

**REGULAR SESSION
of the
JACKSON COUNTY BOARD OF SUPERVISORS**

January 16, 2023

The Regular Session of the Jackson County Board of Supervisors was called to order at 5:30 P.M., on Monday, January 16, 2023, at the Jackson County Courthouse in the County Board Room by Chairman Amo.

County Clerk, Cindy Altman, took roll call with all 19 members present.

The Pledge of Allegiance was given.

Chairman Amo introduced Donna Rozar, State Representative 69th Assembly District.

Chairman Amo asked if there were any corrections or additions to the minutes of the previous meeting. Supervisor Peloquin made a motion to approve the minutes. This was seconded by Supervisor Higgins. Voice vote was taken with 19 present voting Aye.

Women In History Proclamation

Whereas American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, humanitarian, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have served our country courageously in the military;

Whereas American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other

movements, especially the peace movement, which create a more fair and just society for all;

We celebrate women's historic achievements in Jackson County, their strength our inspiration.

Now, therefore I, Jeffrey Amo, Chairman of Jackson County Board of Supervisors do hereby commemorate and proclaim March 2023 as Women in History throughout Jackson County.

s/Jeff Amo
Jackson County Board Chairman

Attest to: s/Cindy Altman
Jackson County Clerk

Supervisor Greendeer-Rave made a motion to adopt this proclamation. This was seconded by Supervisor Gearing-Lancaster. Voice vote was taken with 19 present voting Aye.

Supervisor Carney made a motion to read the following ordinance changes and zone petitions only one time. This was seconded by Supervisor Strandberg. Voice vote was taken with 19 present voting Aye.

RESOLUTION # 01-01-2023

RESOLUTION TO ADOPT CHANGES TO TRAFFIC AND HIGHWAY CODE 7.04, SECTION 2

WHEREAS, The Jackson County Highway Department has given due consideration of the recreational and economic value to connect trail and route opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic.

WHEREAS, at their September 22, 2022 meeting the Highway Committee directed the Highway Commissioner to open all County trunk Highways to ATV/UTV travel.

WHEREAS, it requires the adoption of changes to Traffic and Highway Code 7.04 Section 2.

NOW THEREFORE BE IT RESOLVED, the County Board of Supervisors adopts the changes to Traffic and Highway Code 7.04, Section 2.

Adopted this 9th day of January, 2023.

Jackson County Highway Department Committee

s/Alton Staff
s/Ed Chamberlain
s/Adrian Swanson
s/Charles Jensen
s/Mike Kunes

Executive & Finance Committee

s/Jeff Amo
s/John Higgins
s/Ron Carney
s/Alton Staff
s/Michelle Greendeer-Rave

Jackson County Law Enforcement Committee

s/Ron Carney

s/Max Hart

s/William Laurent

s/Garth Rolbiecki

PROPOSED UPDATES / ADDITIONS:

7.04 SNOWMOBILE, ALL-TERRAIN VEHICLE (ATV), UTILITY TERRAIN VEHICLE (UTV) AND MOTORCYCLE TRAIL/ROUTE REGULATIONS

(1) Authority and General:

- a) State Traffic Laws Adopted. Except as otherwise specifically provided in this code, the statutory provisions in Chapters 23, 340 to 348, and 350 of the Wisconsin Statutes, establishing definitions and regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), and Chapter NR 64 (All-Terrain Vehicles), WDNR, exclusive of any provision therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any further amendments, revisions or modifications of the statutes incorporated herein are made a part of this chapter in order to secure uniform statewide regulations of ATVs/UTVs traffic on highways, streets and alleys of the State of Wisconsin.
- b) Following due consideration of the recreational and economic value to connect Trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(a) and (am), 23.33(1m) and 23.33(8).
- c) For purposes of this Section 7.04 of the Jackson County Ordinances, "ATV/UTV Routes" and "County Routes" shall mean a highway or sidewalk designated and marked for use by ATV/UTV operators by Jackson County. In addition, "Trail" shall mean a marked corridor on public property or on private lands subject to public easement or lease, designated and marked for use by ATV/UTV operators by Jackson County, but excludes roadways which are not seasonally maintained for motor vehicle traffic.

(2) Designating ATV/UTV routes on County Highways

- a) ***Intent:***

- i. The County of Jackson adopts the following ATV and UTV routes (“ATV/UTV Routes” or “County Routes”) for the operation of ATVs and UTVs upon the County highways listed in subsection (2)(b) of this ordinance (the “Ordinance”). Following due consideration of the recreational value to connect Trail opportunities and weighted against possible dangers, these County Routes have been created. A copy of the ATV/UTV Routes, along with a map showing their location, shall be kept on file at the Highway Department.
- ii. The Highway Commissioner shall have all ATV/UTV Routes on Jackson County highways properly posted. The Commissioner shall have the authority to temporarily close any ATV/UTV Route for safety, maintenance or other appropriate reasons as determined by the Commissioner. Such closures shall be reviewed and either approved or rejected by the Highway Committee at the first Highway Committee meeting for which proper notice can be given after the Commissioner makes the determination to temporarily close an ATV/UTV Route. A temporary closure shall be effective as soon as ordered by the Commissioner and remain in effect until ended by order of the Commissioner or Highway Committee. Temporary closures shall have proper signs posted indicating ATV/UTV usage is not permitted as soon as practically possible after a closure is made.

b) *ATV/UTV Routes:*

- i. All Jackson County Trunk Highways (CTH) are hereby designated as ATV/UTV routes, except where otherwise indicated.
- ii. ATVs/UTVs shall operate only on the roadway. Operation on the gravel shoulders, grassy slope, ditches, or highway right-of-way is prohibited and illegal, except as otherwise stated in this Ordinance.

c) *Conditions of operation while on designated ATV/UTV Routes:*

- i. Persons driving an ATV/UTV (“Operator”) and persons riding in an ATV/UTV (“Passengers”) shall comply with all federal, state and local laws, orders, rules, regulations, and restrictions.
- ii. ATV/UTV Operators on designated County Routes shall possess a valid motor vehicle operator license.
- iii. All ATV/UTV Operators shall ride single file on the right side of the paved portion of the roadway.
- iv. Operators may only drive on designated County Routes that are signed in accordance with NR 64.12(7), DNR guidelines and the Manual on Uniform Traffic Control Devices (MUTCD), including Wisconsin Supplement.

