

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

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

TUESDAY, December 16, 2014 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 NOVEMBER 4, 2014 JOURNAL

CONSIDERATION OF APPOINTMENT BY EXECUTIVE COMMITTEE

Eastern Shores Library System Board
William C. Goehring, N185 County Road DE, Random Lake – (Re-appointment)

CONSIDERATION OF APPOINTMENT BY CHAIRPERSON

Veterans Service Commission
Buck Wendorf, 341 South 2nd Street, Cedar Grove – (Re-appointment)

CONSIDERATION OF APPOINTMENT BY COUNTY ADMINISTRATOR

Eastern Shores Library System Board
Henry Nelson, 1926 Settlement Trail, Sheboygan – (Re-appointment)

PRESENTATIONS – NONE

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

Ordinance No. 09 (2014/15) Re: Establishing Building Use Protocol
Committee Recommendation: Enact
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE

Resolution No. 24 (2014/15) Re: Participating in Snowmobile Aids Program – 2015/16
Committee Recommendation: Adopt
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS – HUMAN RESOURCES COMMITTEE

Ordinance No. 08 (2014/15) Re: Amending Order of Business – Rules of Board
Committee Recommendation: Enact
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. 25 (2014/15) Re: Honoring the Life of Former County Board Supervisor Constance (Connie) Ziegelbauer
***CONTEMPLATED ACTION:** **Pursuant to County Board Rule 2.13, this Resolution will be on the floor for immediate action.**

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
***CONTEMPLATED ACTION:** **Pursuant to Rule XIII it is anticipated that a motion to withdraw (pull) this proposed resolution will be made. If by a majority vote, the board votes to pull the resolution it will be subject to immediate action.**

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

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. 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

ADJOURNMENT

Respectfully submitted this 12th day of December, 2014.



JON DOLSON, COUNTY CLERK

NOTES:

Reminder: Expense sheets for the period ending December 15, 2014 are due in the County Clerk's Office no later than **Tuesday, December 16, 2014.**

The Legislative Breakfast will be held on January 12, 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

November 4, 2014

Pursuant to Wis. Stat. § 59.11, the November 4, 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 October 31, 2014 at 3:45 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present led by Sergeant First Class Dan B. Maramonte of the Army recruiters.

The roll call was taken and recorded with 25 Supervisors present.

Supervisor Winkel moved for approval of the October 21, 2014 and October 28, 2014 Journals, which were distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Le Mahieu 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 following appointments by the Chairperson to the Amsterdam Dunes Advisory Committee.

Fran Damp, 439 Samuel Circle, Plymouth
(Representing-Planning, Resources, Ag & Extension Committee)
Thomas Wegner, 202 Daleview Drive, Plymouth
(Representing-Finance Committee)
Roger Te Stroete, N1912 Huibregtse Road, Oostburg
(Representing-Supervisory District 25)
Edward Procek, 1230 South 13th Street, Sheboygan
(Representing-Executive Committee)

Supervisor Glavan moved to concur with the appointments. The motion was seconded by Supervisor Goehring and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the following appointments by the County Administrator to the Amsterdam Dunes Advisory Committee.

David Huenink, PO Box 468, Cedar Grove
(Representing-Town of Holland Board)
Ron Hinze, 846 South Main Street, Cedar Grove
(Representing-Amsterdam Park Board)
Phil Mersberger, 9759 Middle Road, Oostburg
(Representing-Sheboygan County Recreational Facilities Management Advisory Committee)
David Kuckuk, 6444 North Riverview Road, Plymouth
(Representing-Glacial Lakes Conservancy)
Chad Pinnow, 425 South 1st Street, Cedar Grove
(Representing-Citizen Member-Sauk Trail Conservation Club Member)
Lee VandeWall, N241 Claer Vue Shores, Cedar Grove
(Representing-Citizen Member-Claer Vue Shores Resident)
Richard Hill, PO Box 156, Glenbeulah
(Representing-Citizen Member-Cedar Grove Raptor Research Station Member)
Aaron Brault, 508 New York Avenue, Sheboygan
(Representing County Planning & Conservation Director)
Dave Morris, W6409 Oak View Lane, Plymouth
(Representing-Citizen at Large)
Dale Meeusen, 315 South 6th Street, Cedar Grove
(Representing-Citizen at Large)

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

LETTERS AND COMMUNICATIONS

The Clerk presented a resolution from the Juneau County Board of Supervisors in support of state funding for county 911 services/one designated public service answering point per county. By Chairperson received for information.

