

NOTICE OF MEETING
SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

TUESDAY, January 20, 2015 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Roger L. Te Stroete

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF DECEMBER 16, 2014 JOURNAL

PRESENTATION

Amy Birtell, Director - Eastern Shores Library System

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator's Report is a summary of County activities for the previous month and planned for upcoming months.

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

Resolution No. 26 (2014/15) Re: Declaration of Official Intent to Reimburse Expenditures from Proceeds of Borrowing

Committee Recommendation: Adopt
Signed in Opposition: None

Ordinance No. 11 (2014/15) Re: Authorizing and Implementing Agency Agreement with State Department of Agriculture to License and Regulate Retail Food Establishments Under Chapter 17

Committee Recommendation: Enact
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE

Resolution No. 28 (2014/15) Re: Exchanging Parcel of County Land for Sand and Gravel

Committee Recommendation: Adopt
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS – LAW COMMITTEE

Ordinance No. 10 (2014/15) Re: Prohibiting Parking on Portion of County Road “U”, Town of Mitchell

Committee Recommendation: Amend per committee report and enact as amended
Signed in Opposition: None

RESOLUTIONS INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Resolution No. 29 (2014/15) Re: Carryover of Unexpended 2014 Appropriations to 2015

ORDINANCES INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Ordinance No. 12 (2014/15) Re: Consideration of Increasing Compensation & Pay Ranges for Non-Bargaining Unit Personnel for 2015 & Amending Merit Pay

Ordinance No. 13 (2014/15) Re: Updating Chapter 24 to Include Amsterdam Dunes and Other Changes

ADJOURNMENT

Respectfully submitted this 16th day of January, 2015.



JON DOLSON, COUNTY CLERK

NOTES:

Reminder: Expense sheets for the period ending January 15, 2015 are due in the County Clerk's Office no later than Tuesday, January 20, 2015.

The Legislative Breakfast will be held on February 9, 2015 at 8:00 A.M. at the Fountain Park Family Restaurant.

The Legislative Breakfast is a monthly informational question and answer session between Sheboygan County's federal and state legislative delegation and Sheboygan County Supervisors and department heads. Because a majority of the Board or a Committee may attend, it is a meeting open to the public under the Open Meeting law even though there is no formal agenda, no action will be taken, and no minutes are being kept.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS

December 16, 2014

Pursuant to Wis. Stat. § 59.11, the December 16, 2014 session of the Sheboygan County Board was called to order by Chairperson Roger L. Te Stroete at 6:00 p.m. Chairperson Te Stroete noted that the notice of meeting was posted on December 12, 2014 at 1:45 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 24 Supervisors present; Absent: 1, Supervisor Wheeler.

Supervisor Winkel moved for approval of the November 4, 2014 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor LeMahieu and carried on unanimous roll call vote of the board.

APPOINTMENTS

The Chairperson announced that the next order of business was the consideration of the reappointment by the Executive Committee of **William C. Goehring** to the Eastern Shores Library System Board.

Supervisor Winkel moved to concur with the reappointment. The motion was seconded by Supervisor Epping and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the reappointment by the Chairperson of **Buck Wendorf** to the Veterans Service Commission.

Supervisor Marthenze moved to concur with the reappointment from the Chairperson. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the reappointment by the County Administrator of **Henry Nelson** to the Eastern Shores Library System Board.

Supervisor Goehring moved to concur with the reappointment from the County Administrator. The motion was seconded by Supervisor Abler and carried on unanimous roll call vote of the board

PRESENTATIONS - NONE

LETTERS AND COMMUNICATIONS

The Clerk presented a note extending appreciation and thanks to the board from the family of **Wes Prange** for the resolution acknowledging his service to Sheboygan County. By Chairperson received for information.

The Clerk presented a request from **In God We Trust-America, Inc.** that the County Board adopt a resolution to display the motto "In God We Trust" in the County Board Chambers. By Chairperson referred to the Executive Committee.

The Clerk presented a Q&A from the **Wisconsin Manufacturers and Commerce**, regarding Rail Transit Commissions operating Wisconsin's state-owned rail lines. By Chairperson received for information.

The Clerk presented a resolution from the Milwaukee County Board of Supervisors requesting a response from the Wisconsin Department of Health Services to the questions posed by the Aging and Disability Resource Center Governing Board. By Chairperson referred to the Health & Human Services Committee.

The Clerk presented a resolution from the Taylor County Board of Supervisors opposing the proposed lapse in state funding to the Wisconsin Circuit Court System. By Chairperson received for information.

The Clerk presented resolutions from the Price and St. Croix County Boards of Supervisors supporting state funding for county 911 services/one designated public service answering point per county. By Chairperson received for information.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne reported on a number of good things happening in Sheboygan County, including adoption of the annual budget at the November 4th meeting. Also noteworthy on November 4th was County Board Supervisor Devin LeMahieu became State Senator Elect Devin LeMahieu, and Ms. Melody Lorge was elected to be the new Clerk of Circuit Courts beginning January 5, 2015. Mr. Payne also thanked and acknowledged County Clerk Jon Dolson on a smooth and timely election reporting process. Finally, Mr. Payne, along with Chairperson Roger Te Stroete and Vice Chairperson Tom Wegner presented Nan Todd with a plaque for her 36 years of service working in the Clerk of Circuit Courts Office. Mr. Payne also invited Judge Bourke to come forward and he presented Nan a plaque for being instrumental in the Sheboygan County Foreclosure Mediation Program.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding Ordinance No. 09 (2014/15) Establishing Building Use Protocol recommending enactment.

Supervisor Goehring moved to enact the ordinance. The motion was seconded by Supervisor Epping and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding Resolution No. 24 (2014/15) Participating in Snowmobile Aids Program – 2015/16 recommending adoption.

Supervisor Marthenze moved to adopt the resolution. Supervisor Goehring seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Human Resources Committee regarding Ordinance No. 08 (2014/15) Amending Order of Business – Rules of Board recommending enactment.

Supervisor LeMahieu moved to enact the ordinance. The motion was seconded by Supervisor Weggeman and carried on unanimous roll call vote of the board.

(Vice-Chairperson Wegner presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 25 (2014/15) Re: Honoring the Life of Former County Board Supervisor Constance (Connie) Ziegelbauer.

Pursuant to County Road Rule 2.13, this Resolution was on the floor for immediate action and was unanimously adopted by the Board on a rising vote and a pause in its deliberations.

Resolution No. 26 (2014/15) Re: Declaration of Official Intent to Reimburse Expenditures from Proceeds of Borrowing referred to the Executive Committee.

Resolution No. 27 (2014/15) Re: Approving Contribution to Aurora's Proposed Behavioral Wellness Center referred to the Finance Committee.

Supervisor Koch moved to pull Resolution No. 27 from committee for immediate action. Supervisor Weggeman seconded the motion which carried on roll call vote of the board of Ayes: 22; Noes: 2, Supervisors Bemis, and Goehring; Absent: 1, Supervisor Wheeler.

Supervisor Koch moved to adopt the resolution. The motion was seconded by Supervisor Van Dixhorn and carried on roll call vote of the board of Ayes: 18; Noes: 6, Supervisors Bauer, Bemis, Damp, Epping, Goehring, and Winkel; Absent: 1, Supervisor Wheeler.

Resolution No. 28 (2014/15) Re: Exchanging Parcel of County Land for Sand and Gravel referred to the Finance Committee.

Ordinance No. 10 (2014/15) Re: Prohibiting Parking on Portion of County Road "U", Town of Mitchell referred to the Law Committee.

Ordinance No. 11 (2014/15) Re: Authorizing and Implementing Agency Agreement with State Department of Agriculture to License and Regulate Retail Food Establishments Under Chapter 17 referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn to 6:00 p.m. on Tuesday, January 20, 2015. Supervisor Glavan seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:39 p.m.

****Please distribute this "Letter of Invitation" to your
Elected Officials and appropriate staff. Thank You.**



IN GOD WE TRUST~AMERICA, INC.

Our Mission:

To Promote Patriotism

By Encouraging Elected Officials to "Vote Yes"

To Legally Display Our Congressionally Approved National Motto

IN GOD WE TRUST

In Every City, County Chamber and State Capitol

In America

Will You Be Part of This Patriotic Campaign?

Dear Honorable Elected Officials,

This is an invitation to join the growing list of cities and counties across America that are "Voting Yes" to proudly and prominently display our national motto, *IN GOD WE TRUST*, in the Chamber where we conduct the people's business.

My name is Jacquie Sullivan and I am the Founder and President of *IN GOD WE TRUST~AMERICA*. I have served as a City Councilmember in Bakersfield, California, since 1995. In 2002, I led my City Council to "Vote Yes" to display *IN GOD WE TRUST*, our Council Chamber at City Hall. Soon after, all eleven cities in the county of Kern, as well as other cities and counties, in California and across the country, were voting to do the same.

To encourage this trend across America, we created a non-profit organization named *IN GOD WE TRUST~AMERICA* with 501(c) (3) non-profit status. Its sole purpose is to promote patriotism by encouraging elected officials to "Vote Yes" to display *IN GOD WE TRUST* in their city and county chambers.

On July 30, 1956, during the Dwight D. Eisenhower administration, the U.S. Congress adopted *IN GOD WE TRUST* as the official National Motto of the United States of America. Thus, displaying our Motto is a legal right, protected by the first amendment.