- v. Headlights and taillights must be turned on at all times.
- vi. ATVs/UTVs shall be operated only on the paved portion of the roadway. Operation on the gravel shoulder, grassy in-slope, ditches or other highway right-of-way is prohibited and illegal. Notwithstanding anything in this Ordinance, Operators may park an ATV/UTV on a gravel shoulder if necessary due to safety considerations.
- vii. ATVs/UTVs must be properly registered in Wisconsin or other state in accordance to applicable law.
- viii. All Operators and Passengers under 18 years of age must wear an appropriate helmet.
- ix. All ATV/UTV operators born on or after January 1, 1988 shall possess a valid DNR Safety Certificate.
- x. All ATV/UTV drivers must comply with the age restrictions as set forth under Wis. Stat. § 23.33(5).
- xi. All Operators, or ATV/UTV owners, shall maintain liability insurance and have proof of insurance coverage while operating an ATV or UTV on County routes.
- xii. Neither an ATV nor UTV may be operated on County Routes between the hours of 10:00 p.m. to 5:00 a.m.

d) Speed Limit:

- i. ATV/UTV operators shall operate at a safe speed not to exceed the posted roadway speed limits.

e) Open Intoxicants:

- i. Open containers of alcoholic beverages or other intoxicants are prohibited for use by an Operator and Passenger when the ATV/UTV is in motion or on a County Route.

f) Enforcement:

- i. This Ordinance will be enforced by the Jackson County Sheriff's Office in accordance with all appropriate remedies, including, but not limited to, the use of citations for violation of this County Ordinance or violation of State Statute.

g) Penalty:

- i. Except as provided in Wis Stats 23.33(13) (am) to (e), any person who violates any section of this or state statutes adopted by reference shall pay a forfeiture of not less than \$100.00 nor more than \$250.00 for each offense, plus mandatory assessments, fees, and costs.

h) Severability:

- i. If any provision of this Ordinance is deemed unenforceable or invalid, the remainder of the Ordinance shall not be deemed affected.

(3) Effective Date

- a) This ordinance becomes effective upon passage by the County Board of Supervisors and publication in the official County newspaper.

Supervisor Staff made a motion to adopt this resolution. This was seconded by Supervisor Hart. Jay Borek, Highway Commissioner, Adam Olson, Chief Deputy, Sheriff Waldera and Jim Zahasky, Forestry Administrator were present for questions. Discussion took place. Voice vote was taken with 16 present voting Aye and 3 voting No (Supervisor Clark, Supervisor Greendeer-Rave and Supervisor Gearing-Lancaster). Motion passed.

RESOLUTION# 02-01-2023

TO: HONORABLE MEMBERS OF THE JACKSON COUNTY BOARD OF SUPERVISORS

RE: AMENDMENT TO CHAPTER 7, JACKSON COUNTY TRAFFIC AND HIGHWAYS CODE

WHEREAS, the Jackson County Highway Department is charged by Wisconsin Statute § 83.025 to mark and maintain the County Trunk Highway System under its jurisdiction; and

WHEREAS, part of marking and maintenance under Wisconsin Statute § 86.19 is the posting of signs to regulate vehicle activity on the County Trunk Highway System; and

WHEREAS, Wisconsin Statute § 346.53(6) prohibits parking in specified places; and

WHEREAS, Wisconsin Statute § 349.13 grants local authorities the right to modify statutory no parking zones under their jurisdiction; and

WHEREAS, the Jackson County Highway Department has received numerous concerns about CTH O driving lanes being blocked by vehicles parked on both sides of the road for elk viewing, and CTH HH for people fishing; and

WHEREAS, the Jackson County Highway Commissioner has reviewed these sections of highway and recommends the following ordinance change to Chapter 7.13 (1):

- (c) CTH HH, the area known as Fisherman's Corner, south and east side 400 feet in both directions from the corner, and 800 feet on the west and north side in both directions from the corner.
- (d) CTH O, east of Potter Road 800 feet on both sides of the road, west of Potter Road 4000 feet on the south side of CTH O, west of Potter Road 3270 feet on the north side of CTH O. There will be a 400 feet safe parking area for elk viewing on the north side of CTH O at the west end of the No Parking Zone.
- (e) Any County Owned Property posted NO PARKING.

WHEREAS, these amendments will better facilitate the flow of traffic on CTH O and CTH HH;

NOW THEREFORE BE IT RESOLVED, that the Jackson County Highway Committee hereby recommends that the Jackson County Board of Supervisors adopt the proposed amendment to Jackson County Ordinance Chapter 7, Jackson County Traffic and Highways Code.

BE IT FURTHER RESOLVED, that these proposed amendments will take effect upon the publication of the official business by the Jackson County Board of Supervisors.

Respectfully submitted this 8th day of December 2022, by the Jackson County Highway Committee.

Jackson County Highway Department Committee
s/Alton Staff
s/Chuck Jensen
s/Ed Chamberlain
s/Adrian Swanson
s/Mike Kunes

Executive and Finance Committee
s/Jeff Amo
s/John Higgins
s/Ron Carney
s/Alton Staff
s/Michelle Greendeer-Rave

Supervisor Carney made a motion to adopt this resolution. This was seconded by Supervisor Chamberlain. Jay Borek, Highway Commissioner was present for questions. Discussion took place. Voice vote was taken with 19 present voting Aye.

RESOLUTION # 03-01-2023

**RESOLUTION TO ADOPT CHANGES TO THE JACKSON COUNTY ORDINANCE
CHAPTER 11: 11.06-11.08**

WHEREAS, In order to meet audit requirements, update changes to definitions and remove unnecessary language relating to housing and tattoo parlor licensing, Jackson County Health and Human Services- Public Health Division, has made modifications to Chapter 11, Sections 11.06 -11.08 and,

WHEREAS, these modifications have been approved by Wisconsin Dept of Health and Human Services and the Jackson County Board of Health and,

WHEREAS, these modifications require the adoption of changes to the Jackson County Ordinance Chapter 11: 11.06-11.08.