The Clerk presented resolutions from the Forest and Juneau County Boards of Supervisors opposing a proposed lapse in state funding to Circuit Court System. By Chairperson received for information.

Supervisor Uraynar e-mailed a request to do a presentation which was denied by the Chairperson.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne briefly reported on the importance of the day, including adoption of the annual county budget, elections, and also upcoming Veteran's Day. Mr. Payne asked Veterans Service Officer Charlene Cobb to come forward and she made a special presentation, which included recognizing veterans among Sheboygan County employees and serving on the County Board.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **Resolution No. 20 (2014/15) Renewing Corporation Counsel Contract** recommending adoption.

Supervisor Goehring moved to adopt the resolution. The motion was seconded by Supervisor Marthenze and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding the **2014 Dog Listing Claims Payment.**

Supervisor Marthenze moved to concur with the committee report. Supervisor Glavan seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Law Committee regarding **Ordinance No. 07 (2014/15) Incorporating Child Support Agency into Health and Human Services Department** recommending enactment.

Supervisor Winkel moved to enact the ordinance. The motion was seconded by Supervisor Koch 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. 21 (2014/15) Re: Honoring the Life of Former County Board Supervisor Wesley Prange.

Supervisor Marthenze moved to adopt the resolution. The motion was seconded by Supervisor Glavan which was unanimously adopted by the Board on a rising vote and a pause in its deliberations.

Resolution No. 22 (2014/15) Re: Approving 2015 Budget. Vice-Chairperson Wegner announced that pursuant to County Ordinance 5.06(a)(6) this document is before the board for immediate action.

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

Resolution No. 23 (2014/15) Re: Levying and Apportioning the Tax. Vice-Chairperson Wegner announced that pursuant to County Ordinance 5.06(a)(6) this document is before the board for immediate action.

Supervisor LeMahieu moved to adopt the resolution. The motion was seconded by Supervisor Glavan and carried on roll call vote of the board of Ayes: 24; Noes: 1, Supervisor Procek.

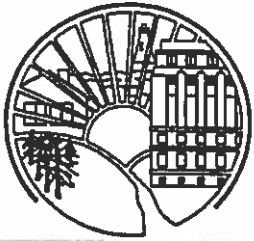
Resolution No. 24 (2014/15) Re: Participating in Snowmobile Aids Program – 2015/16 referred to the Finance Committee.

Ordinance No. 08 (2014/15) Re: Amending Order of Business – Rules of Board referred to the Human Resources Committee.

Ordinance No. 09 (2014/15) Re: Establishing Building Use Protocol referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn to 6:00 p.m. on Tuesday, December 16, 2014. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:47 p.m.



SHEBOYGAN COUNTY

Roger L. Te Stroete
County Board Chairman

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Roger L. Te Stroete, Chairman of the Board of Supervisors, pursuant to Ordinance No. 18 (1986/87), do hereby submit for your confirmation the following re-appointment to the Eastern Shores Library System Board for a three-year term expiring December 31, 2017:

William C. Goehring, N185 County Road DE, Random Lake, WI 53075
(Representing – County Board)

Respectfully submitted this 16th day of December, 2014.

EXECUTIVE COMMITTEE



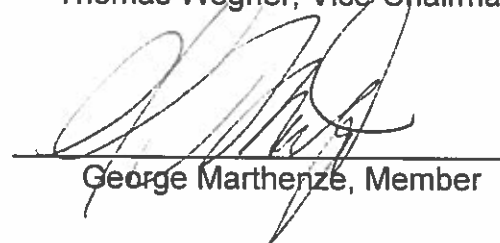
Roger Te Stroete, Chairman



Thomas Wegner, Vice Chairman



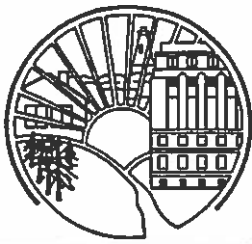
William Goehring, Secretary



George Martherze, Member



Edward Procek, Member



SHEBOYGAN COUNTY

Roger L. Te Stroete
County Board Chairman

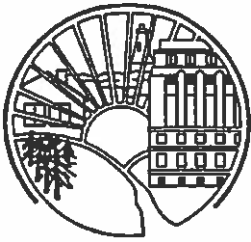
TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Roger L. Te Stroete, Chairman of the Sheboygan County Board of Supervisors, pursuant to Wisconsin Statute 45.81, do hereby submit for your confirmation the following re-appointment to the Veterans Service Commission to serve a three-year term expiring December 2017:

Buck Wendorf, 341 South 2nd Street, Cedar Grove, WI 53013

Respectfully submitted this 16th day of December, 2014.


