

**WAUPACA COUNTY BOARD OF SUPERVISORS  
ADJOURNED ANNUAL SESSION  
JANUARY 21, 2003**

County Board Chair Brown called the meeting to order at 9:00 a.m. with 26 members present.

	<b>Supervisors entitled to seats:</b>
District 1:	Rose Mary Sasse
District 2:	Dennis Kussmann
District 3:	Dick Koeppen
District 4:	Donald L. Steenbock
District 5:	James Flink
District 6:	Lloyd Mares
District 7:	Howard Trudell
District 8:	Donald Aasen
District 9:	Donald J. Peterson
District 10:	Gene Sorensen
District 11:	Fred J. Rasmussen
District 12:	Robert H. Whitman
District 13:	Eunice Lawrence
District 14:	Donald E. Fabricius
District 15:	Kenneth Hurlbut
District 16:	John F. Penney
District 17:	David L. Johnson
District 18:	Patricia Craig
District 19:	Kay Hillskotter
District 20:	William Jonely
District 21:	Carl Kietzmann
District 22:	G. Robert Flease
District 23:	Dona Gabert
District 24:	Donn Allen
District 25:	Duane R. Brown
District 26:	James Loughrin
District 27:	Gary Barrington

Supr. Rasmussen was excused.

County Board Chair Brown made the opening statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

Pledge of Allegiance was said by all followed by a moment of silence.

Supr. Kussmann moved and Supr. Koeppen seconded the motion to approve the agenda. Motion carried 26-0.

Supr. Flink moved and Supr. Hurlbut seconded the motion to approve the minutes of the December 17, 2002 meeting. Motion carried 26-0.

**REPORT NO. 19 (2002-2003)**

**Jonathan Cloud, Community & Program Development Consultant, Title V Grant**

Jonathan Cloud reported on Waupaca County's delinquency prevention and control strategy. Chair Brown placed Report No. 19 on file in its entirety in the County Clerk's Office.

**REPORT NO. 20 (2002-2003)**

**Authorizing Waupaca County to Borrow the Sum of \$2,685,000 by Issuing Taxable General Obligation Promissory Notes Pursuant to Section 67.12(12), Wis. Stats., and Authorizing the Sale of the Notes**

Ray Osness of Griffin, Kubik, Stephens & Thompson gave an overview of the borrowing, discussed the interest rate, and the savings to Waupaca County.

**RESOLUTION NO. 41 (2002-2003)**

**A Resolution Authorizing Waupaca County to Borrow the Sum of \$2,685,000 by Issuing Taxable General Obligation Promissory Notes Pursuant to 67.12(12) of the Wisconsin Statutes and Authorizing the Sale of the Notes**

WHEREAS, Waupaca County, Wisconsin (sometimes hereinafter called the "County") is presently in need of the sum of Two Million Six Hundred Eighty-Five Thousand Dollars (\$2,685,000) for the public purpose of paying unfunded prior service liability contributions under the Wisconsin retirement system; and

WHEREAS, the County Board of Supervisors deems it necessary and in the best interest of the County that the monies needed for such purpose be borrowed by issuing general obligation promissory notes pursuant to the provisions of Section 67.12(12), Wis. Stats., upon the terms and conditions hereinafter provided; and

WHEREAS, the County is permitted to issue general obligation promissory notes for this purpose pursuant to Section 67.04(5)(b) 4, Wis. Stats.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of Waupaca County, Wisconsin, that:

Section 1. Sale of Note. The County shall sell and deliver its \$2,685,000 Taxable General Obligation Promissory Notes (the "Notes"), issued for the purpose above stated, to Griffin, Kubik, Stephens & Thompson, Inc. (the "Purchaser") for the purchase price set forth in the Note Purchase Agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal"). The Proposal is hereby approved, and the appropriate County officials are hereby authorized and directed to execute the same.

Section 2. The Notes. The Chairperson and County Clerk shall make, execute and deliver the Notes to the Purchaser, for and on behalf of the County. The Notes shall be

negotiable, general obligation promissory notes of the County, registered as to both principal and interest, in the denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered from R-1 upward and dated January 15, 2003. The Notes shall bear interest at the rates per annum set forth in the Proposal and shall mature on December 1 of each year, in the years and principal amounts set forth in the Proposal and shall mature on December 1 of each year, in the years and principal amounts set forth in the Proposal and the debt service schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule").