UPDATE:

On November 1, 2011 the U.S. House of Representatives voted overwhelmingly, 396 - 9, to reaffirm *IN GOD WE TRUST* as our nation's motto. Congressman Randy Forbes, of Virginia, sponsored the resolution, in part, because some have mistakenly stated that "E Pluribus Unum" is our national motto. Most importantly, the resolution specifically encourages the placement of the motto in all government buildings from courthouses to school classrooms.

As a grassroots patriotic movement, *IN GOD WE TRUST-AMERICA*, stands on solid legal ground. To date, not one legal challenge has been raised against any city or county that has "Voted Yes." This effort is legal and there is nothing to challenge!

Will You Be Part of This Patriotic Campaign?

This inspiring "Invitation to Join Us," letter is being emailed to elected officials, city-by-city and county-by-county, across America.

We are very pleased to announce that there are over 400 cities and counties across America that have already voted "Yes" and are now legally displaying *IN GOD WE TRUST*, in their chambers.

We are elected officials showing a commitment to the values our country was founded upon.

We urge you to place this issue on your meeting agenda for a positive outcome.

When you "Vote Yes," please let us know so the name of your municipality can be added to the growing list of "Yes Vote Cities and Counties Across America," that we showcase across the country - to encourage others. In addition and so that you can receive the recognition that you deserve, a picture of your display, along with the names and photos of your elected officials, who "Voted Yes, will be added to [our website](#).

Finally, we welcome you to call or contact us personally with any questions or encouragement we can provide.

**May God Bless America and may
America's trust always be in God!**

Thank you in advance,

Jacque Sullivan

City Councilmember: Bakersfield , CA

IN GOD WE TRUST~AMERICA, INC.

Founder / President

Home/Office: (661) 834-4943

Cell: (661) 332-3492



IN GOD WE TRUST~AMERICA, INC.

P.O. BOX 11715 * Bakersfield, CA 93389

Website: www.ingodwestrust-america.org

A non-profit 501c3 educational corporation ID# 2624857



Milwaukee County

County Courthouse
901 N. 9th Street, Rm
105
Milwaukee, WI 53233

Certified Copy

Action Report: 14-669

File Number: 14-669

A resolution requesting a response from the Wisconsin Department of Health Services to the questions posed by the Milwaukee County Aging and Disability Resource Center Governing Board on February 12, 2014.

I, Joseph J. Czarnecki, County Clerk in and for the County of Milwaukee, State of Wisconsin, do hereby certify that this is a true copy of Action Report No. 14-669, ADOPTED by the County Board on 9/25/14 and RETURNED UNSIGNED by the County Executive on 11/3/14.

Given under my hand and official seal, at the Milwaukee County Courthouse, in the City of Milwaukee.

Attest:

A handwritten signature in cursive script, appearing to read "Joseph J. Czarnecki".

Joseph J. Czarnecki

November 07, 2014

Date Certified

(ITEM) A resolution by Supervisors Jursik and Borkowski, requesting a response from the Wisconsin Department of Health Services to the questions posed by the Milwaukee County Aging and Disability Resource Center Governing Board on February 12, 2014, by recommending adoption of the following:

A RESOLUTION

WHEREAS, in December of 2013, the Aging and Disability Resource Center Governing Board ("Board") invited officials from the Wisconsin Department of Health Services (DHS) to attend a special meeting of the Board in January 2014 to discuss, among other things, consumer problem areas in long-term care programs and the Board's statutory responsibility to seek out information from the Managed Care Organizations; and

WHEREAS, this special meeting was held on January 22, 2014, and attended by a representative of DHS's Division of Long Term Care; and

WHEREAS, at the next general meeting of the Board on February 4, 2014, a representative from DHS's Office of Family Care Expansion appeared and requested time to discuss and clear up misinformation presented by DHS and others at the January 22, 2014, board meeting; and

WHEREAS, it was agreed that DHS Office of Family Care Expansion staff would appear at a future board meeting to present the information and respond to questions; and

WHEREAS, on February 12, 2014, the Board sent a list of follow-up questions and requests for information regarding administrative review of denials of service and requested that the response to its questions be both in the form of a presentation and in writing; and

WHEREAS, after requesting additional time, a representative of DHS sent a one-page list of web pages in response to the Board's questions in May 2014; and

WHEREAS, on June 3, 2014, after representatives of DHS spoke at the regular Board meeting to clarify the misinformation received by the Board in February, many of the Board's questions remained unanswered; and

WHEREAS, on June 12, 2014, the Board sent a letter to the Representative of the Office of Family Care Expansion and its Director requesting a meeting to discuss a more thorough response to the questions posed by the Board; and

45 WHEREAS, a new meeting was scheduled for July 21, 2014, in Madison by DHS
46 to address the Board's questions, but was cancelled by DHS on July 17, 2014, to
47 accommodate additional people wishing to attend the meeting; and
48

49 WHEREAS, to date, no meeting is scheduled to answer the questions posed by
50 the Board; now, therefore,
51

52 BE IT RESOLVED, that the Milwaukee County Board of Supervisors ("County
53 Board") respectfully requests that the Wisconsin Department of Health Services (DHS)
54 respond to the questions posed by the Aging and Disability Resource Center Governing
55 Board in the form of a presentation and in writing; and
56

57 BE IT FURTHER RESOLVED, that the Milwaukee County Administrator of the
58 Disability Services Division and the Director of the Milwaukee County Department on
59 Aging shall transmit this resolution to DHS on behalf of the County Board; and
60

61 BE IT FURTHER RESOLVED, that the Milwaukee County Clerk is requested to
62 transmit copies of the enacted resolution to the State Assembly and Senate delegations
63 representing the Milwaukee Region of Family Care and the County Clerks of the eight
64 Counties in the Milwaukee Region.
65

66
67 srb
68 09/18/14

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65

66
67 srb
68 09/18/14

FISCAL NOTE
December 2014

Resolution No. 25 (2014/15) RE: Honoring the Life of Former County Board Supervisor Constance (Connie) Ziegelbauer

Resolution No. 26 (2014/15) RE: Declaration of Official Intent to Reimburse Expenditures from Proceeds of Borrowing

**Resolution No. 27 (2014/15) RE: Approving Contribution to Aurora's Proposed Behavioral Wellness Center
Funded through current budget.**


Resolution No. 28 (2014/15) RE: Exchanging Parcel of County Land for Sand and Gravel

Ordinance No. 10 (2014/15) RE: Prohibiting Parking on Portion of County Road "U", Town of Mitchell

**Ordinance No. 11 (2014/15) RE: Authorizing and Implementing Agency Agreement with State Department of Agriculture to License and Regulate Retail Food Establishments Under Chapter 17
Incorporated in the 2015 budget.**

Funding:

No additional funding is required.



Terry A. Hanson, Finance & IT Director
December 11, 2014

1 SHEBOYGAN COUNTY RESOLUTION NO. 26 (2014/15)

2
3 Re: **Declaration of Official Intent to Reimburse Expenditures from**
4 **Proceeds of Borrowing**
5

6
7 **WHEREAS**, Sheboygan County plans to undertake the 2015 Capital Projects Plan (the
8 "Project") as previously adopted by the County Board, and
9

10 **WHEREAS**, Sheboygan County may finance the Project on a long-term basis by issuing
11 the tax-exempt bonds or promissory notes (the "Bonds"), and
12

13 **WHEREAS**, because the bonds will not be issued prior to January 1, 2015, Sheboygan
14 County must provide interim financing to cover the cost of the Project incurred prior to receipt of
15 the proceeds of the Bonds, and
16

17 **WHEREAS**, it is necessary, desirable, and in the best interest of Sheboygan County to
18 advance monies from its funds on hand on an interim basis to pay the costs of the Project until
19 the Bonds are issued;
20

21 **NOW, THEREFORE, BE IT RESOLVED**, that:
22

23 1. **Expenditure of Funds.** Sheboygan County shall make expenditures as
24 needed from its funds on hand to pay the costs of the Project until Bond proceeds
25 become available.
26

27 2. **Declaration of Official Intent.** Sheboygan County hereby officially
28 declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures
29 with proceeds of the bonds, the principal amount of which is not expected to exceed
30 \$4,000,000.00.
31

32 3. **Unavailability of Long-term Funds.** No funds for payment of the
33 Project from sources other than the Bonds are, or are reasonably expected to be,
34 reserved, allocated on a long-term basis, or otherwise set aside by Sheboygan County
35 pursuant to its budget or financial policies.
36

37 4. **Public Availability of Official Intent Resolution.** This Resolution shall
38 be made available for public inspection at the County Clerk's office within thirty (30) days
39 after its approval in compliance with applicable State law governing the availability of
40 records or official acts, including Subchapter II of Chapter 19, and shall remain available
41 for public inspection until the Bonds are issued and thereafter as required by law.
42

43
44 (The rest of this page intentional left blank.)
45

46 5. Effective Date. This Resolution shall be effective upon its adoption.
47
48

49 Respectfully submitted this 16th day of December, 2014.
50
51

52 **FINANCE COMMITTEE**

53
54 
55 _____
56 Greg Weggeman, Chairperson

57
58 
59 _____
60 George J. Marthenze, Vice Chairperson

61 
62 _____
63 Thomas Wegner, Secretary

64 
65 _____
66 William C. Goehring

67 
68 _____
69 Devin LeMahieu

70 Opposed to Introduction:
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87 (Signature page to
88 Declaration of Official Intent to
89 Reimburse Expenditures from
90 Proceeds of Borrowing)
91
92
93