Roger L. TeStroete, Chairman of the Board



SHEBOYGAN COUNTY

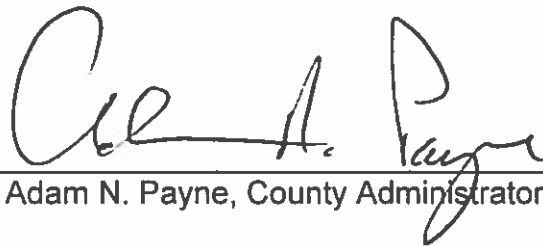
Adam N. Payne
County Administrator

TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Section 43.05 and Ordinance No. 6 (2006/07) of the Sheboygan County Code, having conferred with the County Board Chairperson and the appropriate standing Committee of the County Board, hereby submit for your confirmation the following re-appointment to the Eastern Shores Library System Board for a three-year term expiring December, 2017:

Henry Nelson, 1926 Settlement Trail, Sheboygan, WI 53081
(Representing – Resource Library Board)

Respectfully submitted this 16th day of December, 2014.



Adam N. Payne, County Administrator

FISCAL NOTE
November 2014

Resolution No. 21 (2014/15) RE: Honoring the Life of former County Board Supervisor Wesley Prange

**Resolution No. 22 (2014/15) RE: Approving 2015 Budget
Adopts the proposed 2015 budget.**

**Resolution No. 23 (2014/15) RE: Levying and Apportioning the Tax
Authorizes the tax levy and apportioning the tax for 2015**

Ordinance No. 8 (2014/15) RE: Amending Order of Business – Rules of Board

Ordinance No. 9 (2014/15) RE: Establishing Building Use Protocol

Funding:

No funding is required.


Terry A. Hanson, Finance & IT Director
October 31, 2014

1 SHEBOYGAN COUNTY ORDINANCE NO. 09 (2014/15)

2
3 Re: **Establishing Building Use Protocol**

4
5
6 **WHEREAS**, from time to time County officials are asked to allow County buildings and property to
7 be used by third persons for meetings or on other temporary use, and

8
9 **WHEREAS**, there is no current policy establishing when such use is appropriate and when it is
10 not appropriate, and

11
12 **WHEREAS**, any use of County property should only be allowed for County purposes or to
13 support or enhance the mission and responsibilities of County government;

14
15 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain
16 as follows:

17
18 Section 1. **Establishing Use of County Buildings and Property**. Section 56.11 of
19 the Sheboygan County Code of Ordinances is hereby created as follows:

20
21 56.11 USE OF COUNTY BUILDINGS AND PROPERTY. County buildings and
22 property are intended for use by County government. No County official or
23 employee shall use or permit the use of County buildings or property for personal
24 convenience or profit or by third parties except to the extent such third-party use
25 is determined to be ancillary in purpose to County government and approved by
26 the Property Committee or the County Administrator

27
28 Section 2. **Effective Date**. The herein Ordinance shall take effect upon enactment.

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30 Respectfully submitted this 4th day of November, 2014.

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33 **PROPERTY COMMITTEE**

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36 James P. Glavan, Chairperson

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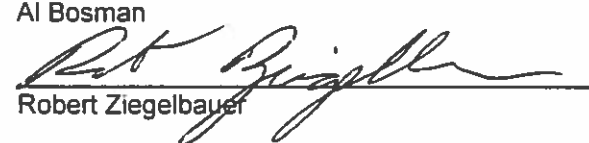
39 Kris Wheeler, Secretary

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42 Thomas V. Epping, Vice-Chairperson

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45 Al Bosman

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48 Robert Ziegelbauer

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50 Opposed to Introduction:

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53 Countersigned by:

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56 Roger Te Stroete, Chairperson

SHEBOYGAN COUNTY RESOLUTION NO. 24 (2014/15)

Re: Participating in Snowmobile Aids Program – 2015/16

WHEREAS, Sheboygan County is interested in maintaining, acquiring, and developing lands for public outdoor motorized snowmobile trail use, and

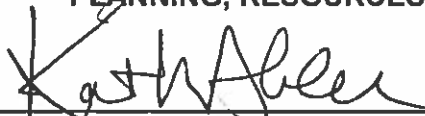
WHEREAS, counties are eligible to receive state funding for public motorized snowmobile trail purposes under Wis. Stat. § 23.09(26);

THEREFORE, BE IT RESOLVED, that Sheboygan County desires to receive aids under Wis. Stat. § 23.09(26) for the purposes described therein.

