBACKS**. (NR 115.05(1)(b))

(1) PURPOSE (NR 115.05(1)(b)) Setbacks within the shoreland area have been established to conform to health, safety, and welfare requirements, preserve natural beauty, reduce flood

hazards, protect against water pollution, and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.

(2) SIDE YARDS. There shall be a side yard setback for each principal structure. The minimum width of the side yard setback shall be 10 feet from each adjacent lot for each principal structure.

(3) SHORELAND SETBACK. (§59.692(1n)(am) Wis. Stat. and NR115.05(1)(b)1.) A setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required.

(4) REDUCED SHORELAND SETBACK FOR A NEW PRINCIPAL STRUCTURE.

(a) EXISTING PRINCIPAL STRUCTURES IN BOTH DIRECTIONS (I.E. TWO-SIDED AVERAGING) (s.59.692(1n)(b), Wis. Stats) Where there are existing principal structures in both directions of a new proposed principal structure, a shoreland setback less than the required 75-foot setback from the ordinary high water mark of section 16.07(3) shall be permitted for a new proposed principal structure provided all of the following are met:

1. Both of the existing principal structures are located on lots immediately adjacent to the lot of the proposed new principal structure.
2. Both of the existing principal structures are located within 250 feet of the proposed new principal structure.
3. Both of the existing principal structures are the closest principal structure on their respective lots to the new proposed principal structure.
4. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
5. The reduced shoreland setback shall equal the average of the distances that the two existing principal structures are set back from the ordinary high water mark.
6. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high water mark.

(b) EXISTING PRINCIPAL STRUCTURES IN ONLY ONE DIRECTION (I.E. ONE-SIDED AVERAGING) (s.59.692(1n)(bm), Wis. Stats) Where there is an existing principal structure in only one direction of a new proposed principal structure, a shoreland setback less than the required 75 foot setback from the ordinary high water mark of 16.07(3) may be permitted for a new proposed principal structure provided that all of the following are met:

1. The existing principal structures is located on a lot immediately adjacent to the lot of the proposed new principal structure.
2. The existing principal structure is located within 250 feet of the proposed new principal structure.
3. The existing principal structure is the closest principal structure on its lot to the new proposed principal structure.
4. The existing principal structure is located less than 75 feet from the ordinary high water mark.
5. The reduced shoreland setback shall equal the average of 75 feet and the distance that the existing principal structure is set back from the ordinary high water mark.
6. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high water mark.

(5) EXEMPT STRUCTURES IN THE SHORELAND SETBACK AREA (§59.692(1n)(d) Wis Stats., § 59.692(1k)(a)(6). Wis. Stats., NR 115.05(1)(b)1m) All of the following structures are exempt from the shoreland setback standards in Section 16.07(3):

(a) **DRY BOATHOUSES.** Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation § 59.692(1o), Wis. Stats.

- a. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
- b. Boathouses shall be constructed in conformity with local floodplain zoning standards.
- c. Boathouses shall not exceed one story and 450 square feet of floor area.
- d. The main door shall face the water.
- e. Patio doors, fireplaces, and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- f. The roof of a boathouse may be used as a deck provided that:
  - a) The boathouse has a flat roof.
  - b) The roof has no side walls or screens.
  - c) The roof may have a railing that meets the Department of Safety and Professional Services standards.

(b) **NO SIDED, OPEN SIDED AND SCREENED STRUCTURES.** (§59.692(1v), Wis. Stats.) No side, open sided, and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area, provided the following requirements of §. 59.692(1v), Stats., are met:

- a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
- b. The total floor area of all the structures in the shoreland setback area will not exceed 200 square feet. Boathouses shall be excluded from the calculation.
- c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
- d. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
- e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

(c) **FISHING RAFTS.** Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Wis. Stats.

(d) **BROADCAST SIGNAL RECEIVERS.** Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

(e) **UTILITY STRUCTURES.** Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, and private on-site wastewater treatment systems that comply with ch. SPS 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that are constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.

(f) WALKWAY, STAIRWAY, OR RAIL SYSTEM. Walkway, stairway or rail system that is necessary to provide pedestrian access to the shoreline and is a maximum of 60-inches in width.

(g) DEVICES OR SYSTEMS USED TO TREAT RUNOFF FROM IMPERVIOUS SURFACES. (§59.692(1k)(a)6, Wis. Stats., and §59.692(1k)(am)1 Wis. Stats.) Devices or systems used to treat runoff from impervious surfaces, provided the requirements of §59.692(1k)(a)6, Wis. Stats., and §59.692(1k)(am)1 Wis. Stats, are met.

(h) FENCES. (§59.692(1n)(d)7 Wis. Stats.) A fence along a roadway that meets all of the following requirements:

1. Is not taller than 15 feet
2. Is located not less than 2 feet landward of the ordinary high water mark.
3. Is located entirely outside of a highway right of way.
4. Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
5. Is generally perpendicular to the shoreline.

(i) BRIDGES. A bridge for which the department has issued a permit under §30.123 Wis. Stats.

#### **16.08 STRUCTURES IN THE FLOODPLAIN (NR 115.05(1)(b)2.)**

(1) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

#### **16.09 VEGETATION (NR 115.05(1)(c))**

(1) PURPOSE. (NR 115.05(1)(c)1.) To protect natural scenic beauty, fish and wildlife habitat, and water quality, vegetation removal shall be regulated in a manner to protect water quality and reduce soil erosion and the flow of effluents, sediments, and nutrients.

(2) ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. (§59.692(1f)(b) Wis. Stats. NR 115.05(1)(c)2). A vegetative buffer zone is maintained or created to protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation. The vegetative buffer zone is the area that extends from the ordinary high water mark to 35 feet landward. Removal or destruction of vegetation in the vegetative buffer zone shall be prohibited except as follows:

- (a) Routine maintenance of vegetation, which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (b) The removal or destruction of vegetation for the creation of an access and viewing corridor provided the following requirements are met.
  1. The access and viewing corridor remains a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone.
  2. The access and viewing corridor may be 35% of the shoreline frontage, but in no case shall it be less than 10 feet or greater than 200 feet.
  3. The viewing corridor may run contiguously for the entire maximum width based on the shoreline frontage owned.

- (c) The removal of trees and shrubs on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (d) The removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area with native species as soon as practicable.
- (e) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone such as prescribed burns or other vegetation management or removal activities where there is a demonstratable need for the additional management activity. Any permit issued by the County under this section shall include an enforceable restriction to preserve the newly restored area. Prior to issuing a permit under this section, the county shall require the following information to be provided by the permittee:
  - 1. Detailed plans documenting the need and purpose are submitted and approved by the county.
  - 2. Sufficient information with the plans showing that it is designed to:
    - a. Control erosion by limiting sedimentation into the waterbody
    - b. Improve the plant community by replanting in the same area
    - c. Maintain and monitor the newly restored area.