SHEBOYGAN COUNTY ORDINANCE NO. 11 (2014/15)

Re: **Authorizing and Implementing Agency Agreement with State Department of Agriculture to License and Regulate Retail Food Establishments Under Chapter 17**

WHEREAS, through the enactment of Chapter 17 of the Sheboygan County Code of Ordinances, the Sheboygan County Health and Human Services Department, Division of Public Health has agreed to be the designated agent of the Wisconsin Department of Health Services for purposes of licensing and regulating various retail establishments, and

WHEREAS, under similar statutory authority under Wis. Stat. § 97.41, the State Department of Agriculture, Trade, and Consumer Protection may designate the Sheboygan County Health and Human Services Department, Division of Public Health as its agent for purposes of licensing and regulating retail food establishments, and

WHEREAS, the Health and Human Services Committee has reviewed the potential of entering into such an agency agreement with respect to retail food establishments and believes that it is in the best interest of the citizens of Sheboygan County to do so;

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

Section 1. **Amending Chapter 17.** Chapter 17 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts):

**LICENSURE AND REGULATION OF RETAIL FOOD
ESTABLISHMENTS, HOTELS, MOTELS, RESTAURANTS, TOURIST
ROOMING HOUSES,
BED AND BREAKFAST ESTABLISHMENTS,
CAMPGROUNDS AND CAMPING RESORTS,
RECREATIONAL AND EDUCATIONAL CAMPS,
PUBLIC SWIMMING POOLS AND ESTABLISHMENTS POSSESSING
CLASS B AND CLASS C ALCOHOL BEVERAGE LICENSES
AND INSPECTIONS OF FOOD VENDING MACHINES,
THEIR OPERATORS AND VENDING MACHINE COMMISSARIES**

17.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 97.41, 125.68(5), 251.04(3), 254.47, and 254.69(2); and by Wisconsin Administrative Code Chapters HFS 172, 175, 178, 192, 195, 196, 197, and 198, and Comm 90. The purpose of this Ordinance is to protect and improve the public health and to authorize the Sheboygan County Health and Human Services Department to become the designated agent of the State Department of Agriculture, Trade and Consumer Protection and the State Department of Health and Family Services for the purpose of establishing

50 permit fees, issuing permits, and making investigations or inspections of
51 retail food establishments hotels, motels, restaurants, tourist rooming
52 houses, bed and breakfast establishments, campgrounds and camping
53 resorts, recreational and educational camps, public swimming pools, and
54 establishments possessing Class B and Class C alcoholic beverage
55 licenses, and in making investigations and inspections of food vending
56 machines, their operators and vending machine commissaries.
57

58 17.02 APPLICABILITY. The provisions of this Ordinance shall
59 apply to the owner, operator, or agent thereof of any retail food
60 establishment, hotel, motel, tourist rooming house, restaurant, bed and
61 breakfast establishment, campground and camping resort, recreational
62 and educational camp, public swimming pool, establishments possessing
63 Class B or Class C alcoholic beverage licenses, vending machine
64 commissary or vending machines in Sheboygan County.
65

66 17.03 DEFINITIONS. 67

68 (a) All definitions as set forth in Wis. Stats. ch. 97 and
69 §§ 125, 251, and 254; and Wisconsin Administrative Code
70 Chapters ACTP 75; HFSDHS 172, 175, 178, 192, 195, 196, 197,
71 and 198; and ~~Comm 90~~SPS 390 are incorporated in this
72 Ordinance by reference and they shall be construed, read, and
73 interpreted as fully set forth herein until amended and then shall
74 apply as amended.
75

76 (b) "Duplicate Permit Fee" shall mean a fee for the
77 replacement of an original permit.
78

79 (c) "Health and Human Services" or "Department" shall
80 mean the Sheboygan County Health and Human Services
81 Department, Division of Public Health.
82

83 (d) "Inspection Fee" shall mean a fee for on-site visits,
84 limited to two (2) in a twelve- month period of time or within the
85 license year, to determine that establishments identified in the
86 Ordinance are compliant with the statutes and administrative
87 codes that govern their operation.
88

89 (e) "Late Fee" shall mean a fee for failure to pay
90 established fees by June 30 or the due date.
91

92 (f) "Limited Food Service" shall mean the serving of
93 food which is prepared and packaged off the premises with
94 preparation on the premises limited to heating and serving with
95 single-service articles, e.g., hermetically wrapped sandwiches or
96 frozen pizza.
97

(g) "Local Agent" shall mean the Sheboygan County Health and Human Services Department, Division of Public Health.

(gh) "Mobile Restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer, or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

(hi) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pools.

(ij) "Potentially Hazardous Food"

(1) Shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

A. The rapid and progressive growth of infectious or toxigenic microorganisms;

B. The growth and toxin production of Clostridium botulinum; or

C. In raw shell eggs, the growth of Salmonella enteritidis.

(2) Includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(3) Does not include:

A. An air-cooled hard-boiled egg with shell intact;

B. A FOOD with an a/w value of 0.85 or less;

C. A FOOD with a pH level of 4.6 or below when measured at 24C (75F);

D. A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

E. A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of S. enteritidis in eggs or C. botulinum cannot occur, such as a FOOD that has an a/w and a pH that are above the levels specified under Subparagraphs (c) (2) and (3) of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

F. A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition.

(jk) "Pre-Inspection Fee" shall mean a fee for consultative services offered within a six- (6-) month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant and vending machine commissary.

(kl) "Re-Inspection Fee" shall mean a fee for the third (3rd) and subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

(lm) "Restaurant" shall mean any building, room, or place where meals are prepared, served, or sold to transients or the general public, and all places used in connection with the building, room, or place and includes any public or private school lunchroom for which food service is provided by contract. "Restaurant" does not include:

(1) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter;

(2) Churches, religious, fraternal, youth, or patriotic organization, service clubs, and civic organizations which occasionally prepare, serve, or sell meals to the general public;

(3) Any food service provided solely for needy persons;

(4) Bed and breakfast establishments; or

(5) A private individual selling food from a movable or temporary stand at a public farm sale.

(n) "Retail Food Establishment" shall have the meaning as set forth at Wis. Stat. § 97.30.

(mo) "Temporary Restaurant" shall mean a restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion.

(np) "Vending Machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one-cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies, or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(eq) "Vending Machine Commissary" shall mean any building, room, or place in the state at which foods, containers, transport equipment, or supplies for vending machines are kept, handled, prepared, or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute, or sell food products under Wis. Stat. ch. 97.

17.04 ENFORCEMENT. The provisions of this Ordinance shall be administered by or under the direction of the Division of Public Health of the Health and Human Services Department, by its duly authorized representatives who shall have the right to enter, at reasonable hours,

245 upon premises affected by this regulation to inspect the premises, secure
246 samples or specimens, examine and copy relevant documents and
247 records, or obtain photographic or other evidence needed to enforce this
248 Ordinance.

249
250 17.05 LICENSE AND PERMIT.

251
252 (a) No person shall operate retail food establishments,
253 hotels, motels, restaurants, tourist rooming houses, bed and
254 breakfast establishments, campgrounds and camping resorts,
255 recreational and educational camps, public swimming pools and
256 establishments possessing Class B and Class C alcohol beverage
257 licenses and inspections of food vending machines, their
258 operators and vending machine commissaries without first
259 obtaining a non-prorated permit from the ~~Health and Human~~
260 ~~Services Department~~. Such permits shall expire on June 30 of
261 each year following their issuance except that permits initially
262 issued during the period beginning on April 1 and ending June 30
263 shall expire June 30 of the following year. The issuance of a
264 permit may be conditioned upon the permittee correcting a
265 violation of this Ordinance within a specified period of time. If the
266 condition is not met within the specified period of time, the permit
267 shall be voided. The permit shall not be transferable to a location
268 other than the one for which it was issued, nor shall a permit be
269 transferred from one operator to another subject to the express
270 exception of:

271
272 (1) As to location, temporary permits may be
273 transferred;

274
275 (2) As to operator, a permit of a food
276 establishment operator may be transferred to an individual
277 who is an immediate family member of the operator if the
278 operator is transferring operation of the establishment or
279 vending machine to that immediate family member. A
280 parent, child, stepchild, grandchild, sibling, or stepsibling
281 shall be considered an immediate family member for
282 purposes of this Ordinance.

283
284 (b) Operators or permittees of temporary restaurants
285 whom the ~~Health and Human Services Department~~ has found to
286 be uncooperative or habitual violators of this Ordinance may be
287 denied a permit to operate. Temporary permits may be
288 transferred to a premises other than that for which it was issued,
289 provided that the approval of the new premises is secured from
290 the ~~Health and Human Services Department~~ prior to operating at
291 the new premises.
292

(c) No permits shall be granted to any person under this Ordinance without a pre-inspection by the ~~Health and Human Services~~ Department of the premises for which the permit shall be granted.

(d) No permit shall be issued until all application fees have been paid.

17.06 APPLICATION. Application for permits shall be made in writing to the ~~Health and Human Services~~ Department on forms developed and provided by the ~~Health and Human Services~~ Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The ~~Health and Human Services~~ Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

17.07 FEES. Fees for the issuance of permits, including late fees, the making of investigations, inspections, providing education, training, and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are established by and may be amended upon the approval of the Sheboygan County Health and Human Services ~~Board~~ Committee. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. The fee schedule for a license shall be on file with the ~~Sheboygan County Health and Human Services~~ Department, ~~Division of Public Health~~.