NOW THEREFORE BE IT RESOLVED, the County Board of Supervisors adopts the changes to the Jackson County Ordinance Chapter 11: 11.06-11.08.

Adopted this 21st day of December, 2022.

**Jackson County DHHS
Committee**

s/Ron Carney, Chairman
s/Tom Clark
s/Daryl Boe
s/Desiree Gearing-Lancaster
s/Lori Chown
s/Beth Smetana
v/Max Hart
v/Sarah Peolquin
v/Michelle Clark-Forsting

**Executive & Finance
Committee**

s/Jeff Amo, Chairman
s/John Higgins
s/Ron Carney
s/Alton Staff
s/Michelle Greendeer-Rave

CHAPTER 11

HEALTH AND HUMAN SERVICES

- 11.01** Health & Human Services
- 11.02** Medical and Dental Care Payments
- 11.03** DHHS Program Employee
- 11.04** Elder Adult-at-Risk and Adult-at-Risk
- 11.05** Establishment of County Health Department
- 11.06** Environmental Health & Sanitarian Rules and Permit Regulations
- 11.08** Human Health Hazard Ordinance
- 11.09** Commission on Aging and Advisory Council
- 11.10** Nutrition Advisory Committee
- 11.11** Reference to Statutes

**11.06 RULES AND PERMIT REQUIREMENTS RELATING TO ENVIRONMENTAL
HEALTH & SANITATION**

SECTION (1) AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to that authority provided by Section 251.04(3), Wisconsin Statutes, to protect and improve public health. Section 254.69 (2), Wisconsin Statutes, authorizes the Jackson County Health Department to become the designated agent of the State Department of Health Services for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of food, beverage, lodging, swimming pools, recreational establishments and other establishments

Section 97.41(1m), Wis. Stats., authorizes the Wisconsin Department of Agriculture, Trade and Consumer Protection to enter into a written agreement with the Jackson County Public Health Department to issue licenses and make investigations or inspections of retail food establishments as defined in § 97.30(1)(c), Wis. Stats. The Jackson County Health Department is hereby designated to act as the agent of the State Department of Health Services and the Wisconsin Department of Agriculture, Trade and Consumer Protection for the above-stated purposes and is responsible for enforcing the regulations set forth in this ordinance or adopted by reference.

SECTION (2) APPLICABILITY

The provisions of this ordinance shall apply to the owner and operator of any food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, camping resort, recreational and educational camp, public swimming pool, vending machine commissary, or vending machine in all areas of Jackson County.

SECTION (3) DEFINITIONS

- (a) In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes Chapters 93, 97, 251, 254, 65, and Wisconsin Administrative Code Chapters ATCP 71, 72, 73, 74, 75, and its appendix, 76, 78, 79 and chapter SPS 390 are incorporated into this ordinance by reference and shall be construed, read and interpreted as set forth herein. The express provisions of this Ordinance shall control where more restrictive.
- (b) “Approved” means acceptable to the Health Department, based on determination of conformance with applicable statute provisions and good public health practices.
- (c) “Bed and Breakfast establishment” means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients at one time, and operates for more than 10 nights in a 12-month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

- (d)** “Campground” means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 3 or more camping units, or by one to two camping units if the parcel or tract of land is represented as a campground.
- (e)** “Catering is the activity of providing food for a specific event at a location other than the licensed restaurant on a contractual, prearranged basis to a predefined subset of the general public, such as invited guests to a wedding or similar celebration, or to participants in an organized group or activity. Catering does not include the sale of individual meals directly to the consumer.
- (f)** “Contract Cook” is a person who specializes in a home food service and prepares food in the home of an individual for only members of that household and/or houseguests for private parties.
- i. The person is paid for their service, culinary skills, technique, or expertise.
 - ii. The private party provides all food.
 - iii. The contract cook uses only the home/private kitchen of the party requesting the food service to prepare the food.
 - iv. Preparation or storage of food at other sites or meals served to the general public would require this person to be licensed as a caterer.
 - v. The preparation and/or transportation from another location of any portion of the meal by the contracted cook would require licensure of the contract cook as a caterer.
- (g)** “Duplicate Permit Fee” shall mean a fee for the replacement of an original permit.
- (h)** “Food Service Establishment” means an operation that: (1) stores, prepares, packages, serves, vends, or otherwise provides food for consumption by the general public, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, retail food establishment, special organization serving meals, school, vending machine, mobile or pre-packaged restaurant; or, relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of restaurant or grocery order
- (i)** “Health Department” shall mean the Jackson County Health Department.

- (j) "Health Officer" in this ordinance and referenced State codes, shall mean the person, or the Health Officer's designated representative, responsible for administering the environmental health programs as outlined in the Agent agreement (ATCP 74) with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (k) "Late fee" shall mean a fee for failure to pay established fees by the required time deadline.
- (l) "Occasional" means 3 or fewer days during any 12-month period.
- (m) "Operator" shall mean the owner, manager or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pool.
- (n) "Pre-inspection" shall mean a pre-opening public establishment inspection for persons intending to operate a new public facility, such as a restaurant, mobile restaurant, retail establishment, recreational camp, hotel, tourist rooming house, campground, swimming pool or other food service establishment, or for a person intending to be the new operator of those establishments, done within 30 days from the date of permit application.
- (o) "Re-inspection fee" shall mean a fee for a second follow-up inspection done to address repeat violation(s) of ordinance or statute noted during previous inspections.
- (p) "Restaurant" means 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. Meals does not include soft drinks, ice cream, milk, milk drinks, ices and confections. "Restaurant" does not include:
- i. Taverns that only serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
 - ii. Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
 - iii. Bed and breakfast establishments;
 - iv. A private individual selling food from a movable or temporary stand at a public farm sale; or

- v. A concession stands at a locally sponsored sporting event, such as a little league game. In this paragraph, “concession stand” means a food stand which serves meals and is operated exclusively for the benefit of a participating youth sports organization, and “locally sponsored sporting event” means a competitive game, taking place inside or outside, specifically for youth, which is organized or sponsored by one or more local business, governmental or other civic organizations, or by parents of the youth, including a school sponsored interscholastic sports competition.