**16.10 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))**

- (1) PURPOSE To protect natural scenic beauty, fish and wildlife habitat, and water quality, land disturbances may be allowed and authorized only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.
- (2) APPLICABILITY. Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to sections 16.10(3) and 16.10(4), and only if done in a manner that meets the purpose of section 16.10(1).
- (3) GENERAL REQUIREMENTS. In order to implement section 16.10(2), a permit for filling, grading, lagooning, dredging, ditching or excavating within the shoreland area may be granted provided that:
  - (a) A permit is required to be issued for filling, grading, lagooning, dredging, ditching or excavating within 300 feet of the ordinary high water mark of navigable waters.
  - (b) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer or for the construction of an exempt structure under section 16.07(5).
  - (c) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
  - (d) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of section 16.03.

(e) All applicable federal, state, and local authority is obtained in addition to a permit under this ordinance.

(f) Any fill placed in the shoreland area is protected against erosion by the use of vegetative cover or stabilized in another acceptable and approved manner.

(4) **PERMIT CONDITIONS.** In granting a permit under Section 16.10(3)(a), attach any of the following conditions, as appropriate:

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(d) Lagoons shall be constructed to avoid fish trap conditions.

(e) Fill shall be stabilized according to accepted engineering standards.

(f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(g) Construction associated with land disturbances are encouraged to incorporate slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated and stabilized.

(h) Other project related conditions may be considered.

#### **16.11 IMPERVIOUS SURFACE STANDARDS.** (NR 115.05(1)(e))

(1) **PURPOSE.** Impervious surface standards shall be established to protect water quality, fish and wildlife habitat, and to protect against pollution of navigable waters.

(2) **APPLICABILITY.** (NR 115.05(1)(e)(1) Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface that is or will be located within 300 feet of the ordinary high water mark of any navigable waterway on any of the following:

(a) A riparian lot or parcel

(b) A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway.

(3) **CALCULATION OF IMPERVIOUS SURFACE.** (NR 115.05(1)(e)1m., Wis. Stats. 59.692(1k)(am)1) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 16.11(4) and 16.11(5) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(4) **TREATED IMPERVIOUS SURFACES** (NR115.05(1)(e)3m. and Wis. Stats. 59.692(1k)(am)1)

Impervious surfaces that can be documented to meet either of the following standards shall be excluded from the impervious surface calculations under Section 16.11(3).

- (a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(5) ROADWAYS & SIDEWALKS (Wis. Stats. 59.692(1k)(am)3). Roadways defined in §340.01(54) Wis. Stats. and sidewalks defined in §340.01(58), Wis. Stats. shall be excluded from the impervious surface calculation under section 16.11(3).

(6) GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2.) The percentage of impervious surface allowed on a lot or parcel described under section 16.11(2) and as calculated under section 16.11(3) shall not exceed 15%.

(7) MAXIMUM IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)3.) A lot or parcel may exceed the impervious surface standard under section 16.11(6) provided the following standards are met:

- (a) A lot or parcel described under section 16.11(2), calculated under section 16.11(3), and under the general impervious surface standard of section 16.11(6) may have greater than 15% impervious surface but not more than 30% impervious surface.
- (b) For lots or parcels that exceed the standard under Section 16.11(6) but do not exceed the maximum standard under Section 16.11(7)(a), a permit can be issued for development with a mitigation plan that meets the standards found in Section 16.18.

(8) EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 16.11(6) or the maximum impervious surface standard in section 16.11(7), the property owner may do any of the following:

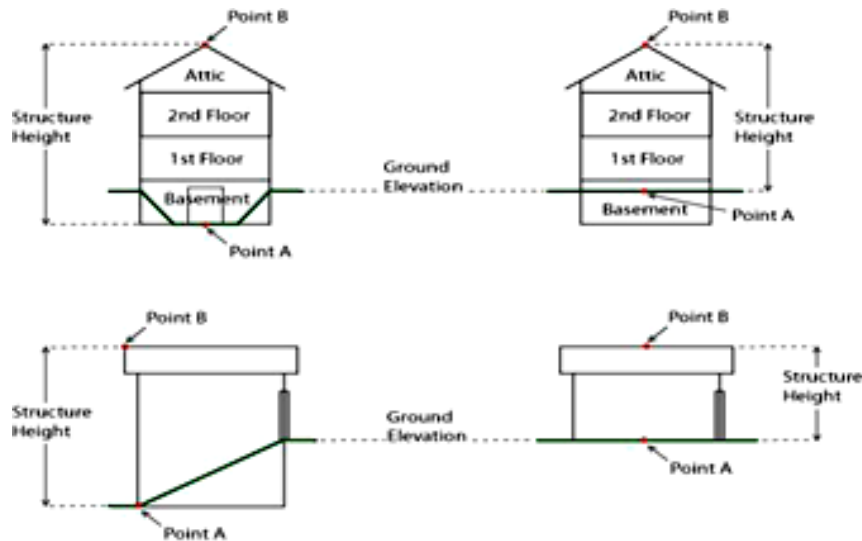
- (a) Maintain and repair the existing impervious surfaces;
- (b) Replace existing impervious surfaces with similar surfaces within the existing building envelope;
- (c) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in Sections 16.07.

**16.12 HEIGHT.** (NR 115.05(1)(f))

(1) PURPOSE. To protect and preserve wildlife habitat and natural scenic beauty.

(2) HEIGHT STANDARD. A structure taller than 35 feet within 75 feet of the ordinary high water mark of any navigable waters is prohibited.

(3) MEASURING HEIGHT. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



### 16.13 **NONCONFORMING USES** (NR 115.05(1)(g) 1-3, Wis. Stats 59.69(10))

(1) **APPLICABILITY.** This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the current ordinance. (Wis. Stats. 59.69(10)(am)).

(2) **GENERAL RULE.** (Wis. Stats. 59.69(10))

- (a) The continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which such building, premises, structure, or fixture is used at the time the ordinance takes effect may not be prohibited. (Wis. Stats 59.69(10)(am), NR 115.05(1)(g)1).
- (b) The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premise, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited. (Wis. Stats 59.69(10)(am)).
- (c) The county may prohibit the continuance of the nonconforming use of a temporary structure. (NR 115.05(1)(g)2)
- (d) If the nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance. (NR 115.05(1)(g)3.)
- (e) A manufactured home community licensed under Wis. Stats 101.935, that is a nonconforming use continues to be a nonconforming use notwithstanding the occurrence of any of the following activities within the community: (Wis Stats 59.69(10)(at)).
  1. Repair or replacement of homes.
  2. Repair or replacement of infrastructure.

### 16.14 **NONCONFORMING STRUCTURES** (NR 115.05(1)(g) 4-6, Wis. Stats 59.692(1k)(a)2, 4 and b)

(1) **APPLICABILITY.** This section applies to an existing principal or accessory structure that was lawfully placed when constructed but that does not comply with the current required ordinary high water mark setback of a navigable waterway.