17.08 PERMIT PUBLIC DISPLAY. Every establishment required to obtain a permit pursuant to this Ordinance shall display said permit at all times in a conspicuous public place.

17.09 PERMIT SUSPENSION AND REVOCATION. Any permit issued by the ~~Health and Human Services~~ Department pursuant to this Ordinance may be temporarily suspended and the premises ordered closed by the Department for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance if the Department determines that an immediate danger to health exists or as may otherwise be allowed by law, including failure to pay any fees required hereunder. The Department may establish such protocols as it deems appropriate to allow permit holders opportunities to correct in lieu of suspension and closure. Such permits may be permanently revoked after repeated violations.

17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE. The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 97, 125, 251, and 254; Wisconsin Administrative Code Chapters ACTP 75; and ~~HS~~SDHS 172, 175, 178, 192, 195, 196, 197, and

198; and Comm-90SPS 390 are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.

17.11 VIOLATION/PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health and Human Services Department against continuing violations. In the alternative, the Health and Human Services Department may pursue enforcement of such Section of these regulations as are prosecutable. Representatives of the Department charged with the administration an enforcement of this Ordinance are authorized to issue citations pursuant to Chapter 90 of this Code with respect to Ordinances which are directly related to their official responsibilities.

17.12 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: PLAN EXAMINATION. No person shall erect, construct, enlarge, or alter a food establishment without first submitting to the Sheboygan County Health and Human Services Department Division of Public Health ("Division of Public Health") plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving approval of submitted plans. Such plans shall include floor plans, equipment plans, and specifications; wall, floor, and ceiling finishes; and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. At the option of the Division of Public Health Department, plans need not be submitted to execute minor alterations to a food establishment. Approved plans shall not be changed or modified unless approval of such changes or modifications shall first be obtained from the Division of Public Health Department. Plan examination fees shall be paid pursuant to Section 17.07 of this Code.

17.13 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: SITE EVALUATION. A site evaluation by the Division of Public Health Department is required when any food establishment begins operation in a location where the immediate predecessor was not a food operation. Site evaluation by the Division of Public Health Department is not required for any food operation that has a change in operator or that is remodeled or altered. Such a food operator may voluntarily request site evaluation by the Division of Public Health Department which shall provide such evaluation whenever a request is made. Any food operation which voluntarily requests a food

evaluation shall pay a site evaluation fee. Site evaluation fees shall be paid as required by Section 17.07.

Section 2. **Authorization to Execute Agreement.** The County Administrator or designee is authorized and directed to enter into an agreement with the Wisconsin Department of Agriculture, Trade, and Consumer Protection ("the DATCP") to have the Sheboygan County Health and Human Services Department, Division of Public Health, act as the DATCP's agent to administer its food licensing program pursuant to Wis. Stat. § 97.41.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment.

HEALTH & HUMAN SERVICES COMMITTEE*

Kris Wheeler, Chairperson

Vernon C. Koch, Vice-Chairperson

Jacob Van Dixhorn, Secretary

James Baumgart

Brian C. Hoffmann

Roger R. Otten

Opposed to Introduction:

*County Board members signing only

Countersigned by:

Roger Te Stroete, Chairperson

1 SHEBOYGAN COUNTY RESOLUTION NO. 28 (2014/15)

2
3 Re: Exchanging Parcel of County Land for Sand and Gravel

4
5
6 **WHEREAS**, the County presently operates a gravel pit operation on a parcel of land that
7 it owns in the Town of Rhine ("the County Parcel") to obtain sand and gravel, and

8
9 **WHEREAS**, Mark A. Zimmermann and Judy A. Zimmermann ("Zimmermann") own land
10 upon which there is sand and gravel adjacent to the County parcel ("the Zimmermann Parcel"),
11 and

12
13 **WHEREAS**, in the past, Zimmermann had a sand and gravel pit operation on the
14 Zimmerman Parcel, and

15
16 **WHEREAS**, at the common border of the two parcels there is a triangular-shaped piece
17 of land which has been determined to be part of the County Parcel but, through a faulty survey,
18 it had previously been thought to be part of the Zimmermann Parcel, the legal description of
19 which triangular-shaped piece is as follows:

20
21 Part of the W½, W½, SE¼, Section 12, T16N, R21E, Town of Rhine, Sheboygan
22 County, Wisconsin.

23
24 Commencing at the S¼ corner Section 12, T16N, R21E; thence N89°21'41"E,
25 along the South line SE¼, Section 12, 602.00 feet to the point of beginning:

26
27 Thence, continuing N89°21'41"E, along the South line SE¼, Section 12, 65.04
28 feet to the SE corner W½, W½, SE¼, Section 12; thence N00°29'59"E, along the
29 East line W½, W½, SE¼, Section 12, 2647.25 feet to the NE corner W½, W½,
30 SE¼ Section 12; thence S89°14'35"W, along the North line SE¼ Section 12,
31 22.18 feet; thence S01°25'37"W 2648.41 feet to the point of beginning, and
32 containing 115,421 square feet (2.6497 acres) of land,

33
34 and

35
36 **WHEREAS**, before Zimmermann ceased their operation, they had extended their pit into
37 the triangular-shaped piece, and

38
39 **WHEREAS**, the County would like to extend the floor of its operation to match the floor
40 of the Zimmermann operation, and Zimmermann is willing to allow this activity into the mining
41 setback area required by Town and County ordinances and is willing to allow the County to
42 have any sand and gravel coincidentally taken from the Zimmermann parcel to accomplish this.

43
44 **WHEREAS**, in exchange, Zimmermann would like the County to deed the
45 triangular-shaped piece to them, and

46
47 **WHEREAS**, the Transportation Committee believes this proposed transaction to be in
48 the best interest of the County;

49


50 **NOW, THEREFORE, BE IT RESOLVED** that the County Board Chairperson and County
51 Clerk are authorized and directed to convey by Quit Claim Deed the property referred to above
52 as the Triangular Parcel to Zimmerman in exchange for the County obtaining sand and gravel
53 pursuant to the Sand and Gravel Purchase and Sale Agreement signed by the Transportation
54 Committee and Zimmermann and on file with the County Clerk.

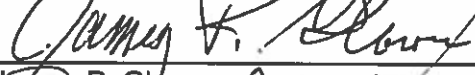
55
56
57 Respectfully submitted this 16th day of December, 2014.
58
59


60 **TRANSPORTATION COMMITTEE**

61 
62 _____
63 Richard C. Bemis, Chairperson

64 
65 _____
66 Mark S. Winkel, Vice-Chairperson

67 
68 _____
69 Charles W. Conrardy, Secretary

70 
71 _____
72 James P. Glavan

73 
74 _____
75 Jacob Van Dixhorn
76

77
78 Opposed to Introduction:
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SAND AND GRAVEL
PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is by and between MARK A. ZIMMERMANN and JUDY A. ZIMMERMANN, of N8920 Willow Road, Elkhart Lake, Wisconsin 53020, hereinafter referred to as "Zimmermann," and SHEBOYGAN COUNTY, a Wisconsin government body corporate, organized pursuant to Wis. Stat. § 59.01, having its principal offices at 508 New York Avenue, Sheboygan, Wisconsin 53081, hereinafter referred to as "County."

PRELIMINARY STATEMENTS

County presently operates a gravel pit operation, which parcel is described as follows, adjacent to the Zimmermann property (the "County Parcel"); County desires to obtain sand and gravel from Zimmermann; and Zimmerman is willing to allow County to obtain said sand and gravel.

The West One-half (W1/2) of the West One-Half (W1/2) of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Sixteen (16) North, of Range Twenty-one (21) East, containing forty (40) acres of land more or less.

Zimmermann owns land upon which there is sand and gravel, which parcel is described as follows (the "Zimmerman Parcel"):

The Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section 12, Township 16 North, Range 21 East, lying South and West of the center of Sheboygan River.

The West One-half (W1/2) of Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), Section 12, Township 16 North, Range 21 East, lying South of the center of the Sheboygan River.

The Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 12, Township 16 North, Range 21 East. LESS AND EXCEPTION Lot 1 of the Certified Survey Map recorded in the Office of the Register of Deeds for Sheboygan County, Wisconsin, on September 2, 2004, in Volume 21 of Certified Survey Maps, Pages 22-23, as Document No. 1743833, and being a part of the Northeast Quarter of the Southeast Quarter of Section 12, Township 16 North, Range 21 East.

The East One-half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), Section 12, Township 16 North, Range 21 East.

The East One-half (E1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section 12, Township 16 North, Range 21 East.

The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), Section 12, Township 16 North, Range 21 East, excepting Tract A of Volume 2 of Certified Survey Maps, Page 76.

* At another part of the common border between the two parcels is a triangular-shaped piece of land which, through a faulty survey, had been considered part of the Zimmermann Parcel but has subsequently been determined to be part of the County Parcel. The legal description of that parcel (the "Triangular Parcel") is as follows:

Part of the W½, W½, SE¼, Section 12, T16N, R21E, Town of Rhine, Sheboygan County, Wisconsin.

Commencing at the S¼ corner Section 12, T16N, R21E; thence N89°21'41"E, along the South line SE¼, Section 12, 602.00 feet to the point of beginning:

Thence, continuing N89°21'41"E, along the South line SE¼, Section 12, 65.04 feet to the SE corner W½, W½, SE¼, Section 12; thence N00°29'59"E, along the East line W½, W½, SE¼, Section 12, 2647.25 feet to the NE corner W½, W½, SE¼ Section 12; thence S89°14'35"W, along the North line SE¼ Section 12, 22.18 feet; thence S01°25'37"W 2648.41 feet to the point of beginning, and containing 115,421 square feet (2.6497 acres) of land.