- (q) “Service base” means an enclosed building for servicing, cleaning, inspection and maintenance of the mobile restaurant.

- (r) “Special organization serving meals” means a restaurant operated by a church or a religious, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but no more than 12 days during any 12-month period. “Meals” as used in this subsection, does not include a meal that is incidental to normal activities intended exclusively for members of the particular special organization, nor does it include a meal served in conjunction with a church worship service, such as a funeral or wedding, to persons who attended that service.

- (s) “Temporary restaurant” means a restaurant that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

- (t) “Temporary restaurant inspection fee” means an inspection fee charged to a Temporary Restaurant establishment/operator who holds a current temporary restaurant license from the Wisconsin Department of Health Services, the Wisconsin Department of Agriculture Trade & Consumer Protection, or another qualified Agent Health Department who is operating a temporary restaurant food establishment in Jackson County.

- (u) “Temporary suspension” shall mean the suspension of a permit for a time period set for not less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee. “Suspension” in this paragraph shall mean to cease operations associated with food service, lodging, recreational establishments and other licensed/permitted public facilities.

SECTION (4) ENFORCEMENT

The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to

enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. Such Health Officer or duly authorized representative is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations or take other enforcement measures as may be necessary to protect public health and safety.

SECTION (5) APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health 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 Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

SECTION (6) PERMIT

- (a) No person shall operate a restaurant, mobile restaurant, temporary restaurant, retail establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, campground, recreational and educational camp or public swimming pool without; first, obtaining a permit from the Health Department or secondly, possessing a valid permit as outlined in Section 1.07 of this Ordinance. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.

The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of:

- i. As to location, mobile retail license may be transferred, and/or; as to the operator, a permit may be transferred to an individual who is an immediate family member if the holder is transferring operation of the establishment or vending machine to the immediate family member.
- (b) Operators or Permit holders found by the Health Department to be repeat violators of this Ordinance may be denied a permit to operate. A decision by the Health Officer to deny a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders

which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

- (c) Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises. A Temporary Restaurant Inspection Fee will be charged for food establishment operators who hold a valid license from another jurisdiction. If a temporary restaurant operator does not hold a current license, a Jackson County temporary food service permit will be required to operate.
- (d) No permits shall be granted to any person under this Ordinance without a pre- inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within 30 days from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, retail establishment, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment
- (e) No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.
- (f) If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after the permit period, the department shall require the operator of the restaurant to pay a late penalty fee, in addition to the annual permit fee.

SECTION (7) FOOD SERVICE PERMIT RECIPROCITY

A current mobile restaurant permit, temporary restaurant permit, or similar permit, issued from the Wisconsin Department of Agriculture, Trade, & Consumer Protection, shall be recognized as valid in Jackson County for that type of food service for which it was issued. However, all food service establishments serving meals to the public in Jackson County will be subject to an inspection(s) from the Jackson County Health Department Environmental Health Specialist to ensure safe food handling practices are being conducted, as outlined in Wisconsin Administrative Code Chapter ATCP 75 and its appendix (WI Food Code), regardless of the permit held by the food service operator. The food service operators covered under this section will be subject to comply with provisions of this Ordinance. Non-compliance with provisions of this Ordinance shall

result in food service operation privileges in Jackson County to be suspended or revoked as outlined in Section 11.06(10) of this Ordinance.

SECTION (8) FEES

The fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the County for each permit issued shall be as detailed in Health and Human Services Policy and Procedure 9.01.01 (Environmental Health Licensing, Inspection, Policy and Procedures). Herein referenced as Addendum A.

SECTION (9) PUBLIC DISPLAY OF PERMIT

Every licensed establishment shall be required to obtain a permit pursuant to this Ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION (10) PERMIT SUSPENSION AND REVOCATION

- (a)** Permits issued by the Health Department pursuant to this Ordinance may be immediately or temporarily suspended for a violation of any provisions hereof or of the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an imminent health hazard exists. Such suspension shall remain in place until such time the hazard is abated. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; evidence of an ongoing food or waterborne illness associated with the operation of the establishment; lack of a functioning hand washing facility; lack of hot or cold holding equipment; or there is a condition that endangers the health or safety of the public as identified by the Health Officer. After repeated violations of this Ordinance or violations which have already created a serious environmental or public health hazard, permits may be permanently revoked by written notice mailed or served on the permit holder. The decisions of Health Department staff shall be subject to review by the Administrator of the Department and shall be carried forth according to the Public Grievance Procedure located in Section 2.01 of the Jackson County Health and Human Services Departmental Policy and Procedure Manual.
- (b)** The operator has the right to appeal the violations written on a routine inspection or the requirement for a re-inspection. However, the re-inspection fee/enforcement process will continue during the appeal. Suspension or revocation decisions of a license may be appealed to the Jackson County Health Officer by filing Notice of Appeal with the Health Department within 10 business days of the giving of notice of permit revocation. Such appeals shall be in writing and the health officer must within 7 days of receipt of the appeal, notify the responsible party by mail of the date and time of a hearing to consider

the appeal. The health officer may affirm, modify, or cancel the charges as may be proper given the circumstances. Within 10 days of the hearing, the action taken shall be reduced to writing and mailed to the responsible party (form letter). The notification shall also advise the operator of his or her right to appeal to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, Division of Food Safety for further interpretation.

SECTION (11) POOL CLOSING CRITERIA

Closing of Public Pools and Water Attractions. If a public swimming pool or water attraction is determined by the Health Officer or sanitarian to be a human health hazard, the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the Jackson County Health Department". A public pool shall be immediately closed and not reopened until proof of correction is evident. Reasons for immediate closure shall include but are not limited to; a condition that endangers the health or safety of the public; the clarity of the pool is such that the bottom pool drain is not readily visible; inadequate disinfection; lack of life safety equipment; the bottom pool drain grate/cover is missing; and other criteria as outlined in Chapters ATCP 74, 76 and SPS 390, WI Adm. Code and Chapter 97 WI Stats.