(2) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. [s. 59.692(1k)(a)2, 4 and (b), Wis. Stats.] A structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per section 16.07 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(3) LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. (NR 115.05(1)(g)5.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per Section 16.07 may be expanded laterally, provided that all of the following requirements are met:

- (a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (b) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (c) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (d) Issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 16.18.
- (e) All other provisions of the shoreland ordinance shall be met.

(4) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. (NR 115.05(1)(g)5m.) An existing principal structure that was lawfully placed when constructed, but that does not comply with the required shoreland setback under Section 16.07, may be expanded horizontally, landward or vertically provided that the expanded area meets the shoreland setback requirements per Section 16.07 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph but may be required per Section 16.11(7).

(5) RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. (NR 115.05(1)(g)6.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per Section 16.07 may be relocated on the property provided all of the following requirements are met:

- (a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (b) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (c) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (d) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 16.07.

- (e) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 16.18 include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- (f) All other provisions of the shoreland ordinance shall be met.

**16.15 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE** (s. 59.692(1k)(a)2., 4, and (b), Wis. Stats.)

(1) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**16.16 MAINTENANCE, REPAIR, OR REPLACEMENT OF AN EXISTING EXEMPT STRUCTURE IN THE SHORELAND SETBACK AREA.** (s. 59.692(1k)(a)2m, s

59.692(1k)(a)6, s 59.692(1k)(b), and s. 59.692(1k)(bm), Wis. Stats.

(1) All or any part of an existing exempt structure under 16.07(5) (s. 59.692(1n)(d) Wis. Stats.) may be maintained, repaired, replaced, restored, rebuilt, or remodeled provided that the activity does not expand the footprint and does not go beyond the three dimensional building envelope of the existing structure.

(2) An activity allowed under 16.16(1) shall be allowed to expand the footprint of the structure provided it is the minimal expansion necessary to comply with applicable state or federal requirements.

**16.17 MAINTENANCE, REPAIR, OR REPLACEMENT OF A BUILDING OR STRUCTURE IN VIOLATION OF A COUNTY SHORELAND ZONING ORDINANCE THAT MAY NOT BE ENFORCED.** (s. 59.692(1t) and s. 59.692(1k)(a)2.c Wis. Stats)

(1) An enforcement action may not commence against a person who owns a building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance if it has been in place for more than ten years.

(2) A building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance but has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. However, the structure may not be vertically or laterally expanded.

**16.18 MITIGATION.** (s. 59.692(1v), Wis. Stats, NR 115.05 (1)(e)3., (g)5d., (g)6e.)

(1) PURPOSE. The purpose of mitigation is to establish and maintain measures adequate to offset the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.

(2) APPLICABILITY. When a permit requiring mitigation under Sections 16.11(7)(b), 16.14(3)(d), and 16.14(5)(e) is issued the property owner shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

- (a) A site plan that describes the proposed mitigation measures.
  - 1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities
  - 2. The mitigation measures shall be proportional in scope to the impacts on water quality, near shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.
- (b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
  - 1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

(3) MITIGATION OPTIONS:

(a) All mitigation shall be designed and installed as specified in the most current Pepin County Shoreland Mitigation Guide as approved by the Land Conservation & Planning Committee. A summary of mitigation requirements and options is provided below:

Mitigation points are required for developing property under the following conditions:

- Impervious surface coverage is greater than 15%, but less than 20% - 3 points
- Impervious surface coverage is from 20% to 30% - 5 points
- Lateral expansion of a non-conforming principal structure within the shoreland setback - 4 points
- Relocation of nonconforming principal structure within the shoreland setback area – 2 points

Opportunities to earn mitigation points include:

- Removal of a structure within the shoreland setback – up to 3 points
- Installation of a rain garden – up to 3 points
- Replace impervious surfaces with permeable pavement products – up to 3 points
- Maintain a compliant shoreland buffer – 2 points
- Increasing depth of an existing compliant shoreland buffer – 2 points for every 15 feet increase
- Reducing width of allowable view and access corridor(s) – 2 points for every 15 feet reduction
- Landscaping with native plants – 1 point per 30 plants
- Establishing aquatic plants in adjacent body of water – 1 point per 30 plants
- Lot size is larger than mandated minimum – 1 point per every 10,000 sq. ft.
- Install and maintain natural bank or stream stabilization measures – 3 points
- Increased shoreland setback of proposed principal structure – 1 point for every 15 feet increase

- Maintaining code compliant septic system on property – 1 point
- Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of Section 16.18.

**16.19 LAND DIVISION REVIEW** (NR 115.05(2))

(1) Pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less shall be reviewed within a 5-year period.

All of the following factors shall be considered during such a review:

- (a) Hazards to the health, safety or welfare of future residents.
- (b) Proper relationship to adjoining areas.
- (c) Public access to navigable waters, as required by law.
- (d) Adequate stormwater drainage facilities.
- (e) Conformity to state law and administrative code provisions.

**16.20 PLANNED UNIT DEVELOPMENT (PUD)**. NR 115.05(1)(a)(4)

(1) PURPOSE. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval.

(2) REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. A Planned Unit Development may be approved upon finding, after a public hearing, that all of the following facts exist:

- (a) AREA. The area proposed for the Planned Unit Development shall be at least 2 acres in size and have a minimum of 200 feet of frontage on a navigable water.
- (b) INDIVIDUAL LOTS.
  1. Riparian lots need to meet the requirements of Sections 16.04(2) and 16.04(3).
  2. Non-riparian lots may be less than the required minimums found in Sections 16.04(2) and 16.04(3). The zoning committee shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion, and impacts to natural scenic beauty.
- (c) SHORELAND SETBACK. In exchange for the allowance of reduced non-riparian lots, the shoreland setback shall be greater than 75 feet from the ordinary high water mark. Recommended setbacks of 100-150 feet from the ordinary high water mark shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. An increased shoreland setback shall be a condition of approval.
- (d) VEGETATIVE BUFFERS. The vegetative buffer on a lot within a proposed planned unit development shall be greater than 35 feet landward of the ordinary high water mark. Recommended buffers of 50 to 70 feet shall help offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty. An increased vegetative buffer shall be a condition of approval.
- (e) IMPERVIOUS SURFACE REQUIREMENTS. All impervious surface requirements shall be met. There is no relaxation for required impervious surface ratio maximums.

**(3) APPLICATION AND PERMIT REQUIREMENTS.**

- (a) An application for a conditional use permit shall be required.
- (b) Information on the total area of the lot, to-scale map showing the location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.
- (c) Proposed greater shoreland setback and greater vegetative buffer that offsets the development impacts for committee consideration.
- (d) Location of shoreland-wetlands.
- (e) A recorded plat or certified survey map is required prior to any construction activities.
- (f) No construction activities shall commence without the issuance of a regular zoning permit for each structure.

**16.21 SANITARY REGULATIONS (NR 115.05(3))**

(1) PURPOSE. Sanitary regulations for the protection of health and the preservation and enhancement of water quality shall be adopted.