The parties would like to make an exchange whereby Zimmermann would grant to County a right to extract the sand and gravel from the Zimmermann Parcel, and in consideration thereof County would transfer title to the Triangular Parcel to Zimmermann.

County needs immediate access to the gravel on the Zimmermann Parcel but the title transfer above will require County Board approval, which cannot be obtained without going through the legislative process, which may take as much as sixty (60) days.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants herein contained and payment of the sum as set forth below,

IT IS HEREBY AGREED AS FOLLOWS:

1. **Sale of Sand and Gravel.** Zimmermann does hereby grant and sell to County the sand and gravel owned by it located on and under the property herein described together with the right to remove any and all topsoil or "overburden" above said sand and gravel.

2. **Payment.** County agrees to pay the sum of Fifty-eight cents (58¢) per cubic yard for said sand and gravel in its on-site condition for each and every cubic yard removed from the premises:

A. **Time of Payment.** Payment shall be made within thirty (30) days of December 31, 2014, unless otherwise agreed by the parties.

B. **Measurement.** County shall be responsible for the faithful and accurate measurement of the materials removed from the Zimmermann Parcel under the terms of this Agreement and shall maintain its records as required under the Wisconsin record retention laws, but for at least a period of two (2) years, which records shall be subject to inspection and audit by Zimmermann or its agents at all reasonable times. In the event Zimmermann determines that the manner in which the materials are being measured is not satisfactory, the parties shall mutually agree upon a method to ensure proper payment for the materials purchased.

3. **Term; Right of Entry.** County shall have the exclusive right to such materials and the exclusive right to enter upon the land herein referred to until December 31, 2014.

4. **Machinery and Equipment.** County shall have the additional right in using any portion of the lands herein referred to for the purpose of erecting any and all equipment that it may need to mine and remove such sand and gravel and the right to grade roads and other rights-of-way to and from any and all portions on the land necessary to or useful for the production and removal of such products. Such rights shall include the full right to remove all such machinery, equipment, and structures within thirty (30) days after termination of this Agreement.

5. **Restriction on County's Rights.** County shall have over the property herein described only those rights intimately concerned and related to the mining and removing of the materials herein set forth. In the course of such removal, if County fells trees, such timber shall belong to Zimmermann. It is also agreed that Zimmermann shall retain all rights to timber or pasturelands, buildings, or improvements not actually being involved in County's operation.

6. **Storage.** County shall have the additional right in using any portion of the lands herein referred to for the purpose of storing or stockpiling materials; however, all materials stockpiled shall be paid for as soon as they are placed in such stockpiles. Such rights shall include the full right to remove those stockpiles of materials within thirty (30) days after termination of this Agreement.

7. **Fencing.** To the extent that it may be necessary for the safety of people or to serve as cattle guards, County shall erect at its expense such fences and gates as may be required.

8. **Restoration.** Upon termination of its mining operations under this Agreement, the surface of the grounds appurtenant to the gravel pits shall be smoothed and restored by County to a contour that prevents sharp drop-off areas, pits, or lakes, but it shall not be required to cover the same with topsoil unless some agency of the state or federal government requires the owner to cover the area with topsoil; and in that event, County shall be responsible for covering the area with topsoil and shall further be responsible for any restoration of the property described herein as may be required by any agency of county, state, or federal government, including, but not limited to compliance with Sheboygan County's Non-metallic Mining Reclamation Ordinance.

9. **Care and Operations.** County shall use due care and diligence and shall conduct its operations in such a manner as not to cause undue damage to the property of Zimmermann, and during its operations, it shall comply with all municipal ordinances applicable thereto.

10. **Indemnification.** County agrees to indemnify Zimmermann against liability on all claims for damages and injuries to persons or property that are claimed to have resulted from the activities or omissions of County or its agents, invitees, or employees during the term of this Agreement. In addition, County shall name Zimmermann as an additional insured as to the property described herein on any policies of liability insurance it may have.

11. **Property Description.** That portion of the Zimmermann Parcel which is the subject of this Agreement shall be that portion of the property as shown on the attached survey map.

12. **Environmental Impact Statement.** In the event that any agency of county, state, or federal government requires an Environmental Impact Statement either as a result of the execution of this Agreement or during the term of this Agreement, it shall be County's responsibility to complete such Impact Statement and bear the cost of

preparing it, and it shall not be Zimmermann's. In addition, should any agency of county, state, or federal government require any use permits or other permits or licenses to operate this sand and gravel pit, the responsibility of obtaining said permits shall be County's, as shall be the cost of obtaining said permits.

13. Agreement Recording. This Agreement may be recorded by County pursuant to Wis. Stat. §§ 706.05 and 706.08.

14. Alternative Provisions. In lieu of Paragraphs 2 and 3 of this Agreement, if the Sheboygan County Board approves a transfer of the Triangular Parcel to Zimmermann by way of Quit Claim Deed, no payments shall be made by County to Zimmermann for the sand and gravel that is removed, and County's right to enter upon the land to remove the sand and gravel shall terminate on December 31, 2018.


IN WITNESS WHEREOF, the parties have signed this Agreement on the date next to their signatures.

Date Signed:


12/15/14

SHEBOYGAN COUNTY
By its Transportation Committee


Richard C. Bemis, Chairperson


Mark S. Winkel, Vice-Chairperson


Charles W. Conrardy, Secretary


James P. Glavan


Jacob Van Dixhorn

Date Signed:

12-2-14


Mark A. Zimmermann


Judy A. Zimmermann

R:\CLIENT\08299\00014\00080110.DOC

COMMITTEE REPORT TO THE COUNTY BOARD

WE, THE LAW COMMITTEE

TO WHOM WAS REFERRED ORDINANCE NO: 10

RE: **Prohibiting Parking on Portion of County Road "U", Town of Mitchell**

HAVE CONSIDERED THE SAME AND RECOMMEND:

☐ ADDITIONAL TIME BE GRANTED TO CONSIDER THE MATTER
☐ THE ORDINANCE BE ENACTED
☒ FILING WITH THE CLERK
☒ AMENDING THE ORDINANCE AS FOLLOWS:

~~(g) On the north side of County Road "U," east and west of the entrance to Parnell Tower a distance of 100 feet (200 feet total) in the Town of Mitchell.~~

(fq) On the north and south sides of County Road "U" at its intersection with County Road "A" West, westerly for 3,000 feet in the Town of Mitchell.

RESPECTFULLY SUBMITTED THIS 20th DAY OF January 2015

LAW COMMITTEE

OPPOSED TO THE REPORT:

THOMAS V. EPPING

VERNON KOCH

MARK S. WINKEL

STEVEN BAUER

FAY URAYNAR

CONCURRING IN THE REPORT:



THOMAS V. EPPING



VERNON KOCH



MARK S. WINKEL

STEVEN BAUER

FAY URAYNAR

SHEBOYGAN COUNTY ORDINANCE NO. 10 (2014/15)

Re: Prohibiting Parking on Portion of County Road "U," Town of Mitchell

WHEREAS, safety considerations and effective traffic movement require that additional parking restrictions be enacted on a portion of County Road "U" at the entrance to the Parnell Tower in the Town of Mitchell;

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

Section 1. **Prohibiting Parking.** Section 21.08 of the Sheboygan County Code of Ordinances is hereby amended to add new Subparagraphs (q) and (r) to read as follows:

(q) On the north side of County Road "U," east and west of the entrance to Parnell Tower a distance of 100 feet (200 feet total) in the Town of Mitchell.

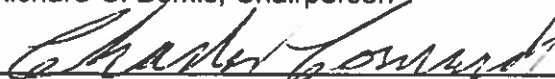
(r) On the south side of County Road "U" at its intersection with County Road "A" West, westerly for 3,000 feet in the Town of Mitchell.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment, and installation of appropriate signage.

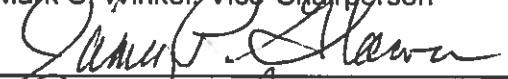
Respectfully submitted this 16th day of December, 2014.