SECTION (12) PLANS REVIEW

- (a) All persons who hereafter construct remodel or convert buildings or facilities for use as a food or lodging establishment, shall conform and comply in their construction, erection or alteration with the requirements of this Ordinance.
- (b) A pre-inspection, which is required for new and change of ownership establishments, will not be conducted nor a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, have been submitted for review to the Health Department.

SECTION (13) LIVING AREAS

No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors. This section does not apply to bed & breakfast establishments.

SECTION (14) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE

The applicable laws, rules, regulations set forth in Chapters 93, 97, 125, 251 and 254 of Wisconsin Statutes, and Sections Chapter ATCP 72, 73, 74, 75 and its appendix, 76, 78, 79 and Chapter SPS 390 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as full set forth herein until amended and then shall apply as amended. The express provisions of this regulation shall control where more restrictive.

SECTION (15) ENFORCEMENT & PENALTY

The provisions of this regulation shall be administered by or under the direction of the Health Officer, or its designee. The Health Officer and its designee shall have the right to enter, at a reasonable hour, upon premises regulated by this ordinance to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. The Health Officer or its designee will enforce WI Stat. Chapter 93, 97, 251, 254, 65 and Chapters ATCP 72, 73, 74, 75 and its Appendix (WI Food Code), 76, 78, 79 and SPS 390 Wisconsin Administrative Code. The Health Officer or designee will not permit facilities to operate unless properly licensed. The Health Officer or designee is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations and take other enforcement measures as may be necessary to protect public health and safety. The Health Officer may refer the violation to the Jackson County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

(a) CITATION: Pursuant to Sec. 66.0113(1) (a) (2000), Wis. Stats., the County of Jackson adopts and authorizes the use of a citation to be issued for violations of this ordinance.

(b) Form: The citation shall contain the following:

- i.** The name and address of the alleged violator.
- ii.** Factual allegations describing the alleged violation.
- iii.** The time and place of the offense.
- iv.** The section of the ordinance violated.
- v.** A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
- vi.** The time at which the alleged violator may appear in court.
- vii.** A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.

- (a) **Penalty:** A violator upon conviction of the Health Officer's violation complaint shall forfeit to the County a penalty as detailed in Jackson County DHHS Policy & Procedure 9.02, herein referenced as Addendum B. Each day of violation shall constitute a separate offense. The penalty associated with the citation is a civil forfeiture and if the citation is paid in accordance with an adopted forfeiture schedule a court appearance is not required.
- (b) **Schedule of Deposits.** Any person who receives a citation shall be subject to the penalty provision under 1.16.
- (c) **Who May Issue.** In addition to Law Enforcement Officers, the following County officials may issue citations, which are directly related to their official responsibilities.
 - i. Health Officer
 - ii. Registered Sanitarian
- (d) **Procedure.** Section 66.0113(1)(a) (2000), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- (e) **Nonexclusivity.**
 - i. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
 - ii. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order, including this ordinance.

This ordinance shall take effect upon its adoption and publication as required by law.

11.08 HUMAN HEALTH HAZARD ORDINANCE

Section 1.01 Definitions

- (1) *County:* means Jackson County, Wisconsin
- (2) *Dwelling:* means any structure, all or part of which is designed or used for human habitation.
- (3) *Owner:* means any of the following;

- (a) a person who has legal title to a dwelling.
 - (b) a person who has charge, care, or control of a dwelling or unit of a dwelling as an agent of or as personal representative, trustee, or guardian of the estate of a person under par. (a).
- (4) *Groundwater*: means all water found beneath the surface of Jackson County located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
 - (5) *Human Health Hazard*: means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public, pursuant to s. 254.01(2), Wis. Stats.
 - (6) *Health Officer*: means the public health professional responsible for communicable disease control and other duties defined in Wisconsin State Statutes or his/her designee.
 - (7) *Imminent Health Hazard*: means a condition or activity which could cause serious or life-threatening injury or death at any time, determined by the Health Officer, which shall be abated or corrected immediately, or within a period of time as determined by the Health Officer to prevent possible severe damage to human health and/or the environment.
 - (8) *Operator*: means any person who has charge, care, or control of a structure or premises.
 - (9) *Ordinance*: means the Jackson County Human Health Hazard Ordinance.
 - (10) *Person*: means any individual, firm, corporation, society, institution, public body or any other entity.
 - (11) *Pollution*: means contaminating or rendering unclean or impure the air, land or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
 - (12) *Solid Waste*: means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operational and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants.

- (13) *Structure or Building*: means a building or structure having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.
- (14) *Toxic or Hazardous Materials*: means any chemical and/or biological material that is or has the potential to create a public health hazard.

Section 1.02 Purpose and Intent

General Provisions – This chapter is adopted under the authority of Wis. Stats. Ch. 251 and 254. This chapter shall be interpreted to be the minimum requirement and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any power granted by state law and rule. The jurisdiction of this ordinance shall include all air, land, and water (both surface and ground) within Jackson County. The purpose and intent of this Ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people and communities of Jackson County and to:

- (a) Prevent communicable diseases.
- (b) To prevent the continuance of human health hazards.
- (c) Assure that local, state and federal air quality standards are complied with.
- (d) Assure that insects and rodents do not create human or other health hazards.
- (e) Assure that surface and groundwater meet local, state, and federal standards and regulations.
- (f) Assure that solid waste is handled, stored and disposed of according to local, state, and federal standards and regulations.
- (g) Assure that citizens are protected from hazards, unhealthy, or unsafe substances.
- (h) Provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Section 1.04 Compliance

- (1) Written Orders – Compliance with this Ordinance shall include compliance with written orders issued under this ordinance or applicable State health laws by the Jackson County Health Officer to abate and/or correct a human

health hazard or bring any other hazardous situation or condition into compliance.

- (2) Noncompliance with this Ordinance and/or written orders from the Health Officer shall be cause for enforcement action under Section 1.10 of this Ordinance.