BE IT FURTHER RESOLVED, that the Sheboygan County Planning & Conservation Director is authorized and directed to act on behalf of Sheboygan County to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; sign documents; and take necessary action to undertake, direct, and complete the approved project.

Respectfully submitted this 4th day of November, 2014.

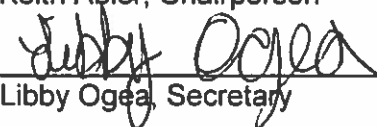
PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*



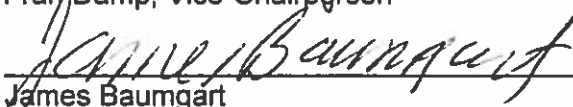
Keith Abler, Chairperson



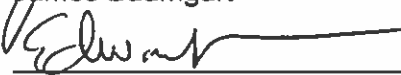
Fran Damp, Vice-Chairperson



Libby Ogea, Secretary



James Baumgart



Edward J. Procek

Opposed to Introduction:

*County Board members signing only

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- (pq) Introduction of Ordinances, discussion, and action thereon. (All new Ordinances referred to Committees shall be read, titles only.)
- (qr) Grievance Appeals required by Section 48.09 of this Code.
- (rs) Adjournment.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 4th day of November, 2014.

EXECUTIVE COMMITTEE



 Roger L. Te Stroete, Chairperson




 Thomas Wegner, Vice-Chairperson



 William C. Goehring, Secretary



 George Marthenze



 Edward J. Procek

Opposed to Introduction:

Countersigned by:

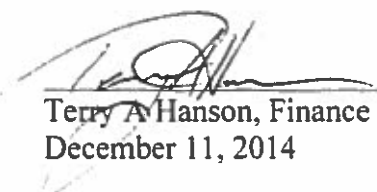
 Roger Te Stroete, Chairperson

**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. 25 (2014/15)

2
3 Re: **Honoring the Life of Former County Board Supervisor Constance**
4 **(Connie) Ziegelbauer**

5
6
7 **WHEREAS**, former County Board Supervisor Constance (Connie) Ziegelbauer passed
8 away on December 8, 2014, and

9
10 **WHEREAS**, Ms. Ziegelbauer served the citizens of Sheboygan County over a 20-year
11 span, serving on the Finance Committee for 14 years, the Property Committee for eight years,
12 the Human Resources Committee for four years, and on the Resources, Agriculture and Land
13 Conservation, and Health Care Centers Committees for two years each, and

14
15 **WHEREAS**, on the Finance Committee, Ms. Ziegelbauer had a major role in maintaining
16 and improving services for Sheboygan County while holding the line on property taxes, and

17
18 **WHEREAS**, Ms. Ziegelbauer's leadership was recognized when in 2003 the County
19 Board Chairperson appointed her to chair the Health Care Centers Citizens Task Force which
20 made recommendations that were ultimately adopted by the County Board and laid the
21 foundation for the strong financial position that the County's Health Care facilities have enjoyed
22 over the last several years, and

23
24 **WHEREAS**, Ms. Ziegelbauer will also be remembered by her fellow supervisors for her
25 generous heart, her good humor, and her willingness to take tough stands when required;

26
27 **NOW, THEREFORE, BE IT RESOLVED** that by passage of this Resolution, the County
28 Board herewith makes public its recognition of Ms. Ziegelbauer's dedicated service to the
29 citizens of the County and expresses its heartfelt sympathy to her family and friends, and
30 especially her children Barbara Ziegelbauer, Jerome Ziegelbauer, Robert Ziegelbauer, and
31 Steven Ziegelbauer.

32
33 **BE IT FURTHER RESOLVED** that the Clerk be directed to forward a copy of this
34 Resolution to Barbara Ziegelbauer, Jerome Ziegelbauer, Robert Ziegelbauer, and Steven
35 Ziegelbauer.

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38 Respectfully submitted this 16th day of December, 2014.

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1 SHEBOYGAN COUNTY RESOLUTION NO. 26 (2014/15)
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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.
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5. **Effective Date.** This Resolution shall be effective upon its adoption.