TRANSPORTATION COMMITTEE


Richard C. Bemis, Chairperson


Charles W. Conrardy, Secretary


Mark S. Winkel, Vice-Chairperson


James P. Glavan

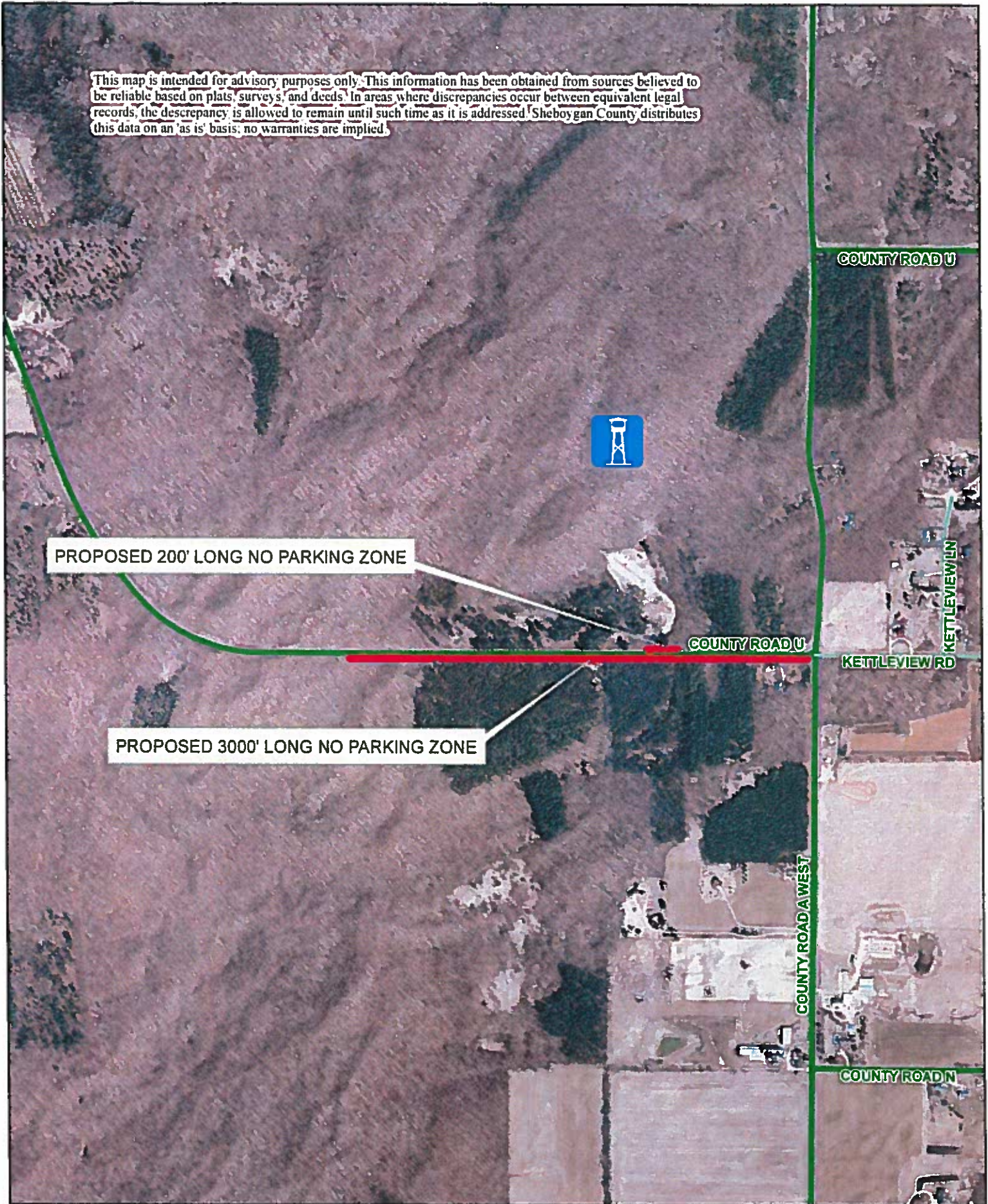

Jacob Van Dixhorn

Opposed to Introduction:

Countersigned by:


Roger Te Stroete, Chairperson

This map is intended for advisory purposes only. This information has been obtained from sources believed to be reliable based on plats, surveys, and deeds. In areas where discrepancies occur between equivalent legal records, the discrepancy is allowed to remain until such time as it is addressed. Sheboygan County distributes this data on an 'as is' basis; no warranties are implied.



**Sheboygan
County,
Wisconsin**

11/21/2014
Source: Sheboygan County Planning & Conservation Department
G:\Departments\Planning\Mapdocs\Public Project PDFs*File Name*

PROPOSED CTH "U" NO PARKING ZONES

0 400 800'



Re: **Carryover of Unexpended 2014 Appropriations to 2015**

WHEREAS, the Finance Committee has asked each Department having a surplus and with unexpended 2014 appropriations to justify carryover of the appropriation to 2015, and the Committee has carefully reviewed each such request and recommends that the items on the attached list be carried over to and authorized for expenditure in 2015, in the total amount of \$510.627;

Respectfully submitted this 20th day of January, 2015.

Greg Weggeman, Chairperson

George Marthenze, Vice-Chairperson

Thomas Wegner, Secretary

William C. Goehring

Devin LeMahieu

Opposed to Introduction:

Carryover Requests

ACCOUNT NUMBERS	AMOUNT APPROVED	SUBTOTAL BY DEPT.	PROJECT	JUSTIFICATION
532145	\$ 7,000.00		Maintenance Services - Structural	Conversion of roadway lights to 480V system was delayed awaiting start of the Engineering Building.
532305	3,541.00		Repair Parts - General	Classroom renovation is planned to be completed between spring & fall semesters.
Dept. Total		\$ 10,541.00		UW Sheboygan
531105	\$ 60,474.00		Consulting	Airphoto flight delayed due to unfavorable weather conditions and product delivery delays; to be reimbursed with Land Record Fees.
Dept. Total		\$ 60,474.00		Planning & Conservation
532205	\$ 1,432.00		Equipment Maintenance - Heat	Replace VAV damper box; PO issued but not received by year-end.
532210	46,100.00		Equipment Maintenance - AC	AC units (3); unable to complete bid specifications due to work load
532145	14,135.00		Maintenance Services - Structural	Purchase orders issued for Courthouse dock doors, north roof and window & walls of the penthouse but not installed due to manpower shortage.
532145	53,500.00		Maintenance Services - Structural	Unable to schedule Detention Center kitchen flooring & Day Room carpet replacement due to workload; to be reimbursed by Jail Assessment Fees.
532145	28,842.00		Maintenance Services - Structural	Unable to replace squad garage floor due to work load at Highway Department
533955	31,917.00		Contingency Funds	Annual carryover of contingency funds.
533923	1,421.00		Non-capitalized Office Furniture	Purchase order issued for Law Enforcement Center Lobby furniture but not received by year-end.
Dept. Total		\$ 177,347.00		Building Services
533955	\$ 114,500.00		Contingency Funds	Compensation study is underway but have not been billed for total costs of the study.
Dept. Total		\$ 114,500.00		Non-Departmental
533923	\$ 300.00		Office Furniture & Equipment <\$500	Scanner was not purchased due to changes in office workers
533215	220.00		Meals - Employee	Training for service officers
533220	280.00		Lodging - Employee	Training for service officers
Dept. Total		\$ 800.00		Veterans Services
Subtotal		\$ 363,662.00		General Fund
531660	\$ 30,000.00		Crisis Intervention	Unable to promote/schedule Law Enforcement Crisis Intervention training before year-end.
Dept. Total		\$ 30,000.00		Health & Human Services
Subtotal		\$ 30,000.00		Special Revenue Fund
533925	\$ 53,610.00		Non-capitalized Equipment >\$500	Estate bequest received late in year; various items to enhance & benefit residents are on order.
563000	63,355.00		Building Improvements	Anonymous donation to remodel employee lunchroom. A portion of the furniture is still on order at year-end; landscaping will be done in the spring.
Dept. Total		\$ 116,965.00		Rocky Knoll
Subtotal		\$ 116,965.00		Enterprise Fund
Grand Total		\$ 510,627.00		

1 SHEBOYGAN COUNTY ORDINANCE NO. 12 (2014/15)

2
3 Re: **Increasing Compensation and Pay Ranges for Non-bargaining Unit**
4 **Personnel for 2015 and Amending Merit Pay Ordinance**
5

6
7 **WHEREAS**, pursuant to Sections 2.12(5) and 47.03(8) of the County Code of
8 Ordinances, it is the responsibility of the Human Resources Committee to recommend to the
9 County Board adjustments in compensation for non-elected non-bargaining unit employees, and
10

11 **WHEREAS**, Sections 47.01(2) and 47.03(8) of the County Code of Ordinances direct
12 that pay ranges be updated periodically including by means of across-the-board revisions to
13 provide an appropriate salary structure which will permit the County to recruit and retain
14 competent employees, to provide appropriate pay incentives for satisfactory and meritorious job
15 performance, to promote internal equity and consistency within and among County Departments
16 and to provide an effective means of controlling salary expenditures, and
17

18 **WHEREAS**, the Wisconsin Employment Relations Commission issued its Consumer
19 Price Index – Urban cost of living calculations for the maximum base salary increases for
20 collective bargaining agreements commencing January 1, 2015, in the amount of 1.57%, and
21

22 **WHEREAS**, the 2015 Budget as adopted by the County Board included funding which
23 would accommodate a 1.57% across-the-board increase, together with applicable step and
24 merit pay modifications, and
25

26 **WHEREAS**, after study of relevant factors, including cost of living increases and labor
27 market conditions, it is the recommendation of the Human Resources Committee that a one and
28 fifty-seven hundredths percent (1.57%) across-the-board pay increase be granted for calendar
29 year 2015 effective retroactively to January 1, 2015;
30

31 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
32 does ordain as follows:
33

34 Section 1. **Amending Salary Schedule for 2015.** The salary schedule
35 provisions of Section 47.03 of the County Code of Ordinances are hereby rescinded and
36 re-created effective January 1, 2015, to read as follows:
37