Interest on the Notes shall be payable on June 1 and December 1 of each year, commencing December 1, 2003.

The Notes shall not be subject to call and payment prior to maturity.

Section 3. Form of Notes. The Notes shall be in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 4. Tax Provisions.

(A) Direct, Annual Irrepealable Tax. For the purpose of paying the principal of and interest on the Notes as the same become due, the full faith, credit and resources of the County are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the County a direct, annual, irrepealable tax in the years 2003 through 2011 for payment of principal of and interest on the Notes in the years 2003 through 2012 in the amounts set forth in the Schedule. The amount of law levied for the years 2003 shall be the total amount of debt service due on the Notes in the years 2003 and 2004; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the years 2003.

(B) Tax Collection. The County shall be and continue without power to appeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried into the tax rolls of the County and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. There be and there hereby is appropriated from funds of the County on hand, to be deposited in the Debt Service Account to meet payments with respect to debt service due to December 1, 2003, an amount equal to the greater of (i) \$280,276 and (ii) the amount of debt service due on the Notes on December 1, 2003.

Section 5. Debt Service Fund and Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for \$2,685,000 'Taxable General Obligation Promissory Notes,' dated January 15, 2003" (the "Debt Service Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in such Debt Service Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) the taxes herein levied for the specific purpose of meeting principal of and interest on the Notes when due; (iii) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due, including amounts appropriated pursuant to Section 4(D) above; (iv) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further deposits as may be required by Sec. 67.11, Wis. Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the above Notes until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of an interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of America, in other obligations of the County or in other investments permitted by law, which investments shall continue to be part of the Debt Service Account.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 6. Proceeds of the Notes. All monies received by the County upon the delivery of the Notes to the purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the County Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the County and shall be used for no purpose other than the purpose for which the Notes are issued. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes, except for unfunded prior service liability contributions under the Wisconsin retirement system. Monies in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m),

Wis. Stats. Any monies, including any income from permitted investments, remaining in the Borrowed Money Fund after the purpose for which the Notes have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Account.

Section 8. Persons Treated as Owners; Transfer of Notes. The County Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 9. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York, the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 10. Undertaking to Provide Continuing Disclosure. The County covenants and agrees, for the benefit of the holders of the Notes, to enter into a written understanding (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Act of 1935 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s) of the Notes on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 11. Records. The County Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing these Notes.

Section 12. Bond Insurance. If the purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 13. Closing. The Chairperson and County Clerk of the County are hereby authorized and directed to execute and deliver the Notes to the purchaser thereof upon receipt of the borrowed funds, accrued interest to date of delivery and premium, if any. The Chairperson and County Clerk may execute the Notes by manual or facsimile signature, but at least one of said officers shall sign the Notes manually.

The officers of the County are hereby directed and authorized to take all steps necessary or convenient to close this issue as soon as practicable hereafter, in accordance with the terms of sale thereof; and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

Supr. Trudell moved and Supr. Flink seconded the motion to adopt Resolution No. 41 (2002-2003). Motion carried 26-0. Passed this 21<sup>st</sup> day of January, 2003.

Supr. Craig moved and Supr. Barrington seconded the motion to suspend the reading of and approve Amendments to Chapters 10.08, 10.08A & 10.09 of the Waupaca County Code of Ordinances. Motion carried 26-0.

**AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES,  
CHAPTERS 10.08, 10.08A, AND 10.09**

REGULATING RESTAURANTS, HOTELS, MOTELS AND TOURIST ROOMING HOUSES,  
BED AND BREAKFAST ESTABLISHMENTS, VENDING OF FOOD FACILITIES, PUBLIC  
SWIMMING POOLS, RECREATIONAL AND EDUCATIONAL CAMPS,  
CAMPGROUNDS, TATTOO AND BODY PIERCING ESTABLISHMENTS, AND  
MANUFACTURED HOME PARKS

Whereas, the Waupaca County Board of Supervisors adopted Ordinances #10.08 and #10.09 regulating Restaurants, Taverns Not Serving Food, Hotels, Motels and Tourist Rooming Houses, Bed and Breakfast Establishments, Vending of Food Facilities, Campgrounds and Camping Resorts, Recreational and Educational Camps, Mobile Home Parks and Public Swimming Pools on August 25, 1985 for the health and safety of the residents of Waupaca County;

Whereas, numerous Wis. Stats., Administrative Codes, and authority have been revised since amendments were last made to these ordinances, causing inaccuracies as to reference and authority;

Whereas, the cost of administrating these ordinances continues to increase and is deficit to revenues received through license fees;

Whereas, this proposal to repeal County Ordinances #10.08, #10.08A. and #10.09 and recreate #10.08 will:

- a) provide and perpetuate references to WI Statutes, Administrative Codes and authority
- b) simplify and make uniform ordinance structure
- c) authorize the Waupaca County Health and Human Services Board to adjust fees to recover costs of administrating this Ordinance
- d) reduce the volume of this ordinance from 17 pages to 6 pages, while maintaining the health and safety of Waupaca County Residents

Now Therefore The Waupaca County Board of Supervisors does hereby repeal and recreate Chapters 10.08, 10.08A, and 10.09 into ordinance Chapter10.08 of the Waupaca County Code of Ordinances as follows:

**1. GENERAL PROVISIONS**

**A. ADMINISTRATION**

This ordinance shall be administered by the Waupaca County Department of Health and Human Services.

**B. AUTHORITY**

- 1. The County Sanitarian or his/her duly authorized representative shall enforce the regulations of this chapter, and may issue orders to effect correction of violations and may issue citations pursuant to Ordinance #27 of Waupaca County. All enforcement actions shall minimally be analogous to Wis. Stats Sec. 254.85, 254.86, 254.87, 254.88.
- 2. Waupaca County Corporation Counsel/District Attorney may in [his/her]

discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats Sec. 66.0113, Wis. Stats. Sec. 66.0114 or pursuant to the issuance of a summons and complaint.

3. The Department of Health and Family Services is an agent for Waupaca County and an agent of the Department of Commerce under the provisions as set forth in ch. 254, Subchapter VII, 254.69, 254.47 and Wis. Stats Sec. 101.935 respectively, with the powers as described in Wis. Stats Sec. 254.74. The duties under the state statute are described in the WI Adm. Code Chapter HFS 192 and the written Terms of Agreement Contract.
4. Waupaca County adopts by reference the following Chapters of the WI Administrative Codes: HFS 192, HFS 196, HFS 195, HFS 197, HFS 198, HFS 172, COMM 90, HFS 175, HFS 178, HFS 173 and COMM 95 and all other state and federally referenced rules and Memorandums of Understanding.
5. Waupaca County recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the State of Wisconsin Department of Health and Family Services policies.

**C. 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 decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision. Any subsequent change to Wis. Stats. or Administrative Codes are incorporated by reference hereto.

**D. DEFINITIONS**

1. "County" means Waupaca County, Wisconsin.
2. "Conditional License" means granting the temporary operation of an establishment. It requires a signed agreement of compliance within a specific period of time to be determined by the county sanitarian and by policy.
3. "Department" means the Waupaca County Department of Health and Human Services.
4. "Director" means the Director of the Waupaca County Department of Health and Human Services.
5. "Health Officer" means the Health Services Coordinator or his/her authorized agent.
6. "License" means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this chapter, it is synonymous with permit.
7. "Person" means an individual, partnership, association, firm, company, corporation, organization, municipality, county, town, or state agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.
8. "Sanitarian" means the Waupaca County Sanitarian or his/her representative.



9. "Second and subsequent follow-up inspection" means any reinspection that becomes necessary because critical or multiple violation(s) governing that establishment continue to exist, after notification of same violation(s) and of appropriate time to correct them has been issued.