Respectfully submitted this 16th day of December, 2014.

FINANCE COMMITTEE

Greg Weggeman, Chairperson

George J. Marthenze, Vice-Chairperson

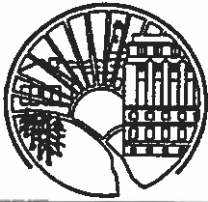
Thomas Wegner, Secretary

William C. Goehring

Devin LeMahieu

Opposed to Introduction:

(Signature page to
Declaration of Official Intent to
Reimburse Expenditures from
Proceeds of Borrowing)



SHEBOYGAN COUNTY

Thomas D. Eggebrecht
Health and Human Services Director

December 10, 2014

TO: Honorable Members of the Sheboygan County Board of Supervisors

FROM: Tom Eggebrecht, HHS Director

RE: Request for Immediate Action, Resolution No. 27 (2014/15)
Approving Contribution to Aurora Behavioral Health Wellness Center

I am requesting the Board's consideration of pulling Resolution 27 (Re: Approving Contribution to Aurora Behavioral Health Wellness Center) for immediate action at its December 16th meeting.

Staff of the Health and Human Services Department, along with over 300 community stakeholders including County Board representatives, legislators, consumers, and others, participated in a community conversation on mental health held at the Blue Harbor resort in March. Through that effort and in recognition the fact that one out of every five us will be impacted by mental health setbacks at any point in time, the need to expand community resources and improve access to behavioral health care was identified. In response, Aurora Healthcare recently announced plans for the establishment of a new neighborhood based Behavioral Health Wellness Center. Acuity Insurance has pledged its support of the project by way of \$125,000 in matching assistance for any funds raised by year end.

While it is not my preference to ask for any items to be pulled for immediate action, I view this request to warrant that consideration. Insofar as the County has a statutory responsibility to respond to behavioral health needs, insofar as Aurora has been a valued partner in providing that assistance, insofar as the Health and Human Services Department will end the year with a positive budget variance, and insofar as the resolution if adopted will provide expanded future access to services for persons in need, I believe it to be in the County's best interest to support Aurora and to do so within the timeframe that will garner matching funds. I am subsequently asking the Board to pull the resolution as previously supported by the Health and Human Services Committee for immediate action.

I appreciate the support the Board has consistently demonstrated for community needs and look forward to your hopeful endorsement of this request as well.

Thank you in advance for your consideration, Merry Christmas, and happy holidays to all.

TE:te

C: Adam Payne, County Administrator
Kris Wheeler, HHS Committee Chair

SHEBOYGAN COUNTY RESOLUTION NO. 27 (2014/15)

Re: **Approving Contribution to Aurora's Proposed Behavioral Health Wellness Center**

WHEREAS, in March of 2014, the Health and Human Services Department participated in a "Community Conversation" on mental health at Blue Harbor Convention Center in which over 300 stakeholders in Sheboygan County gathered to identify and address the mental health needs of Sheboygan County's citizens, and

WHEREAS, a key take-away from the gathering is that Sheboygan County needs improved access to behavioral health care, and

WHEREAS, one participant, Aurora, has announced its initiative to create a neighborhood-based behavioral health wellness center to address this need, provided it is able to secure additional community support for this effort, and

WHEREAS, another participant, ACUITY Insurance, has offered to match up to \$125,000 in supporting start-up funding by year end, and

WHEREAS, the Sheboygan County Health and Human Services Department has primary responsibility pursuant to Wis. Stat. § 51.42(1)(b) to support the mentally ill, developmentally disabled, alcohol- and drug-dependent citizens residing in Sheboygan County which is the population which would most benefit from the proposed center;

NOW, THEREFORE, BE IT RESOLVED that Sheboygan County agrees to support the proposed Aurora wellness center and commits to provide \$25,000 to the effort contingent upon the project being undertaken, and to be earmarked for providing services to the indigent population that would otherwise be charged to the County; said sums to be transferred as determined by the Finance Department and the Health and Human Services Department from the Health and Human Services Department budget for these services.

Respectfully submitted this 16th day of December, 2014.