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Midpoint	Third Quartile	Maximum
20	\$102,030	\$105,573	\$109,117	\$111,480	\$113,844	\$116,205	\$118,569	\$126,839	\$135,106
19	\$94,940	\$98,235	\$101,532	\$103,729	\$105,927	\$108,124	\$110,323	\$118,015	\$125,708
18	\$88,266	\$91,331	\$94,394	\$96,438	\$98,479	\$100,523	\$102,564	\$109,713	\$116,863
17	\$82,215	\$85,067	\$87,920	\$89,821	\$91,724	\$93,625	\$95,528	\$102,184	\$108,840
16	\$76,512	\$79,165	\$81,820	\$83,589	\$85,359	\$87,127	\$88,896	\$95,090	\$101,281
15	\$71,202	\$73,669	\$76,138	\$77,783	\$79,429	\$81,074	\$82,722	\$88,481	\$94,241
14	\$66,292	\$68,588	\$70,886	\$72,418	\$73,950	\$75,482	\$77,013	\$82,373	\$87,733
13	\$61,953	\$64,098	\$66,245	\$67,675	\$69,106	\$70,536	\$71,966	\$76,975	\$81,983
12	\$57,932	\$59,938	\$61,944	\$63,283	\$64,620	\$65,955	\$67,294	\$71,975	\$76,655
11	\$54,169	\$56,044	\$57,917	\$59,167	\$60,417	\$61,666	\$62,918	\$67,291	\$71,663
10	\$50,657	\$52,410	\$54,161	\$55,329	\$56,497	\$57,664	\$58,834	\$62,922	\$67,010
9	\$47,592	\$49,237	\$50,880	\$51,977	\$53,073	\$54,171	\$55,267	\$59,107	\$62,943
8	\$44,711	\$46,256	\$47,801	\$48,831	\$49,861	\$50,890	\$51,920	\$55,523	\$59,128
7	\$39,790	\$41,164	\$42,537	\$43,452	\$44,368	\$45,282	\$46,197	\$49,402	\$52,606
6	\$36,962	\$38,236	\$39,511	\$40,359	\$41,209	\$42,058	\$42,907	\$45,881	\$48,854
5	\$34,333	\$35,515	\$36,697	\$37,485	\$38,274	\$39,062	\$39,850	\$42,610	\$45,369
4	\$31,898	\$32,995	\$34,093	\$34,824	\$35,556	\$36,289	\$37,021	\$39,581	\$42,142
3	\$29,708	\$30,730	\$31,751	\$32,432	\$33,113	\$33,793	\$34,474	\$36,858	\$39,241
2	\$27,677	\$28,628	\$29,578	\$30,210	\$30,844	\$31,479	\$32,111	\$34,330	\$36,547
1	\$25,759	\$26,643	\$27,525	\$28,115	\$28,704	\$29,294	\$29,883	\$31,945	\$34,006

Section 2. Amending Merit Pay Ordinance. Sections 47.03(6) through (8) are amended to read as follows (additions indicated by highlighting; deletions by strikeouts):

- (6) No Step increase may be granted unless the employee has received a performance evaluation rating of at least 5.0. No merit may be granted that is higher than the percentage increase corresponding to the employee's performance evaluation rating as follows:

<u>Rating</u>	<u>Merit Increase</u>
7.0	1.00% <u>0.50%</u>
7.5	1.25% <u>0.75%</u>
8.0	1.50% <u>1.00%</u>
8.5	1.75% <u>1.25%</u>

9.0 ~~2.00%~~1.50%

(7) In the event that a salary adjustment other than the changes otherwise provided for in this Chapter is necessary because of internal or equitable comparables, market conditions, salary compression, or other unusual circumstances, the Department Head involved and the Human Resources Director shall make recommendations to the County Administrator, who shall make such recommendation as he or she may deem appropriate to the Human Resources Committee which shall further evaluate and review the matter and make a recommendation to the County Board for approval.

(8) The County Board may make changes to the salary schedule from time to time as the Board may determine. If the salary schedule is revised across-the-board by a percentage or by a dollar amount, all current employees subject to this Chapter as of the effective date of such change will receive a corresponding adjustment in salary provided they have received a performance evaluation rating of at least 5.0.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment, but the salary adjustments provided for herein shall be retroactive to January 1, 2015. For those non-elected, non-bargaining employees formerly represented by the Sheboygan County Sheriff's Supervisors Association, WPPA-LEER (whether "sworn" or non-sworn"), who have not yet been placed in the classification system set forth at Section 47.02 of the County Code, together with any similar County employees formerly represented by a collective bargaining unit or whose positions have not yet been added to the grade grid, the salary increase shall be based on their previously-established wages and the step increase of Sections 47.03(6) through (8) shall be applied retroactive to January 1, 2015, to any grade grid formerly in place for those employees as part of a former collective bargaining unit agreement, but the merit pay provisions shall not be applicable to them.

81
82
83 Respectfully submitted this 20th day of January, 2015.
84
85

86 **HUMAN RESOURCES COMMITTEE**
87
88

89
90 _____
91 Fran Damp, Chairperson

Keith Abler, Vice-Chairperson

92
93 _____
94 Edward J. Procek, Secretary

Devin LeMahieu

95
96 _____
97 Greg Weggeman

98 Opposed to Introduction:
99

100 _____
101 _____
102
103
104 Countersigned by:
105
106

107 _____
108 Roger L. Te Stroete, Chairperson
109

110 R:\CLIENT\08299\00015\00083240.DOCX
111

January 13, 2015, draft

FISCAL NOTE

Ordinance No. 12 (2014/15) Re: Increasing Compensation & Pay Ranges for Non-bargaining Unit Personnel for 2015 & Amending Merit Pay Ordinance

Approving this ordinance will approve the presented compensation and pay ranges for non-bargaining unit employees and a 1.57% increase for non-elected, non-bargaining employees formerly represented by collective bargaining units or whose positions have not yet been placed in the non-bargaining classification system.

In addition, the amendment to the merit pay ordinance uniformly lowers the merit increase 0.50% for each rating benchmark.

FINANCIAL IMPACT

The across-the-board pay increase of 1.57% (\$622,318) and projected merit increases (16,012) in 2015 will total approximately \$638,330 including FICA and WRS.

The amount budgeted for the across the board increase and merit pay increase used in the 2015 budget process and adopted by the County Board on November 4, 2014 is sufficient to cover the increase approved by this ordinance.



Terry A. Hanson, Finance & IT Director
January 12, 2015

SHEBOYGAN COUNTY ORDINANCE NO. 13 (2014/15)

Re: Updating Chapter 24 to Include Amsterdam Dunes and Other Changes

WHEREAS, with the recent acquisition by Sheboygan County of the Amsterdam Dunes property in the Town of Holland pursuant to Resolution No. 6 (2014/15), it is necessary to establish rules and regulations for the public use of designated provisions of the property, and

WHEREAS, it is appropriate that the rules governing Sheboygan County's other recreational facilities found in Chapter 24 of the Sheboygan County Code be extended as applicable to the Amsterdam Dunes property, and

WHEREAS, at the same time, it is appropriate that other miscellaneous provisions within Chapter 24 be updated;

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

Section 1. **Updating Chapter 24.** Chapter 24 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts) (only those Sections or portions of Sections affected appear):

24.02 Scope. Except as provided otherwise herein, the provisions of this chapter shall apply to all lands, structures, and property owned, leased or administered by the Sheboygan County Planning and ResourcesConservation Department operating in conjunction with the County Board and the Planning, Resources, Agriculture, and Extension Committee (PRAECom).

24.03 (1) **"Amsterdam Dunes"** means the Amsterdam Dunes Preservation and Wetland Mitigation Area, preservation and wetland mitigation bank area acquired by Sheboygan County in Sections 30 and 31, Town of Holland, portions of which shall be assigned for park or recreational purposes by the Committee.

(42) **"Boat launching facility"** means a location regulated, maintained, and administered by the Department designed for persons to launch watercraft into the public waters of the State or to provide a means of access to an ice fishing building, vehicle, tent, fish shanty, or similar shelter.

(23) **"Camping"** means the use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes.

(34) **"Campsite"** means a portion of a campground, which is designated for use by a camping unit.

(45) **"Committee"** means the County Board's Planning, Resources, Agriculture, and Extension Committee (PRAECom).

- (56) "Designated Crossing Areas" shall mean areas on the recreational trail authorized by Sheboygan County or participating municipalities and designated by appropriate signage where pedestrians, motor vehicles, or other vehicles may enter and cross the recreational trails.
- (67) "Department" means the Sheboygan County Planning and ResourceConservation Department.
- (78) "DNR" means the Wisconsin Department of Natural Resources.
- (89) "Facilities" means the parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails which are the subject of this Ordinance.
- (910) "Family" means up to two adult individuals related as spouses or domestic partners and their children or stepchildren between the ages of 16 and 21 and residing at the same address. When used in the context of a firm, partnership, corporation, limited liability company, limited liability partnership, or other association of persons, family shall mean any partner, shareholder, interest holder, or association member or customer thereof.
- (11) "Gerber Lakes Public Fish and Wildlife Area" means that area of Sheboygan County property in the Towns of Plymouth and Rhine where the County maintains a passive recreation and wildlife area.
- (1012) "Group" means an organized activity involving ten (10) or more people who intend to use facilities in a manner that is different from how ten (10) unrelated people would use the same facilities.
- (1113) "Interurban Trail" means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County and participating municipalities along the corridor of the Company in former electric passenger railway operated by the Milwaukee Electric Railway and Light Sheboygan County and other portions of the Interurban Trail beyond the confines of such corridor and administered by the Department as a recreational trail.
- (1214) "Motor Vehicle" shall include any motorized automobile, truck, all-terrain vehicle, snowmobile, motorcycle, trailer, wagon, moped, airplane, personal assistive mobility device (Segway), or any other motorized mode of transportation not listed.
- (1315) "Old Plank Road Trail" means that parcel of land owned, leased or obtained by easement or license by Sheboygan County adjacent to Highway 23 administered by the Planning and ResourcesConservation Department as a recreational trail.
- (1416) "Park" includes all lands and water heretofore and hereafter acquired by Sheboygan County and assigned for park or recreational purposes and placed under the jurisdiction of the Committee.