**E. ISSUANCE OF A LICENSE**

**1. LICENSE APPLICATION**

License application shall be made to the Waupaca County Department of Health and Human Services using forms approved and supplied by the Department and accompanied with the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the Department unless and until the sanitarian determines and certifies the premises to be licensed is in compliance with all the applicable terms and conditions of all WI Adm. Codes under contract. Conditional Licenses may be issued per policy.

Applications for licenses required in this chapter shall contain, but not be limited to, the following information:

- a. The name, home address and date of birth of the entity requesting the privilege of operating the said business/conducting the activity.
- b. The trade name and address of the establishment.
- c. Whether the applicant is a person, corporation, or partnership:
  1. If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.
  2. If the applicant is a partnership, the applicant shall include the names, home addresses and date of births of the partners.
  3. The mailing address of the legal licensee.
- d. The signature of all applicants and their agents to confirm that all information on the application is correct, and to acknowledge that any change in the information on the application shall be reported to the sanitarian within 30 days of the change.

**2. LICENSE ISSUANCE**

The sanitarian shall issue a license to the applicant only after compliance with the requirements of this chapter and upon payment to the department of all required fees. The Department's decision to grant or withhold a license shall not exceed 30 calendar days. The decision of withhold shall accompany written inspection or documentation of justification or cause. (See Section 7:C on Denial of Permit)

- a. No license may be issued until all applicable fees have been paid.

3. **LICENSE PERIOD.**  
The license period for licenses issued per the DHFS contract shall be from July 1 through June 30, except for a conditional license. Those licenses initially issued during the period beginning on April 1 and ending on June 30, expire on June 30 of the following year.
4. **DISPLAY OF LICENSE.**  
All licensees shall post their license in plain public view on the premise for which the license is issued and shall be so posted for the duration that the license is in effect.

**F. FEES**

License fees will be adjusted annually by the Health and Human Services Board, through adoption of the county budget, to reflect any cost increase in issuing licenses and conducting inspections.

1. **NON-PRORATION OF FEES.** Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time.
2. **PRE-INSPECTIONS AND THEIR ASSOCIATED FEES.**  
Pre-inspections are required to be conducted for establishments within the scope of Wis. Stats. Sec. 254 Subchapter VII.
3. **LATE FEES.** Assessed to all Wis. Stats. Sec. 254.69 establishment licensees for payment after July 1.

**G. ENFORCEMENT OF STATUTES AND RULES.**

1. **INSPECTION BY HEALTH DEPARTMENT.**  
The sanitarian, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same for compliance with incorporated codes, with respect to a business open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.
2. **TEMPORARY ORDERS.**  
Whenever, as a result of an inspection conducted pursuant to this chapter, the sanitarian has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to health of the Public, the sanitarian may proceed as stated in Wis. Stats. Sec. 66.0417 or ch. 254.85 to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Wis. Stats. Sec. 66.0417 is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.
3. **DENIAL, SUSPENSION OR REVOCATION OF LICENSE.**  
The Health Officer may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed

in the denial, suspension or revocation of any license issued under this chapter:

1. A decision by the Health Officer to deny, suspend or revoke 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, regulation 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.
2. A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written Request and Reconsideration to the Health Officer within 10 working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.
3. Within 15 working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review which shall state the reasons for such a decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom Notice of Appeal shall be filed.
4. A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 10 working days of receipt of the Health Officer's decision on review. The Notice of Appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said Notice with the Waupaca County Health and Human Services Board.
5. A licensee or applicant shall be provided a hearing on appeal within 45 days of receipt of the Notice of Appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 5 days before the hearing.
6. The hearing shall be conducted before the Waupaca County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Wis. Stats. Sec. 68.11 (2) and (3).
7. Within 15 days of the hearing, The Waupaca County Health and Human Services Board shall mail or deliver to the applicant, its written determination stating the reasons therefore. This is the final county determination.

**H. PENALTY.**

Any person who violates this ordinance shall be fined not less than \$100.00, nor more than \$1,000.00. Any person who fails to comply with an order of the Department under this ordinance, shall forfeit \$50.00 for each day of non-compliance after the order is served upon or directed to him/her per Wis. Stats. Sec. 254.69, and in case of action under Wis. Stats. Sec. 254.87, Court review, after reasonable time after final determination.