(2) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(3) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

**16.22 ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. (NR 115.05(4))**

(1) In order to establish, maintain, implement, and enforce this shoreland zoning ordinance each of the following shall be required:

- (a) The appointment of zoning administrator and such additional staff as the workload may require.
- (b) The creation of a zoning agency as authorized by §59.69(2), Wis. Stats, a board of adjustments as authorized by §59.694, Wis. Stats., and a county planning agency as defined in §236.02 Wis. Stats, and required by §59.692(3) Wis. Stats.
- (c) A system of permits for establishing uses, land disturbances, new construction, development, reconstruction, structural alterations, or moving of buildings and structures, unless prohibited by §59.692(1k), Wis. Stats.
- (d) Regular inspection of permitted work in progress to ensure compliance of finished structures or completed land disturbance activities with the terms of the ordinance.
- (e) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- (f) A special exception permit procedure in which a permit states that a use permitted as a special exception may be established, expanded, or enlarged subject to any conditions

placed on the authorization and the provisions of this ordinance. The exceptions should not be contradictory to the purposes of this ordinance as identified in 16.01(3).

(g) The county shall keep a complete record of all proceedings before the board of adjustment, zoning committee, and/or planning agency.

(h) Written notice to the appropriate department staff at least 10 days prior to any hearing on a proposed variance, special exception, administrative appeal for a map or text interpretation, and map or text amendment.

(i) Submission of copies of all proposed land divisions to the appropriate department staff within 10 days after they are submitted to the county for review under section 16.19.

(j) Submission to the appropriate department staff, within 10 days after grant or denial, copies of any decision on a variance, special exception, or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(k) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings. The official map for the shoreland-wetland zoning is the Wisconsin Wetland Inventory found on the department's Surface Water Data Viewer.

(l) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by appropriate forfeitures utilizing citation authority and by the use of injunctions to prevent or abate a violation as provided in Wis. Stats. 59.69(11).

(m) Pursuing the prosecution of violations of the shoreland ordinance

(n) Shoreland wetland zone (map amendment) procedures according to NR 115.04. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency and shall follow section 16.03(6).

## (2) PERMITS.

(a) WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the zoning administrator before any new development.

(b) APPLICATION. An application for a permit shall be made to the zoning administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A to scale drawing of the dimensions of the lot and location of all existing and proposed structures, sanitary systems, wetlands, and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
4. A complete set of floor plans including room labels and elevation views of the proposed structure; elevation views shall include waterside and side-yard views
5. Impervious surface calculation worksheet
6. Plans for appropriate mitigation when required.
7. Payment of the appropriate fee.

8. Additional information required by the zoning administrator.

(c) EXPIRATION OF PERMIT. Zoning permits shall expire 12 months from date issued if no substantial work has commenced.

(d) CERTIFICATES OF COMPLIANCE

1. No land or building shall be occupied or used until a certificate of compliance is issued by the zoning administrator.
  - a. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
  - b. Application for such certificate shall be concurrent with the application for a zoning permit.
  - c. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

(3) RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES. The Zoning Administrator may issue a special permit to provide reasonable accommodations from the standards of this ordinance as required by provisions of federal and state law. Such reasonable accommodations shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the accommodation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed Register of Deeds.

(4) SPECIAL EXCEPTION PERMITS.

(a) APPLICATION FOR A SPECIAL EXCEPTION PERMIT. Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a special exception permit has been granted by the Board of Adjustment. To secure information upon which to base its determination, Zoning staff may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

1. A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
3. Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
4. Specifications for areas of proposed filling, grading, lagooning or dredging.
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

6. Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance

(b) NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a special exception permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board of Adjustment shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.

(c) STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS. In deciding a special exception application, the Board of Adjustment shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.
3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
5. The location of the site with respect to existing or future access roads.
6. The need of the proposed use for a shoreland location.
7. Its compatibility with uses on adjacent land.
8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
9. Location factors under which:
  - a. Domestic uses shall be generally preferred;
  - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
  - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc. maybe refer to the applicable part of their ordinance.

(d) CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of parking and signs; and type of construction. Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.

In granting a special exception permit, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

(e) RECORDING. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable

solely to the structures, use and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

(f) REVOCAION. Where the conditions of a special exception permit are violated, the special exception permit shall be revoked.

(5) VARIANCES.

(a) VARIANCE CRITERIA TO BE MET. The board of adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

1. literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
2. the hardship is due to special conditions unique to the property;
3. the request is not contrary to the public interest; and
4. the request represents the minimum relief necessary to relieve unnecessary burdens.

(b) NOTICE, HEARING AND DECISION. (s. 59.694(6), Wis. Stats.) Before deciding on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

(6) BOARD OF ADJUSTMENT. (s. 59.694 Wis. Stats.) The chair of the county board shall appoint a board of adjustment consisting of 5 members under s. 59.694, Wis. Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by s. 59.694(3), Wis. Stats.

(a) POWERS AND DUTIES. (s. 59.694 Wis. Stats.)

1. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
2. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
3. It shall hear and decide applications for special exception permits pursuant to Section 16.22(4).
4. It may grant a variance from the dimensional standards of this ordinance pursuant to Section 16.22(5).
5. In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.

(b) APPEALS TO THE BOARD. (s. 59.694 Wis. Stats.) Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules

of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

(c) HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND SPECIAL EXCEPTION PERMITS. (s. 59.694(6), Wis. Stats.)

1. The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions, administrative appeals for map or text interpretations, and map or text amendment.
2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions, administrative appeals for map or text interpretations, and map or text amendment shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.
3. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written decision document signed by the chairman and the secretary of the board. The decision document shall either affirm, deny, vary or modify the appeal and list the specific reasons for the determination.
4. At the public hearing, any party may appear in person or by agent or by attorney.

(d) JUDICIAL REVIEW. If your variance request is denied, you may appeal the decision to Circuit Court as provided in Wisconsin Statute s. 59.694(10). Even if approved, a variance may be appealed to circuit court by an aggrieved party. All appeals must be filed within 30 days after the decision is filed with Pepin County Zoning. For this reason, you may want to delay construction of your project until the appeal period has expired.

(7) FEES. (ss. 59.69, 59.694, 59.696, 59.697, Wis. Stats.) The county board may, by resolution, adopt fees for the following:

- (a) Zoning permits.
- (b) Certificates of compliance.
- (c) Planned Unit Development reviews.
- (d) Public hearings.
- (e) Legal notice publications.
- (f) Special exception permits.
- (g) Variances.
- (h) Administrative appeals.
- (i) Other duties as determined by the county board.

(8) CHANGES AND AMENDMENTS. Ordinance amendments may be made by the county or upon petition of any party according to the provisions s. 59.69(5)(e) and 59.692, Wis. Stats.,

and Wis. Admin. Code Ch NR115. All amendments shall be certified by the Department in accordance with statute and code.

(9) **ENFORCEMENT AND PENALTIES** (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency may refer violations to the Corporation Counsel, who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.69(11), Wis. Stats.