- 104 (1517) "Person" includes any individual, firm, partnership, corporation, limited
105 liability companies (LLCs), limited liability partnerships (LLPs), or other
106 associations of persons, both singular and plural.
107
- 108 (1618) "Public Snowmobile Trail" means those areas identified on a current
109 snowmobile trail system map on file with the Department which
110 describes trail locations, trail classifications, and existing trail mileage by
111 classification and which locations participate in the Wisconsin DNR
112 Snowmobile Aids program and administered by the Department.
113
- 114 (1719) "Recreational Trail" means any parcel of land owned, leased, or
115 obtained by easement or license by Sheboygan County and
116 administered by the Planning and Resources Conservation Department in
117 the form of a paved or unpaved thoroughfare or trail across land used for
118 recreational purposes such as bicycling, cross-country skiing, biking,
119 walking, jogging, or similar fitness activities or for commuting to work,
120 school, or business in a similar manner. Recreational trails include the
121 Interurban Trail, the Old Plank Road Trail, the Shoreland 400 Rail Trail,
122 and any connectors thereto, any other similar trails under the
123 administration of the Planning and Resources Conservation Department.
124
- 125 (20) "Roy Sebald Sheboygan River Natural Area" means the parcel of land
126 owned by Sheboygan County at the northeast corner of Indiana Avenue
127 and Taylor Drive in the City of Sheboygan.
128
- 129 (1821) "Sheboygan Marsh Park Restaurant" means the restaurant owned by
130 Sheboygan County at the Marsh Park and leased and operated by third
131 parties pursuant to an agreement between Sheboygan County and the
132 operators. This term shall also refer to the delegation and administration
133 of duties to the operators.
134
- 135 (22) "The Shoreland 400 Rail Trail" means those parcels of land owned by
136 Sheboygan County on the former Union Pacific railroad corridor in the
137 City of Sheboygan. Sheboygan County maintains an agreement with the
138 City of Sheboygan whereby the day-to-day maintenance and
139 enforcement of the trail is completed by City of Sheboygan staff, and the
140 long-term maintenance of the trail surface is the responsibility of
141 Sheboygan County.
142
- 143 (1923) "Wayside" means land acquired and maintained by the Sheboygan
144 County Highway Department. The regulations herein relate to the
145 recreational use of this land only as administered by the Planning and
146 Resources Conservation Department.
147
- 148 (2024) "Winter season" means the period from November 1 to April 1 annually.
149
- 150 (2125) "Watercraft" includes boats, jet skis, canoes, kayaks, and inflatable rafts
151 exceeding six (6) feet in length.
152
- 153 24.04 (2) (c) Roy Sebald Sheboygan River Natural Area (Seebald Natural
154 Area);
155
156 (d) Amsterdam Dunes Preservation and Wetland Mitigation Bank
157 Area (Amsterdam Dunes).

158
159 (4) (c) The Shoreland 400 Rail Trail.
160

161
162 (5) The waysides subject to this Chapter are:
163

164 (a) ~~The wayside at Pigeon River at County Road LS;~~
165

166 (ba) The "Esslingen Park" wayside at Lower Falls Road.
167

168 (6) The Public Snowmobile Trails subject to this Chapter are those areas
169 identified on a current snowmobile trail system map on file with the
170 Planning and Resources ~~Conservation~~ Department which describes trail
171 locations, trail classifications, and existing trail mileage by classification
172 and which locations participate in the Wisconsin DNR Snowmobile Aids
173 program and administered by the Department.
174

175 24.05 COMMON USE REGULATIONS. The following regulations shall be common to
176 all parks, boat launching facilities, recreational trails (except the Shoreland 400
177 Rail Trail), waysides, and public snowmobile trails:
178

179 (9) The washing of cars, persons, pets, cooking utensils ~~for~~ clothing, as
180 well as the cleaning of fish and game is prohibited alongside all of the
181 lakes and streams, or any picnic grounds, playgrounds, recreation areas,
182 boat landings, parking lots or roadways; or within fifty (50) feet of any
183 pump, fountain, or drinking water outlet at any facility, except as may be
184 designated for those purposes.
185

186 (22) It is unlawful for any person to ride or possess a horse at any facility
187 except in designated places. In those designated areas, it is the horse
188 owner's obligation to pick up and properly dispose of all fecal and waste
189 matter created by their animal.
190

191 (23) It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or
192 otherwise capture any wild animals or birds in any facility or to use
193 firearms or archery equipment at any facility with the express exception
194 that hunting or trapping and the use of firearms or archery equipment
195 associated therewith shall be allowed during established state seasons
196 at designated areas at Amsterdam Dunes, that portion of the Marsh Park
197 not designated for camping and at Gerber Lakes. Notwithstanding the
198 foregoing, nothing herein is intended to prohibit archery shooting of carp
199 or other rough fish in waters adjacent to the facilities provided such
200 archery shooting is not otherwise prohibited by law.
201

202 (24) It is unlawful for any person to swim from or use as a beach area any
203 portion of facilities adjacent to bodies of water contrary to posted notice
204 prohibiting swimming or beach use.
205

206 24.07 SPECIAL RULES FOR USE OF RECREATIONAL TRAILS (EXCEPT THE
207 SHORELAND 400 RAIL TRAIL).
208

209 (4) No horses or horseback riding is allowed ~~on the Interurban Trail but shall~~
210 ~~be allowed~~ except on the Old Plank Road Trail.
211

24.11 (1) Fund. There is created a special "Recreation Administration and Maintenance Fund." The proceeds of any fees charged and collected as provided herein and all violation notice fees charged and collected or provided herein and all voluntary contributions and donations to support facilities collected as provided herein, and any additional funds collected herein pursuant to Resolution No. 6 (2014/15) shall be placed into this fund on a non-lapsing basis to be used by the Department as approved by the Committee for the purpose of financing the administration of the provisions of this Chapter and the maintenance of the facilities regulated under this Chapter and for similar ancillary purposes related thereto.

24.13 (2) Citation Enforcement of Ordinances. In addition to the Department personnel authorized by Section 90.06 of the County Code to issue citations for violations of this Chapter committed in their presence or for which they have reasonable cause to believe have been committed, the Planning and Conservation Director may authorize other Department personnel to issue citations. Department personnel authorized to issue citations shall, at all times, have the right to enter upon all facilities, inclusive of such portion of the grounds, buildings, structures, or enclosures thereof which may be leased or set aside for private or exclusive use of any individual or group use thereof under the provisions of this Chapter and any rules and regulations enacted hereunder. In so entering upon the premises above described, Department personnel may use reasonable and necessary force to protect and promote the County's land and resources and the public peace. Department personnel authorized to issue citations under this Chapter may issue a violation notice and administrative fee to defray the cost of enforcement of all fees or forfeitures in accordance with an administrative notice fee schedule as approved by the Committee. Nothing shall preclude the Department from allowing persons to purchase permits in lieu of receiving citations or for failing to have or display a sticker if otherwise required.

24.14 SHEBOYGAN COUNTY RECREATIONAL FACILITIES MANAGEMENT ADVISORY COMMITTEE. The Sheboygan County Marsh Management Advisory Committee, as created by Resolution 87 (1983-84), is renamed and revised to become the Sheboygan County Recreational Facilities Management Advisory Committee. The purpose of the Committee is to provide guidance to the Planning, Resources, Agriculture, and Extension Committee (PRAECom) and the County Board in the administration and management of Sheboygan County's recreational facilities and to make recommendations to PRAECom for the expenditure of funds appropriated by the County Board under Section 71.14(b) of the County Code.

24.15 (8) Sheboygan County Planning and Conservation Director;

Section 3. Amending Section 71.14(b). Section 71.14(b) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts):

(b) Stewardship. While regulation of land division serves to lessen congestion in the streets and highways; furthers the orderly layout and use of land; secures safety from fire, panic, or other dangers; provides for adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; prevents the overcrowding of land; avoids undue concentration

of population; and facilitates adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements, additional measures beyond regulation of land division are necessary and appropriate. To that end, there is created a special "Stewardship Fund" into which fund on a non-lapsing basis the County Board may appropriate sums for the furtherance of the foregoing purposes. The Stewardship Fund shall be administered by the Planning and Resources Department, which shall receive recommendations for the expenditure of funds from the Sheboygan County Recreational Facilities Management Advisory Committee established under Section 24.14 of the County Code.

Section 3. **Amending Section 74.02(11).** Section 74.02(11) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts):

(11) the stewardship fund established under ~~74.13(5)~~Section 71.14(b) of the County Code;

Section 4. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Respectfully submitted this 20th day of January, 2015.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Keith Abler, Chairperson

Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

James Baumgart

Edward J. Procek

Opposed to Introduction:

*County Board members signing only

Countersigned by:

Roger Te Stroete, Chairperson

R:\CLIENT\08299\00018\00081375.DOC

January 14, 2015, draft


FISCAL NOTE
January 2015

Resolution No. 29 (2014/15) RE: Carryover of Unexpended 2014 Appropriations to 2015

Ordinance No. 13 (2014/15) RE: Updating Chapter 24 to Include Amsterdam Dunes and Other Changes

Funding:

No additional funding is required.



Terry A Hanson, Finance & IT Director
January 16, 2015