Pursuant to Wis. Stats. Sec. 252.25, WI Administrative Codes incorporated by reference, and Waupaca County Code of Ordinance # 27 the Department is authorized to enforce this ordinance through the use of County citations and/or petitions from injunctive relief.

**2. SPECIFIC INCORPORATION OF CODES.**

**A. HOTELS, MOTELS AND TOURIST ROOMING HOUSE REQUIREMENTS**

No person, party, firm, or corporation shall operate a Hotel, Motel or Tourist Rooming House, as defined in WI Adm. Code HFS 195, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 195 of the WI Administrative Code, and Ch. 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**B. RESTAURANTS/MEAL FOOD SERVICE REQUIREMENTS**

Except as provided in Wis. Stats. Sec. 254.61(5), no person, party, firm or corporation shall operate a Restaurant, Temporary Restaurant or Mobile Restaurant, as defined in WI Adm. Code HFS 196, without first obtaining a license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 196 of the WI Administrative Code, and Ch. 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made part of this ordinance as fully set forth herein.

**C. BED AND BREAKFAST ESTABLISHMENT REQUIREMENTS**

No person, party, firm, or corporation shall operate a Bed and Breakfast Establishment as defined in WI Adm. Code HFS 197 for more than 10 nights in a year, without first obtaining a license from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 197 of the WI Administrative Code, and Ch. 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**D. VENDING OF FOOD REQUIREMENTS**

No person, party, firm, or corporation shall operate a Vending Machine Commissary or a Vending Machine, as defined in WI Adm. Code HFS 198, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance or HFS 198 of the WI Administrative Code, and Ch.

254, Subchapter VII, WI Stat. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**E. PUBLIC SWIMMING POOL REQUIREMENTS**

No person, party, firm, or corporation shall operate a Public Swimming Pool, as defined in WI Adm. Codes HFS 172 and COMM 90, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 172 and COMM 90 of WI Administrative Code, and Ch. 254, Subchapter VII, WI Stat. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**F. RECREATIONAL AND RECREATIONAL CAMP REQUIREMENTS**

No person, party, firm, or corporation shall operate a Recreational and Educational Camp, as defined in WI Adm. Code HFS 175, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 175 of the WI Administrative Code, and Ch. 254, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**G. CAMPGROUND REQUIREMENTS**

No person, party, firm, or corporation shall operate a Campground, as defined in WI Adm. Code HFS 178, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or HFS 178 of the WI Administrative Code, and Ch. 254, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**H. TATTOO AND BODY PIERCING ESTABLISHMENT REQUIREMENTS**

No person, party, firm, or corporation shall operate a Tattooing and/or a Body Piercing Establishment, as defined in WI Adm. Code HFS 173, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance or HFS 173 of the WI Administrative Code, and Ch. 252, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

**I. MOBILE HOME PARKS REQUIREMENTS**

No person, party, firm, or corporation shall operate a Mobile Home Park, as defined in WI Adm. Code COMM 95, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or COMM 95 of the WI Administrative Code, and Chapter 101 and Ch. 254, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

**EFFECTIVE DATE:** Upon adoption of and publication by the County Board of Supervisors, this amendment will be in full force and effect within Waupaca County.

**RECOMMENDED FOR INTRODUCTION BY THE WAUPACA COUNTY HEALTH AND HUMAN SERVICES BOARD:** /s/ Kay Hillskotter, Elizabeth Tautges, Steve Goedderz, Howard Trudell, Donn L. Allen, Rose Mary Sasse, Nancy Mayne, Carl Kietzmann, Gary Barrington

**AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCE  
Chapter 35 – Waupaca County Sanitary Ordinance**

The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Sanitary Ordinance Chapter 35:

Amend Section 18.01 to include:

- Maintenance Program \$6.00/3 years or \$2.00/year

**EFFECTIVE DATE**

Upon adoption of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

Supr. Kussmann moved and Supr. Peterson seconded the motion to adopt Amendment to Waupaca County Code of Ordinance, Chapter 35—Waupaca County Sanitary Ordinance. Supr. Craig spoke in opposition of the amendment. Motion carried 17-9 with Suprs. Sasse, Steenbock, Mares, Trudell, Aasen, Johnson, Craig, Jonely, and Kietzmann voting nay. Passed this 21<sup>st</sup> day of January 2003.