Section 1.05 Severability and Repeal

- (1) Severability – Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.
- (2) Repeal – All other Jackson County ordinances or parts of those ordinances inconsistent or conflicting with this ordinance to the extent of the inconsistency only, are hereby repealed.
- (3) General Provisions – This Ordinance shall be interpreted, administered, and enforced by the Jackson County Health Officer or his/her designee.
- (4) Powers – The Health Officer shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:
 - (a) To enter any structure or premise at a reasonable time for the purpose of performing duties under this ordinance and to secure a court order to accomplish this purpose if necessary.
 - (b) To order abatement and/or correction of any human health hazard not in compliance with this ordinance or State codes.
 - (c) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health, and to use the expertise and technical assistance of the Zoning Office, Land Conservation Department and/or Forestry and Parks when appropriate.
 - (d) To initiate any other action authorized under the law or this ordinance to ensure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.

Section 1.07 Human Health Hazard

- (1) Human Health Hazard prohibited – No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to causing, creating or maintenance thereof shall be in violation of this ordinance, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard and to the penalty provided in Section 1.10 of this ordinance.
- (2) Responsibility of Property Owner – It shall be the responsibility of the property owner to maintain such owner’s property in a hazard free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.
- (3) Human Health Hazard Enumerated – Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition (Section 1.01 of this ordinance).
 - (a) Unburied Carcasses – Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time period specified by the Health Officer or as required by Chapter 95.50 Wisconsin Statutes.
 - (b) Waste- Accumulations of animal or human fecal matter or other materials, including, but not limited to, decayed animal or vegetable matter, hair, feathers, eggshells, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, or any substance that either is handled, stored or disposed of in a manner that creates a health hazard or in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter.
 - (c) Air Pollution – The presence in the air of one or more contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
 - (d) Noxious Odors – Any negligent use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious, or disagreeable odors, or stenches extremely repulsive to the physical senses of ordinary persons or as a whole. This provision shall not apply to animal waste stored and spread in the normal course of farming operations or industrial plants or facilities.
 - (e) Refuse – Accumulation of refuse that renders any property unsanitary, unhealthy, or unfit for human habitation, occupation, or use.

- (f) Solid Waste – Any solid waste which is stored or disposed of in a manner which may pose a human health hazard.
- (g) Toxic or Hazardous Material – Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a public health hazard.
- (h) Waste Water – The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable County and State codes.
- (i) Surface Water Pollution – The pollution of any stream, lake, or other body of surface water within the County that creates noncompliance with Chapter NR 102 and NR 103 of the Wisconsin Administrative Code.
- (j) Groundwater Pollution – Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Chapter NR 140 of the Wisconsin Administrative Code.
- (k) Holes or Openings – Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, or any other improperly abandoned or covered up excavation.
- (l) Nonfunctional or Unsanitary Public Building Fixtures – Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building, including any public restroom which is soiled by human or other waste, or maintained in a filthy condition or lacking soap and single-use hand towels.
- (m) Unhealthy or Unsanitary Condition – Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use, or renders any property unsanitary or unhealthy.
- (n) Unsafe Structure – An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure

contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- (o) Other – Any other situation determined to meet the definition of a Human Health Hazard as per Subsection 1.01 (3) of this ordinance.
- (4) Investigation of Possible Human Health Hazard – The Health Officer or his/her designee shall investigate all potential human health hazards and shall determine whether or not a human health hazard exists.
- (5) Abatement, Correction, and Enforcement – Abatement, correction and enforcement of a human health hazard will be according to the provisions in Section 1.10 of this ordinance.

Section 1.08 Designation of Housing as a Human Health Hazard

- (1) As determined by the Health Officer, the department may declare housing that is dilapidated, unsafe or unsanitary to be a human health hazard. The following are human health hazards if determined to meet the Human Health Hazard definition [section 1.01 (3) of this ordinance]. If it is determined that a dwelling or dwelling unit shall be condemned as unfit for human habitation, it shall be placarded by the Health Officer:
 - (a) A dwelling which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or to the public.
 - (b) A dwelling that lacks a potable water supply or a properly functioning public or private sanitary sewer system or a functioning heating system adequate to protect the health or safety of the occupants.
 - (c) A dwelling, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - (d) A dwelling, because of its condition, which has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
- (2) No person shall continue to occupy, rent, or lease quarters for human habitation, which are declared unfit for human habitation by the Health Officer.
- (3) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

- (4) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- (5) No person shall deface or remove the placard from any dwelling or dwelling unit, which has been condemned as unfit for human habitation.
- (6) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given, notice of such violation to the person or persons responsible therefore, such notice shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator, or occupant as the case may require, and may be served by First Class Mail, in person, or in the manner provided by Chapter 801, Wisconsin Statutes for service of summons.

Section 1.10 Enforcement

- (1) Written Order – When a violation of this ordinance is encountered the Health Officer shall issue the violator a written order, served personally, or sent by registered mail with return receipt requested. This order shall specify the following:
 - (a) The nature of the violation and the steps needed to abate and/or correct it.
 - (b) The time period in which the violations must be corrected and/or abated (usually within 5 but no more than 30 days following notice of the human health hazard depending on the nature of the violation or whether a compliance time extension was granted to the violator by the Health Officer).
 - (c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see subsection (3) and (4) below.
- (2) Exceptions to Written Orders – In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or his/her designee, or in the case of repeating occurrences of the same violation by

the same person, the action(s) specified in the subsection (3) below can be initiated immediately.

- (3) Noncompliance with Order – If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties.
 - (a) Issuance of a citation
 - (b) Commencement of legal action seeking a court-imposed forfeiture and/or imprisonment [see subsection (5) below].
 - (c) Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (d) The suspension of any license or permit issued by the health department.
 - (e) Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
 - (f) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties *listed* in this section.
- (4) Abatement and Penalties
 - (a) Abatement or Removal of Health Hazards – If the human health hazard is not abated or removed by the date specified in Section 1.10(1)(b) above, the Health Officer or designee may enter upon the property and abate or remove the human health hazard. The cost of the abatement or removal may be recovered from the person permitting the violation, or may be paid by the County Treasurer, who shall enter the amount chargeable to the property in the next tax roll in a column headed “For Abatement of a Human Health Hazard” as a special tax on the lands upon which the human health hazard was abated and the tax shall be collected as are other taxes.
 - (b) If a person does not comply with a written order from the health officer, the person may be subject to one or more of the following penalties as outlined in the Jackson County Environmental Health Citation and Forfeiture P&P.
- (5) Initiation of Legal Action – Legal action shall be initiated against a violator, as requested by the Health Officer or designee in accordance with the following.