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

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 Zimmermann 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 **TRANSPORTATION COMMITTEE**

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63 _____
64 Richard C. Bemis, Chairperson

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66 _____
67 Mark S. Winkel, Vice-Chairperson

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69 _____
70 Charles W. Conrardy, Secretary

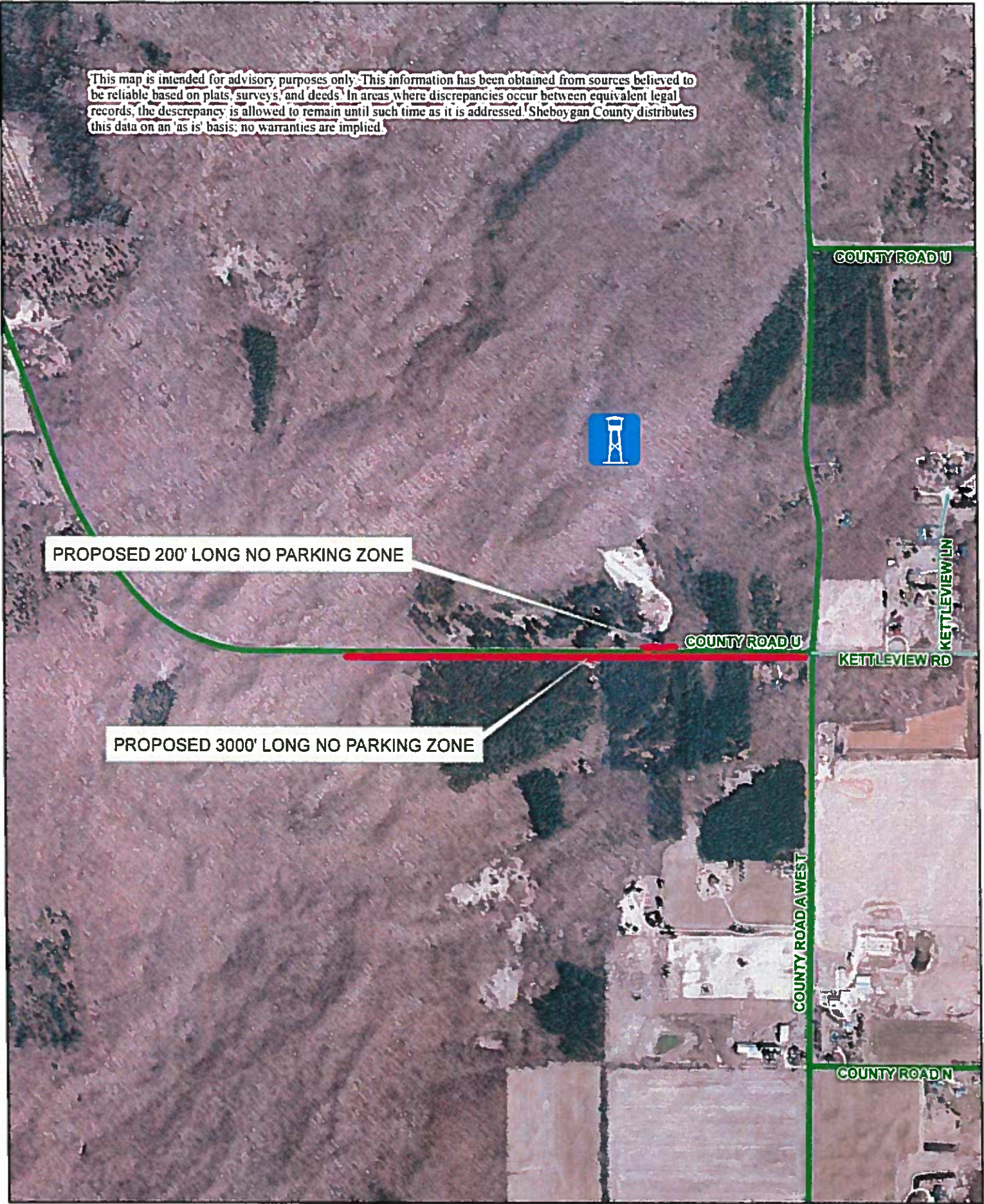
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72 _____
73 James P. Glavan

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75 _____
76 Jacob Van Dixhorn

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78 Opposed to Introduction:
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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.