- (a) **Penalty:** Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty as described in §25.04 of the Pepin County Code of Ordinances.
- (b) **Injunction:** Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.
- (c) **Responsibility for Compliance:** It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Zoning Administrator or other zoning staff. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69(11), Wisconsin Statutes.
- (d) **Suspension of Permit:** Whenever the Zoning Administrator or other zoning staff determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Zoning Administrator or other zoning staff give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30-day period, an extension may be granted if reason of hardship prevails and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin.

## **16.23 DEFINITIONS.**

(1) **PURPOSE.** For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number

include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

(2) The following terms used in this ordinance mean:

(a) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(b) "Accessory Structure" (s. 59.692(1)(e), Wis. Stats.) means a subordinate structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, a detached garage, shed, barn, boathouse, gazebo, patio, deck, swimming pool, hot tub, fence, retaining wall, driveway, parking lot, sidewalk, walkway, detached stairway and lift.

(c) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(d) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.

(e) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

(f) "Department" (NR 115.03(3)) means the Department of Natural Resources.

(g) "Development" means any artificial change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials.

(h) "Drainage System" means one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(i) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(j) "Facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(k) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

(l) "Footprint" The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) a single horizontal plane is bounded by the furthest portion of the structure projected to natural grade.

(m) "Generally accepted forestry management practices" (NR 1.25(2)(b)) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent

version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(n) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces. "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively. "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(o) "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

(p) "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

(q) "Lot of record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

(r) "Maintenance and repair" (NR 115.05(1)(g)4.) includes such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation, windows, doors, siding, or roof within the existing building envelope.

(s) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(t) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(m), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

(u) "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(v) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.

- (w) "Regional Flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (x) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (y) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (z) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
- (aa) "Shoreland-wetland zoning district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
- (ab) "Special exception (conditional use)" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
- (ac) "Structure" (s.59.692(1)(e), Stats.) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit.
- (ad) "Substandard lots" means any legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot area requirements for a new lot.
- (ae) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- (af) "Variance" means an authorization granted by the board of adjustment to construct, or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (ag) "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**EFFECTIVE DATE.** This ordinance becomes effective upon the passage by the County Board of Supervisors and publication by the County Clerk as required by § 59.14, Wis. Stats.  
 Date of Publication: January 23, 2025

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING AND EXTENSION COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Kevin Kosok, Committee Vice Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 15<sup>th</sup> day of January 2025.

In favor – 11 Oppose – 0 Absent – 1 Abstain – 0

/s/ Audrey Bauer, Pepin County Clerk

/s/ Tom Milliren, County Board Chair

Zoning Administrator Maria Nelson presented the amended Shoreland Protection Ordinance. Pepin County has had a Shoreland Protection Ordinance in place since 1968. The Ordinance 179- Chapter 16 was amended to meet State of Wisconsin NR 115 requirements, this included state mandated revisions throughout the entire Shoreland Protection Ordinance. A public hearing was held at the January 13<sup>th</sup> Land Conservation, Planning and Extension Meeting and it was recommended by the Land Conservation, Planning and Extension Committee members to adopt these changes.

Motion was made by Supervisor K. Kosok, seconded by Supervisor Sabelko, to adopt Amendment No. 139, to the Pepin County Ordinance 179, Chapter 16- Shoreland Protection Ordinance. Roll call vote was taken, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor M. Wright-yes, Supervisor G. Bauer-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer and Supervisor Sabelko-yes. Motion carried.

**Resolution: RESOLUTION NO. 1-2025  
2024 BUDGET MODIFICATION - HEALTH DEPARTMENT GRANT AGREEMENTS,  
CONTRACTS and SUPPLEMENTAL FUNDING II**

**WHEREAS**, the Health Department has been awarded additional Title X funding of \$4,814 for the April 1,2024 to March 31,2025 funding year. The funds are to support the established scope of work for the Title X program; and

**WHEREAS**, the Health Department has been awarded \$1,200 in funding for the 2024 Get Yourself tested (GYT) Campaign from the Health Care Education and Training program. The GYT program supports coordinated community- based testing campaigns that increase awareness on the importance of sexually transmitted infection risk awareness and testing, and to provide confidential, convenient, discreet, low-costs tests and treatment.

**NOW THEREFORE BE IT RESOLVED** that the County Board of Supervisors authorizes the 2024 Health Department Budget to be modified as follows:

| <u>ACCOUNT NUMBER</u>            | <u>DESCRIPTION</u> | <u>CURRENT BUDGET</u> | <u>INCREASE (DECREASE)</u> | <u>AMMENDED BUDGET</u> |
|----------------------------------|--------------------|-----------------------|----------------------------|------------------------|
| 230-00-43561-0000-000            | Title X            | \$ 8,626              | \$ 4,814                   | \$ 13,440              |
| 230-00-43562-0000-000            | HCET/ GYT          | \$ -                  | \$ 1,200                   | \$ 1,200               |
| <b>TOTAL REVENUE CHANGES</b>     |                    | <b>\$ 8,626</b>       | <b>\$ 6,014</b>            | <b>\$ 14,640</b>       |
| 230-00-54129-0000-000            | Title X            | \$ 8,626              | \$ 4,814                   | \$ 13,440              |
| 230-00-54130-0000-000            | HCET/ GYT          | \$ -                  | \$ 1,200                   | \$ 1,200               |
| <b>TOTAL EXPENDITURE CHANGES</b> |                    | <b>\$ 8,626</b>       | <b>\$ 6,014</b>            | <b>\$ 14,640</b>       |

**RECOMMENDED BY THE PEPIN COUNTY BOARD OF HEALTH:**

COMMITTEE MEMBERS VOTE

/s/ John Andrews, Committee Chair In favor-7 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED** – Entire impact as noted above.

/s/ Karen Amsrud, Finance Director

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-7 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

Adopted by the Pepin County Board of Supervisors on this 15<sup>th</sup> day of January 2025

In favor - 11 Oppose - 0 Absent - 1 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Board of Health Committee Chair John Andrews presented this resolution to the County Board. Additional funds for Title X and HCET/GYT programs were received for the Pepin County Health Department, creating a need for a 2024 budget modification. Motion was made by Supervisor Andrews, seconded by Supervisor K. Kosok, to adopt Resolution 1-25 titled, “2024 Budget Modification- Health Department Grant Agreements, Contracts and Supplemental Funding II.” Roll call vote was taken, Supervisor Andrews-yes, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes and Chair Milliren-yes. Motion carried.

**Public Comments other than Agenda Items:**

No public comments.

**Appointments:**

**Re-Appoint Tim Bignell as a member of the Veteran Services Commission, term ending 12/31/2027**

Chair Milliren recommended the re-appointment of Tim Bignell as a member to the Veteran Services Commission for another term. Motion was made by Supervisor Andrews, seconded by G. Bauer, to re-appoint Tim Bignell as a member of the Veteran Service Commission, with term ending December 31, 2027. Roll call vote was taken, Supervisor K. Kosok-yes, Supervisor V. Kosok-yes, Supervisor Bocksell-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, and Supervisor Andrews-yes. Motion carried.