- (a) The Corporation Counsel shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought.
- (b) The County District Attorney shall be responsible for all cases where a court- imposed forfeiture or other penalty is being sought.

Supervisor Carney made a motion to adopt this resolution. This was seconded by Supervisor Rolbiecki. Tammy Handly, Public Health Officer/Manager and Chris Hovell DHHS Director were present for questions. Discussion took place. Voice vote was taken with 19 present voting Aye.

RESOLUTION 04-01-2023

TO: The Honorable Jackson County Board of Supervisors

RE: Reclass of Fiscal Analyst and Contract Administrator to Business Services Supervisor and Contract Administrator

WHEREAS, changes within the Business Services Division responsibilities within the Department of Health and Human Services have continued to change creating the need for restructure and,

WHEREAS, this restructure includes reclassing the Fiscal Analyst and Contract Administrator position to Business Services Supervisor and Contract Administrator in order to increase opportunities for efficiencies with responding to department needs, and,

WHEREAS, this restructure will create increased collaboration and cohesion between clerical staff, Business Services Staff, DHHS Managers, DHHS Director, and,

WHEREAS, after thorough review of the needs of the Business Services Division, the Fiscal and Clerical Services Manager, DHHS Director and Human Resources Director have determined the need to reclass the Fiscal Analyst and Contract Administrator position to Business Services Supervisor and Contract Administrator within the Business Services Division and,

WHEREAS, it has been determined that the Business Services Supervisor and Contract Administrator be placed on the Jackson County Wage Scale pay group 11, by the Jackson County DHHS Director, Jackson County Fiscal and Clerical Services Manager, Jackson County Human Resources Director with approval from Carlson Dettmann Consulting and,

NOW, THEREFORE, BE IT RESOLVED, that the Jackson County Board of Supervisors hereby authorizes the reclass of the Fiscal Analyst and Contract Administrator to Business Services Supervisor and Contract Administrator Position,

BE IT FURTHER RESOLVED that the resolution will become effective upon passage by the Jackson County Board of Supervisors.

Respectfully Submitted,

DHHS Committee

s/Ron Carney, Chairman
s/Tom Clark
s/Desiree Gearing-Lancaster
s/Lori Chown
s/Beth Smetana
s/Daryl Boe
v/Max Hart
v/Michelle Clark-Forsting
v/Sarah Peloquin

Personnel & Bargaining
Committee

s/Jeff Amo, Chairman
s/John Higgins
s/Ron Carney
s/Alton Staff
s/Ed Chamberlain
s/Garth Rolbiecki

Executive & Finance
Committee

s/Jeff Amo, Chairman
s/John Higgins
s/Ron Carney
s/Alton Staff
s/Michelle Greendeer-Rave

Supervisor Carney made a motion to adopt this resolution. This was seconded by Supervisor Greendeer-Rave. Carly Keller, Fiscal & Clerical Service Manager was present for questions. Voice vote was taken with 19 present voting Aye.

**PETITION #2023-01
TOWN OF GARDEN VALLEY**

REPORT OF THE ZONING COMMITTEE

TO THE JACKSON COUNTY BOARD OF SUPERVISORS:

The Jackson County Zoning Committee, having considered Petition #2023-01 to amend the Jackson County Zoning Ordinance filed by Jimmy Castner on the day of November 15, 2022 to change 3-Acres of the Official Zoning Map from the R-2 (Residential) District to the R-6 (Residential-Rural Ag) District on the following described lands:

On property located in the SE1/4-SW1/4, Section 01, T23N, R5W, Town of Garden Valley, Jackson County, WI. The request is to change 3.00 acres of the R-2 (Residential) District to the R-6 (Residential-Rural Ag) District for a small hobby farm to house their animals (horses, donkey and goats).

Located in the Town of Garden Valley, and having held public hearing thereon pursuant to Sec. 59.97(5)(e), Wis. Stats., notice thereof having been sent as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

That the zone change be approved with conditions given by Gaylord Olson II and town approval.

Dated this 9th day of January 2023.

JACKSON COUNTY ZONING COMMITTEE
BY: s/Hoyt Strandberg, Chairman

Supervisor Staff made a motion to accept this zone change. This was seconded by Supervisor Swanson. Voice Vote was taken with 19 present voting Aye.

Supervisor Swanson made a motion to convene into Closed Session pursuant to WI Stats 19.85(1)(e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons required a closed session for the purpose of (1) Offer to purchase property from the City of Black River Falls, (2) Discussion of Anew Climate, LLC's proposal to enter Jackson County forestland into the voluntary market under the American Carbon Registry Improved Forestry Management Program. This was seconded by Supervisor Peloquin. Roll call vote was taken with all 19 present voting Aye. Meeting went into closed session at 6:05 p.m.

Supervisor Swanson made a motion to return to open session at 7:10 p.m. per WI Stats 19.85(2). This was seconded by Supervisor Peloquin. Roll call vote was taken with 19 present voting Aye.

Chairman Amo asked the Clerk to read the motions made in closed session.

Supervisor Hart made a motion to begin contract negotiating with Anew Climate LLC and utilizing legal counsel to review contracts. This was seconded by Supervisor Higgins. Voice vote was taken with 19 present voting Aye.

Supervisor Higgins made a motion to accept the City's counter offer to Purchase and forward to the City. This was seconded by Supervisor Rolbiecki. Voice vote was taken with 19 present voting Aye.