PROPOSED CTH "U" NO PARKING ZONES



1 SHEBOYGAN COUNTY ORDINANCE NO. 11 (2014/15)
2

3 Re: **Authorizing and Implementing Agency Agreement with State**
4 **Department of Agriculture to License and Regulate Retail Food**
5 **Establishments Under Chapter 17**
6

7
8 **WHEREAS**, through the enactment of Chapter 17 of the Sheboygan County Code of
9 Ordinances, the Sheboygan County Health and Human Services Department, Division of Public
10 Health has agreed to be the designated agent of the Wisconsin Department of Health Services
11 for purposes of licensing and regulating various retail establishments, and
12

13 **WHEREAS**, under similar statutory authority under Wis. Stat. § 97.41, the State
14 Department of Agriculture, Trade, and Consumer Protection may designate the Sheboygan
15 County Health and Human Services Department, Division of Public Health as its agent for
16 purposes of licensing and regulating retail food establishments, and
17

18 **WHEREAS**, the Health and Human Services Committee has reviewed the potential of
19 entering into such an agency agreement with respect to retail food establishments and believes
20 that it is in the best interest of the citizens of Sheboygan County to do so;
21

22 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan
23 does ordain as follows:
24

25 Section 1. **Amending Chapter 17.** Chapter 17 of the Sheboygan County
26 Code of Ordinances is hereby amended as follows (additions indicated by redlining;
27 deletions by strikeouts):
28

29 LICENSURE AND REGULATION OF RETAIL FOOD
30 ESTABLISHMENTS, HOTELS, MOTELS, RESTAURANTS, TOURIST
31 ROOMING HOUSES,
32 BED AND BREAKFAST ESTABLISHMENTS,
33 CAMPGROUNDS AND CAMPING RESORTS,
34 RECREATIONAL AND EDUCATIONAL CAMPS,
35 PUBLIC SWIMMING POOLS AND ESTABLISHMENTS POSSESSING
36 CLASS B AND CLASS C ALCOHOL BEVERAGE LICENSES
37 AND INSPECTIONS OF FOOD VENDING MACHINES,
38 THEIR OPERATORS AND VENDING MACHINE COMMISSARIES
39

40
41 17.01 AUTHORITY AND PURPOSE. This Ordinance is adopted
42 pursuant to that authority provided by Wis. Stats. §§ 97.41, 125.68(5),
43 251.04(3), 254.47, and 254.69(2); and by Wisconsin Administrative Code
44 Chapters HFS 172, 175, 178, 192, 195, 196, 197, and 198, and Comm
45 90. The purpose of this Ordinance is to protect and improve the public
46 health and to authorize the Sheboygan County Health and Human
47 Services Department to become the designated agent of the State
48 Department of Agriculture, Trade and Consumer Protection and the State
49 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.
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(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;

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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:

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(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.

(mp) "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:

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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

293 (c) No permits shall be granted to any person under
294 this Ordinance without a pre-inspection by the ~~Health and Human~~
295 ~~Services~~ Department of the premises for which the permit shall be
296 granted.
297

298 (d) No permit shall be issued until all application fees
299 have been paid.
300

301 17.06 APPLICATION. Application for permits shall be made in
302 writing to the ~~Health and Human Services~~ Department on forms
303 developed and provided by the ~~Health and Human Services~~ Department,
304 stating the name and address of the proposed applicant and operator,
305 and the address and location of the proposed establishment, together
306 with any such other information as may be required. The ~~Health and~~
307 ~~Human Services~~ Department shall either approve the application or deny
308 the permit within thirty (30) days after receipt of a complete application.
309

310 17.07 FEES. Fees for the issuance of permits, including late
311 fees, the making of investigations, inspections, providing education,
312 training, and technical assistance to all establishments covered pursuant
313 to this Ordinance, plus the costs required to be paid to the state for each
314 permit issued, are established by and may be amended upon the
315 approval of the Sheboygan County Health and Human Services
316 ~~Board~~ Committee. In addition, separate pre-inspection fees are hereby
317 established with regard to new establishments or existing establishments
318 which have been transferred to a new operator. The fee schedule for a
319 license shall be on file with the ~~Sheboygan County Health and Human~~
320 ~~Services~~ Department, ~~Division of Public Health~~.
321

322 17.08 PERMIT PUBLIC DISPLAY. Every establishment required
323 to obtain a permit pursuant to this Ordinance shall display said permit at
324 all times in a conspicuous public place.
325