**Correspondences:**

A Meet and Greet is being held on Thursday, Jan 15<sup>th</sup> from 2:30- 3:30 p.m. in the County Board Room to meet two new faces at the Extension office, Sarah Torbert, the Extension Director, Area 9 (Buffalo, Jackson, Pepin and Trempealeau Counties) and Sky Holt, the Pepin County 4-H and Community Youth Development. Everyone is welcome to attend.

**Future Agenda items and Next Meeting date:** February 19, 2025 at 7:00 p.m.

**Meeting adjourned at 7:27 p.m.**

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Wednesday, March 19, 2025

/s/ Tom Milliren, County Board Chair

# PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES

Wednesday, March 26, 2025

The Pepin County Board of Supervisors Meeting was called to order at 7:00 p.m. on Wednesday, March 26, 2025 by Chair Tom Milliren. The meeting was held remotely and in the County Board Room at the Pepin County Government Center, 740 7<sup>th</sup> Ave W. Durand WI. This meeting was properly noticed per Section 19.84 of the Wisconsin State Statutes, and complies with Section 19.81-19.90, *Open Meeting Law*.

## ESTABLISH QUORUM- ROLL CALL

|                                          |                                      |
|------------------------------------------|--------------------------------------|
| District #1- Michael Wright – Remotely   | District #7- Kris Sabelko- In person |
| District #2- Gary Bauer- In person       | District #8- Tom Milliren- In person |
| District #3- Andy Winkler- In person     | District #9- John Andrews- In person |
| District #4- Paul Hoch- In person        | District #10- Kevin Kosok- Absent    |
| District #5- Robert Weishapple- Remotely | District #11- Vicki Kosok- In person |
| District #6- Elizabeth Bauer- In person  | District #12- Angie Bocksell- Absent |

Of the members of the County Board, nine Supervisors attend in person and one Supervisor attended remotely with two Supervisors absent.

## PLEDGE OF ALLEGIANCE

The Board honored the flag by reciting the Pledge of Allegiance.

**Approval of the Agenda:** Approved as written.

## Public Comments Regarding Listed Agenda Items:

No public comments given at this time.

## Consent Agenda Item:

### Approval of the January 15, 2025 County Board of Meeting Minutes

Motion was made by Supervisor Andrews, seconded by Supervisor Sabelko, to accept as written the January 15, 2025 County Board meeting minutes. Roll call vote was taken, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor V. Kosok-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Hoch-yes, Supervisor Winkler-yes, Supervisor Weishapple-yes and Supervisor E. Bauer-yes. Motion carried.

## Reports:

### County Board Committee Reports:

Committee Reports were given by the Chairs of the Land Conservation, Planning and Extension Committee, Board of Health, Human Services Board, Administrative, Law Enforcement and Emergency Management and the Highway Committee.

## Business:

### Review Draft Pepin County Judicial Shielding Policy & Procedure and Confidentiality Agreement/Approval to Send to Corp Council for Review before Adopting

Treasurer Patty Scharr presented the Pepin County Judicial Shielding Policy, Procedure and Confidentiality Agreement to the County Board. Act 235 recently was passed which is to safeguard personal information of Judicial Officers and their immediate families. A draft policy was written by using other County's draft policies and procedures. It was requested that the County Board approve to allow this policy, procedure and agreement to be reviewed by our Corp Council and make necessary changes before adopting.

Moton was made by Supervisor Andrews, seconded by Supervisor Winkler, authorizing to present this Policy, Procedure and the Agreement to the Corp Council for review. Roll call vote was taken, Supervisor V. Kosok-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes and Supervisor Andrews-yes. Motion carried.

**Resolutions:**

**RESOLUTION NO. 2-25  
RESOLUTION UPDATING FEE SCHEDULE FOR  
CUSTOM MAPPING AND PRINTING SERVICES**

**WHEREAS**, at the May 2015 meeting Pepin County’s Finance Committee approved a Large Format Printing Policy and Fee Schedule that enabled the former Land Management Department to charge fees for large-format printing and mapping services; and

**WHEREAS**, the Pepin County Land Conservation & Planning Department staff are asked to create maps and graphics for a variety of users, which include local municipalities, response agencies, community organizations, other governmental departments, and members of the public; and

**WHEREAS**, at the original fee schedule was modified via Resolution 30-2019 in September 2019 to reflect increasing costs of providing these mapping services; and

**WHEREAS**, the fee schedule adopted in September 2019 no longer covers the staff expenses incurred by Pepin County; and

**WHEREAS**, creating custom maps that are aesthetically pleasing and that contain all of the features requested by individuals is a time-consuming process which takes time away from other core responsibilities of the Land Conservation & Planning Department staff; and

**WHEREAS**, the Large Format Printing Policy and Fee Schedule is being modified to reflect the increasing costs associated with staff time and supply expenses associated with providing mapping services to other departments, municipalities, and the public.

**NOW THEREFORE BE IT RESOLVED** that the Pepin County Board of Supervisors authorizes the Pepin County Land Conservation & Planning Department to implement the following fee schedule and policies related to custom mapping and printing services:

Mapping & Printing Services

Custom Mapping Services

Charges established based on the hourly rate and fringe benefits of the staff member creating custom map or GIS files for requesting party.

Large Format Printing/Specialty Map Printing (colored)

|                        |              |
|------------------------|--------------|
| ANSI E 34 x 44 inches  | \$10.00 each |
| ANSI D 22 x 34 inches  | \$7.50 each  |
| ANSI C 17 x 22 inches  | \$5.00 each  |
| ANSI B 11 x 17 inches  | \$2.50 each  |
| ANSI A 8.5 x 11 inches | \$0.25 each  |

Copies of files (black and white) \$0.10 per page

Digital Copies of existing files (PDF's) Free

Copies of existing GIS files

Free\*

Policies Related to Mapping Services

- Custom mapping requests must be submitted at least two weeks prior to the anticipated deadline, Pepin County Land Conservation and Planning staff may modify the deadline based on staff availability to complete the project.
- The Land Conservation and Planning staff reserve the right to refuse requests for custom mapping projects in order to perform state mandated duties, prioritized county projects, and ordinary work-related tasks.
- To create new layers, the Land Conservation & Planning staff must be provided detailed information that outlines the features to be created or modified; documentation such as resolutions, ordinances, and/or hand drawn maps help us to create accurate data layers.
- A map request form must be submitted describing the features to be displayed in the custom map or attributes to be created within new GIS files that need to be created.
- Pepin County Land Conservation & Planning Department can charge Custom Mapping Service Fees to other departments within Pepin County, municipalities, and the public for the development of new GIS layers or specialty maps that do not exist and/or fees for any map or large-format printing services.
- Municipalities, other departments, community organizations, or the public requesting specialty mapping services or projects that are estimated to take more than five hours shall be required to enter into a service agreement with Pepin County Land Conservation and Planning and will be invoiced for these GIS and mapping services.
- Free distribution of copies of GIS files is limited to sharing that does not require the county to incur additional expenses. Pepin County may charge the requestor fees associated with providing external hard drives, jump drives, discs, or other format and postage associated with disseminating the requested files to the requesting party
- Staff will attempt to provide most accurate data possible, however we will not modify or reformat data in existing data layers when providing data to other organizations; all data will be transferred “as is”.
- Pepin County will not share any GIS layers that have restricted access, these files primarily include files shared by private companies for use by Pepin County for public safety purposes.

**RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION & PLANNING COMMITTEE  
COMMITTEE MEMBERS VOTE**

/s/ Angie Bocksell, Committee Chair

In favor - 5    Oppose - 0    Absent - 0    Abstain - 0

**FISCAL IMPACT:**

/s/ Karen Amsrud, Finance Director

Recommend ✓

Not Recommended

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 26<sup>th</sup> day of April 2025  
In favor - 10 Oppose - 0 Absent - 2 Abstain - 0

/s/ Audrey Bauer, County Clerk

Tom Milliren, County Board Chair

Land Conservation Director Jessica McMahon remotely presented this resolution to the County Board. With the increase in printing costs and staff time, the Land Conservation and Planning Department has decided to modify the fee schedule for mapping and printing services. Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to adopt Resolution 2-25 titled, "Resolution Updating Fee Schedule for Custom Mapping and Printing Services." Roll call vote was taken, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor K. Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, and V. Kosok-yes. Motion carried.

**RESOLUTION 3-25  
2025 BUDGET MODIFICATION – SHERIFF’S OFFICE  
RADIO BACKUP EQUIPMENT**

**WHEREAS**, the Pepin County Sheriff’s Office runs Emergency Radio Communications for Pepin County; and

**WHEREAS**, the Pepin County Sheriff’s Office did not get a backup central Portal Host and a backup Max Solutions WIN 11 Workstation to keep radio communications up if the main portal host goes down; and

**WHEREAS**, it is vital to have backup equipment to transfer over to in the event the main system goes down; and

**WHEREAS**, the budgeted \$53,000 to replace the Sheriff’s Squad will not be fully needed; and

**WHEREAS**, RACOM has provided a quote for the backup equipment and labor to install of \$7,221; and

**WHEREAS**, the Pepin County Sheriff’s Office will need an approximate \$7,221, increase over the amount approved in the 2025 Communications/Corrections Budget to complete the purchase of the backup equipment and labor to install. However, that money can be moved from the Patrol Equipment line to the Communications/Corrections line; and

**WHEREAS**, consistent with other capital items purchased in the 2025 Budget, loan proceeds from debt will be used to finance the purchases as reflected below. Funds will be available within the previously approved Security Financial Bank loan amount to fund this additional capital purchase due to the timing and cost savings from other projects.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors authorizes the 2025 Budget to be modified as follows, authorizes the purchasing of the backup communications equipment from RACOM, and decrease the Sheriff’s Patrol Office Equipment line by \$7,221 and increase the Sheriff’s Office, Communications/Correctional Equipment line by \$7,221.

| <u>Account Number</u> | <u>Account Description</u>                    | <u>Current Budget</u> | <u>Increase (Decrease)</u> | <u>Amended Budget</u> |
|-----------------------|-----------------------------------------------|-----------------------|----------------------------|-----------------------|
| 100-00-52120-0000-000 | Sheriff Office – Patrol                       | \$1,428,441           | \$ (7,221)                 | \$1,421,220           |
| 100-00-52125-0000-000 | Sheriff Office-Communications/<br>Corrections | \$1,304,179           | \$ 7,221                   | \$1,311,400           |

**RECOMMENDED BY THE PEPIN COUNTY LAW ENFORCEMENT COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Kevin Kosok, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**FISCAL IMPACT REVIEWED** – There is no net financial impact to Pepin County for redistribution of these budgeted line items.

/s/ Karen Amsrud, Interim Finance Director

Recommended ✓ Not Recommended

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair

In favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 26<sup>th</sup> day of April 2025.

In favor - 10 Oppose - 0 Absent - 2 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Sheriff Joel Wener remotely presented this resolution to the County Board. At the time of the 2025 budget, the Sheriff’s office radio backup equipment was missed. The quote for the backup equipment and labor is estimated to cost \$7,221. The request would be to use funds from the Sheriff’s Patrol Office Equipment and place the funds into the Sheriff’s Office Communications/Correctional Equipment line by \$7,221.

Motion was made by Supervisor Andrews, seconded by Supervisor Hoch, to adopt Resolution 3-25 titled, “2025 Budget Modification- Sheriff’s Office Radio Backup Equipment.” Roll call vote was taken, Supervisor G. Bauer-yes, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor V. Kosok-yes and Supervisor Wright-yes. Motion carried.

**RESOLUTION NO. 4-25**

**Resolution Urging Governor Evers and the Wisconsin Legislature to Support the County Courts**

**WHEREAS**, in 2023, the total cost to Wisconsin Counties for running all Circuit Courts was \$237 million. At the same time, the Court Support funding from the state to counties was \$28 million, 12 percent of the actual cost to run the local courts; and

**WHEREAS**, the Circuit Court system is intended to be a state-county partnership; and

**WHEREAS**, the state’s fiscal responsibilities include Judges, Court reporters, CCAP equipment, and the Circuit Court Cost Appropriation; and

**WHEREAS**, the Counties are fiscally responsible for the majority of other functions of the court, including, but not limited to the following: bailiffs and court security officers, courthouse building maintenance, phones and utilities, Clerk of Court and Register in Probate, staff salaries and benefits, jury costs, psychological exams, guardians ad litem and court-appointed attorneys, expert witnesses, interpreters and translation fees, court commissioners, law libraries, corporation counsel, courtroom technology and audio visuals, copying machines and other non-CCAP office technology, office supplies, furniture, recruitment and training, financial collection efforts, mail fees, printing costs, exhibit and file storage, access to state data, insurance, service of court documents, judicial staff attorneys, and equipment repair; and

**WHEREAS**, over the last 10 years, the increase in the county portion of cost to run the courts is nearly six times higher than the increase in Circuit Court Cost Appropriations provided to cover these costs, and counties now pay almost \$150,000,000 more than the state in unbalanced Circuit Court costs.

**NOW THEREFORE, BE IT RESOLVED** by the Pepin County Board of Supervisors that Pepin County joins the Wisconsin Clerks of Circuit Court Association (WCCCA) and the Wisconsin Counties Association (WCA) in their efforts to increase the Circuit Court Cost Appropriation by \$70 million payable to Wisconsin Counties in the 2025/27 Wisconsin State Budget.

**BE IT FURTHER RESOLVED** that this Resolution shall be effective upon its passage and publication and a copy be sent to Governor Evers and all Wisconsin State Legislators representing Pepin County.

**RECOMMENDED BY THE PEPIN COUNTY LAW ENFORCEMENT & EMERGENCY MANAGEMENT COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Kevin Kosok, Committee Chair

In favor-5    Oppose-0    Absent-0    Abstain-0

**FISCAL IMPACT REVIEWED-** The statistics of increasing county court costs are noted above. Supporting the organizations in their efforts to increase the appropriation has no fiscal impact on the county.