OFFER TO PURCHASE

JACKSON COUNTY, WISCONSIN ("**Buyer**") offers to purchase from THE CITY OF BLACK RIVER FALLS, WISCONSIN ("**Seller**") the real estate described as Lot 2 and Outlot 1 of Jackson County Certified Survey Map 4245, recorded as document number 400880, Volume 18S, Page 253, Section 15 of Township 21 North, Range 4 West in the City of Black River Falls, Jackson County, Wisconsin (the "Property") (See Exhibit A for CSM 4245), on the following terms:

1. **Purchase Price:** \$1.00
2. **Property Condition:** Buyer and Seller agree that this is an "AS IS" purchase and Buyer does not rely on and agrees that Seller has made NO REPRESENTATIONS

OR WARRANTIES with respect to the Property, access to the Property, any improvements on the Property, or the condition of the Property. Any representations and warranties previously made by Seller or contained in this Offer are struck and shall have no binding force or effect. Buyer waives receipt of a property condition report.

3. **Environmental Contamination:** Buyer is aware of prior DNR reports regarding possible contamination. Buyer is aware of a letter in such regard from the DNR dated February 5, 2020 addressed to Seller. Buyer agrees to take the Property with all its fault, including any possible contamination and shall indemnify and defend seller from any and all claims regarding contamination, and this indemnification shall survive closing.
 4. **Delivery of Documents and Written Notices:** Delivery of documents and written notices to a party shall be effective only when accomplished by email as follows:
 - To Buyer: cindy.altman@jacksoncountywi.gov
 - To Seller: city.admin@blackriverfalls.us
- Both Buyer and Seller hereby consent to the use of electronic documents, email delivery and electronic signatures in this transaction, as required by federal law.
5. **Occupancy:** Occupancy of the Property shall be given to Buyer at the time of closing.
 6. **Closing:** This transaction is to be closed no later than December 31, 2023.
 7. **Closing Prorations:** There shall be no proration of taxes, fees, or expenses at closing.
 8. **Conveyance of Title:** Upon payment of the purchase price, Seller shall convey the Property by Quit Claim Deed. Seller further agrees to complete and execute documents necessary to record the conveyance. Buyer has the right to obtain a Letter Report from a title company. In the event Buyer determines not to proceed with this purchase after reviewing the Letter Report, Buyer may cancel this Agreement by providing Seller with notice of such cancellation within ten (10) days of its receipt of the Letter Report.
 9. **Costs and Expenses:** Buyer shall pay all closing costs associated with the purchase, closing and conveyance of the Property, including recording fees.
 10. **Effective:** This Agreement shall not be effective until approved by both the Black River Falls City Council and the Jackson County Board of Supervisors.
 11. **IF ACCEPTED, THIS OFFER CAN CREATE A LEGALLY ENFORCEABLE CONTRACT. BOTH PARTIES SHOULD READ THIS DOCUMENT**

CAREFULLY. AN ATTORNEY SHOULD BE CONSULTED IF LEGAL ADVICE IS NEEDED.

SELLER:

City of Black River Falls
By: A. Brad Chown
Its: City Administrator/Clerk/Treasurer

BUYER:

s/Cindy Altman
Jackson County, Wisconsin
By: Cindy Altman
Its: Clerk

DRAFTED BY:

Attorney Samuel Bach-Hanson
Weld Riley, S.C.
3624 Oakwood Hills Parkway
PO Box 1030
Eau Claire, WI 54702-1030
(715) 839-7786
sbach@weldriley.com

Attorney for Buyer

Chairman Amo asked for committee reports. Chairpersons of the various committees reported on the activities in their committees.

Supervisor Jensen made a motion to adjourn. This was seconded by Supervisor Hart. All present voted Aye by voice vote. Meeting adjourned at 7:20 P.M.

STATE OF WISCONSIN)
)ss
 COUNTY OF JACKSON)

I, Cindy Altman, County Clerk of said County, do hereby certify that the above and foregoing is a true and complete summary of the proceedings of the County Board of Supervisors of Jackson County, Wisconsin, at its Regular Session held on January 16, 2023.

 Cindy Altman, County Clerk
 Jackson County, Wisconsin

PER DIEM AND MILEAGE

DISTRICT MEMBER	PER DIEM	MILEAGE	TOTAL
1. Adrian Swanson	\$65.00	\$34.06	\$97.50
2. Alton Staff	\$65.00	\$28.17	\$91.88
3. Hoyt Strandberg	\$65.00	\$15.72	\$80.00
4. Daryl Boe	\$65.00	\$19.65	\$83.75
5. Thomas Clark	\$65.00	\$26.20	\$90.00
6. Mike Kunes	\$65.00	\$24.89	\$88.75
7. Charles Jensen	\$65.00	\$11.79	\$76.25
8. Max Hart	\$65.00	\$ 9.17	\$73.75
9. Bill Laurent	\$65.00	\$14.41	\$78.75
10. Michelle Greendeer-Rave	\$65.00	\$.66	\$65.63
11. Garth Rolbiecki	\$65.00	\$32.75	\$96.25
12. Ron Carney	\$65.00	\$26.53	\$90.32
13. Dale Hoff	\$65.00	\$ 1.97	\$66.88
14. John Higgins	\$65.00	\$ 2.62	\$67.50
15. Sarah Peloquin	\$65.00	\$.39	\$65.38
16. Desiree Gearing-Lancaster	\$65.00	\$.66	\$65.63
17. Jeff Amo	\$65.00	\$ 1.31	\$66.25
18. Jerrold Schmidt	\$65.00	\$12.36	\$76.79
19. Ed Chamberlain	<u>\$65.00</u>	<u>\$12.45</u>	<u>\$76.88</u>
	\$1235.00	\$275.76	\$1498.14

STATE OF WISCONSIN)
)ss
COUNTY OF JACKSON)

I, Cindy Altman, County Clerk of Jackson County, Wisconsin, do hereby certify that the above is a true and accurate claim for per diem and mileage of the County Board members, and further certify that the above members were present and the record of their presence may be found in the roll call of the proceedings of the Regular Session of the County Board of Supervisors held on January 16, 2023.

Cindy Altman, County Clerk
Jackson County, Wisconsin

Approved by:

Committee on Approval of Journal

Jeff Amo

Ron Carney

Michelle Greendeer-Rave

John Higgins

Alton Staff