326 17.09 PERMIT SUSPENSION AND REVOCATION. Any permit
327 issued by the ~~Health and Human Services~~ Department pursuant to this
328 Ordinance may be temporarily suspended and the premises ordered
329 closed by the Department for a violation of any provision of this
330 Ordinance or rules adopted by reference by this Ordinance if the
331 Department determines that an immediate danger to health exists or as
332 may otherwise be allowed by law, including failure to pay any fees
333 required hereunder. The Department may establish such protocols as it
334 deems appropriate to allow permit holders opportunities to correct in lieu
335 of suspension and closure. Such permits may be permanently revoked
336 after repeated violations.
337

338 17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY
339 REFERENCE. The applicable laws, rules, and regulations as set forth in
340 Wis. Stats. chs. 97, 125, 251, and 254; Wisconsin Administrative Code
341 Chapters ACTP 75; and ~~HFSDHS~~ 172, 175, 178, 192, 195, 196, 197, and

342 198; and ~~Comm-90~~SPS 390 are incorporated in this regulation by
343 reference and they shall be construed, read, and interpreted as fully set
344 forth herein until amended and then shall apply as amended. The
345 expressed provisions of this Ordinance shall control where more
346 restrictive.

347
348 17.11 VIOLATION/PENALTIES. Any person who violates or
349 refuses to comply with any provisions of this Ordinance shall be subject to
350 a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense
351 and/or revocation or amendment of their applicable permit. Each day a
352 violation exists or continues shall be considered a separate offense.
353 Where appropriate, injunctive relief may be sought by the ~~Health and~~
354 ~~Human Services Department~~ against continuing violations. In the
355 alternative, the ~~Health and Human Services Department~~ may pursue
356 enforcement of such Section of these regulations as are prosecutable.
357 Representatives of the Department charged with the administration an
358 enforcement of this Ordinance are authorized to issue citations pursuant
359 to Chapter 90 of this Code with respect to Ordinances which are directly
360 related to their official responsibilities.

361
362 17.12 CONSTRUCTION OR ALTERATION OF FOOD
363 ESTABLISHMENTS: PLAN EXAMINATION. No person shall erect,
364 construct, enlarge, or alter a food establishment without first submitting to
365 the ~~Sheboygan County Health and Human Services Department Division~~
366 ~~of Public Health ("Division of Public Health")~~ plans (drawings) which
367 clearly show and describe the amount and character of the work
368 proposed and without first receiving approval of submitted plans. Such
369 plans shall include floor plans, equipment plans, and specifications; wall,
370 floor, and ceiling finishes; and plans and specifications for food service
371 kitchen ventilation. Submitted plans shall give all information necessary
372 to show compliance with applicable health codes. At the option of the
373 ~~Division of Public Health~~Department, plans need not be submitted to
374 execute minor alterations to a food establishment. Approved plans shall
375 not be changed or modified unless approval of such changes or
376 modifications shall first be obtained from the ~~Division of Public~~
377 ~~Health~~Department. Plan examination fees shall be paid pursuant to
378 Section 17.07 of this Code.

379
380 17.13 CONSTRUCTION OR ALTERATION OF FOOD
381 ESTABLISHMENTS: SITE EVALUATION. A site evaluation by the
382 ~~Division of Public Health~~Department is required when any food
383 establishment begins operation in a location where the immediate
384 predecessor was not a food operation. Site evaluation by the ~~Division of~~
385 ~~Public Health~~Department is not required for any food operation that has a
386 change in operator or that is remodeled or altered. Such a food operator
387 may voluntarily request site evaluation by the ~~Division of Public~~
388 ~~Health~~Department which shall provide such evaluation whenever a
389 request is made. Any food operation which voluntarily requests a food

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

392
393 Section 2. **Authorization to Execute Agreement.** The County Administrator
394 or designee is authorized and directed to enter into an agreement with the Wisconsin
395 Department of Agriculture, Trade, and Consumer Protection ("the DATCP") to have the
396 Sheboygan County Health and Human Services Department, Division of Public Health,
397 act as the DATCP's agent to administer its food licensing program pursuant to Wis. Stat.
398 § 97.41.

399
400 Section 3. **Effective Date.** The herein Ordinance shall take effect upon
401 enactment.

402
403 Respectfully submitted this 16th day of December, 2014.

404
405
406 **HEALTH & HUMAN SERVICES COMMITTEE***

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410 _____
411 Kris Wheeler, Chairperson

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411 Vernon C. Koch, Vice-Chairperson

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414 Jacob Van Dixhorn, Secretary

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414 James Baumgart

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418 Opposed to Introduction:

422 *County Board members signing only

426 Countersigned by:

429 _____
430 Roger Te Stroete, Chairperson