/s/ Karen Amsrud, Interim Finance Director

Recommended ✓    Not Recommended

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

**COMMITTEE MEMBERS VOTE**

/s/ Tom Milliren, Committee Chair

In favor-5    Oppose-0    Absent-0    Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 26<sup>th</sup> day of April 2025

In favor - 10    Oppose - 0    Absent - 2    Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Judge Thomas Clark presented this resolution to the County Board. Backed by the Wisconsin Counties Association and represented by all 72 Wisconsin Counties, it shows support to increase state funding in the County Courts. The county's portion of cost to run the courts has greatly increased over the amount that the Circuit Court Cost Appropriations provides to cover these costs. This resolution is asking for Governor Evers and all Wisconsin State Legislators to support our County Courts.

Motion was made by Supervisor Andrews, seconded Supervisor Wright, to adopt Resolution 4-25 titled, "Resolution Urging Governor Evers and the Wisconsin Legislature to Support the County Courts." Roll call vote was taken, Supervisor Winkler-yes, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-Yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor V. Kosok-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes. Motion carried.

**AMENDMENT NO. 140 TO ORDINANCE NO. 179  
CHAPTER 2 THE GOVERNING BODY**

BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:

Section 1. Authority and Purpose. This ordinance is enacted under authority of Chapter 59 Wis. Statutes.

**Section 2. That the Code of Ordinances of the County of Pepin be amended as follows:**

**2.03 RULES OF THE COUNTY BOARD. (Ord. No. 179: Am. #108, 03-16-16; Am. #115, 05-16-18; Am #125, 03-18-2020; Am # 132, 05-19-2021; Am #137; 02-21-2024; **Am.#140; 03-19-2025**)**

**(4) ANNUAL DEPARTMENT HEAD REPORTS. Department Heads shall make reasonable efforts to present ~~their to the County Board reports of departments~~ Annual Reports at one of the monthly ~~county board~~ **Standing Committee** meetings during the months of March through ~~July~~ **August**. It is the request and recommendation of the County Board that all department reports follow a standardized format established by the Administrative Coordinator which shall include the following:**

**(a) A financial summary of the department.**

**(b) A concise statement of any changes in the policy or activity of the department that materially effects the operation of the department compared with previous reports.**

Effective Date. This amendment shall take effect: April 3, 2025

ADOPTED: March 26, 2025

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County Board of Supervisors on this 26<sup>th</sup> day of March 2025

In favor – 10 Oppose – 0 Absent – 2 Abstain – 0

/s/ Audrey Bauer, Pepin County Clerk

/s/ Tom Milliren, County Board Chair

Chair Milliren presented this Amendment to the Code of Ordinance for Chapter 2 to the County Board. The change to section 2.03 under Annual Reports was that the Department Heads should present their Annual Reports to one of the monthly standing committee meetings during the months of March – August. County Board Supervisors can ask for other department annual reports if they choose. Motion made by Supervisor Andrews, seconded by Supervisor Sabelko, to adopt “Amendment #140 to the Ordinance No. 179 – Chapter 2, The Governing Body, Sec 2.03 Annual Reports.” Roll call vote was taken, Supervisor Hoch-yes, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor V. Kosok-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes and Supervisor Winkler-yes. Motion carried.

**RESOLUTION NO. 5-25**  
**Resolution to Appoint Karen Amsrud as**  
**Administrative Coordinator and Finance Director**

**WHEREAS**, pursuant to Wis. Stat. § 59.19 and Ordinance 1.10, the Board of Supervisors created the position of County Administrative Coordinator; and

**WHEREAS**, the Board of Supervisors previously combined the position of Administrative Coordinator and Finance Director and appointed Pamela Hansen as the County’s Administrative Coordinator and Finance Director; and

**WHEREAS**, the resignation of the incumbent Administrative Coordinator and Finance Director, Pamela Hansen, has created a vacancy in the positions of Administrative Coordinator and Finance Director; and

**WHEREAS**, Wis. Stat. § 59.19 requires the County to maintain a designated Administrative Coordinator and Ordinance 1.10(5) provides the Board of Supervisors with the authority to make such designation; and

**WHEREAS**, the Board of Supervisors desires to appoint Karen Amsrud as Administrative Coordinator and Finance Director; and

**WHEREAS**, the Board of Supervisors intends this Resolution to become effective March 30, 2025 and remain in effect until amended by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pepin County Board of Supervisors does hereby appoint Karen Amsrud as Administrative Coordinator and Finance Director pursuant to Wis. Stat. § 59.19 subject to the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect March 30, 2025 and shall continue until further action of the Board of Supervisors.

**RECOMMENDED BY THE PEPIN COUNTY ADMINISTRATIVE COMMITTEE:**  
/s/ Tom Milliren, Committee Chair                      In favor-4    Oppose-1    Absent-0    Abstain-0

**FISCAL IMPACT:** Wage savings will occur in the Finance department expense budgets due to the budgeted rates of the previous Administrative Coordinator/Finance Director.

Finance Director Signature – N/A

**COUNTY BOARD ACTION:**

ADOPTED by the Pepin County of Supervisors on this 26<sup>th</sup> day of March 2025

In favor - 9 Oppose - 1 Absent - 2 Abstain - 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair

Personnel Director Michelle Weiss presented this resolution to the County Board. Personnel Director Weiss recommends Karen Amsrud to these positions. Karen Amsrud is qualified for these positions. She has the college degree, experience working with State and Federal rules and is willing to work with others on questions as needed.

Motion was made by Chair Milliren, seconded by Supervisor Wright to adopt Resolution 5-25 titled, "Resolution to Appoint Karen Amsrud as the Administrative Coordinator and Finance Director. Roll call vote was taken, Supervisor Weishapple-yes, Supervisor E. Bauer-yes, Supervisor Sabelko-yes, Chair Milliren-yes, Supervisor Andrews-yes, Supervisor V. Kosok-yes, Supervisor Wright-yes, Supervisor G. Bauer-yes, Supervisor Winkler-no, and Supervisor Hoch-yes. Motion carried with one negative vote and two absent Supervisors.

**Public Comments on other than Agenda Items:**

Chris Kees Winkler remotely voiced her opinion on the filling of the New Finance Director and Administrative Coordinator position. The search should have been conducted internally to fill this position instead of wasting funds on hiring a firm to search for the best candidate.

**Appointments:** None

**Correspondence:**

Chair Milliren informed the County Board that the Old Courthouse is in need of some repairs. We will be in contact with Matt Sam to put together a plan on what needs to be done and cost.

**Future Agenda items and Next Meeting date:** April 15, 2025 at 3:30 p.m.

**Meeting adjourned at 7:40 p.m.**

Submitted by County Clerk Audrey Bauer

Approved by the County Board of Supervisors on Tuesday, April 15, 2025

/s/ Tom Milliren, County Board Chair