**RESOLUTION NO. 40 (2002-2003)**

**SUBJECT:** The Health and Human Services Board recommends the funding and construction of additional bathrooms at Waupaca County Industries (WCI) to accommodate the disabled adults attending the program.

**WHEREAS**, the WCI building, that was built in 1988, has generally met the overall needs of the program, except for the growing demands of our participants who require bathroom assistance and accessible facilities; and,

**WHEREAS**, the number of participants challenged with more physical limitations and those participants who require staff assistance in the bathroom has grown very significantly; and,

**WHEREAS**, the bathrooms at WCI cannot reasonably accommodate our current participants' personal needs; and,

**WHEREAS**, our Department's 2003 budget for WCI had plans included for the construction of new bathroom facilities with budgeted dollars (\$35,000) and plans to seek a Wisconsin Trust Fund loan for the balance (\$40,000); and,

**WHEREAS**, the request for proposals just completed in December found our project cost estimated was approximately \$100,000 under our loan estimate.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Waupaca County Board of Supervisors recommends and provides the authority to the Health and Human Services Board and the Director to amend the 2003 budget by an additional \$100,000 loan expense to complete the planned bathroom facilities at WCI.

**BE IT FURTHER RESOLVED** that any loan obtained to fund this project will be repaid directly under the annual budget of the Health and Human Services Department.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE AND PERSONNEL COMMITTEE AND WAUPACA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD:** /s/ James Loughrin, Don Fabricius, John F. Penney, Kay Hillskotter, Don Aasen, Dick Koeppen, Patricia Craig, Duane R. Brown, Elizabeth Tautges, Steve Goedderz, Howard Trudell, Donn L. Allen, Rose Mary Sasse, Nancy Mayne, Carl Kietzmann, Gary Barrington

ATTEST:  
/s/ Mary A. Robbins, Waupaca County Clerk

APPROVED AS TO FORM:  
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Whitman moved and Supr. Hillskotter seconded the motion to adopt Resolution No. 40 (2002-2003). Motion carried 25-1 with Supr. Lawrence voting nay. Passed this 21<sup>st</sup> day of January, 2003.

#### **WRITTEN REPORTS**

Chair Brown placed the Waupaca County Register of Deeds 2002 Annual Report on file and will ask for questions at the February meeting.

#### **ANNOUNCEMENTS AND CORRESPONDENCE**

Waupaca County Economic Development Corporation Report for December is placed on file in the Clerk's Office and made part of the minutes.

December 20, 2002

Duane Brown  
County of Waupaca  
811 Harding Street  
Waupaca, WI 54981

Dear County Board Chair, Highway Commissioner, Clerk, and Treasurer

**Subject: Final Calculations for Calendar Year 2003 General Transportation Aids**

The following is our final calendar 2003 calculation of your General Transportation Aids (GTA). As a result of the reviews of reported costs, this figure may vary from the one provided on October 1, 2002.

Your 2003 General Transportation Aids will be distributed in four equal payments as follows:

January 6	\$357,160.06
April 7	\$357,160.06
July 7	\$357,160.06
<u>October 6</u>	<u>\$357,160.08</u>
Total	\$1,428,640.26

NOTE: SINCE THE TREASURER WILL RECEIVE THE QUARTERLY PAYMENT NOTICE, THIS IS YOUR OFFICIAL NOTICE FOR THE CALENDAR 2003 PAYMENTS. Your January payment will be electronically deposited (ACH). Please keep your bank routing number updated to reflect your current checking account number. The clerk will receive the 2002 DOR financial report form in January 2003. HOW YOU REPORT COSTS MAY IMPACT YOUR FUTURE PAYMENTS.

Sincerely,  
/s/ Scott J. Bush, Leader  
Local State Unit

Supr. Allen moved and Supr. Steenbock seconded the motion to adjourn. Motion carried 26-0. Chair Brown declared the meeting adjourned at 9:50 a.m.