



- AGENDA -

UNIVERSITY OF WISCONSIN-EXTENSION POLK COUNTY AGRICULTURE & EXTENSION EDUCATION COMMITTEE

**Wednesday, November 10, 2010
County Board Room, Government Center
100 Polk Plaza
Balsam Lake, WI**

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- 9:30 a.m.
- Call to Order
 - Approve Agenda
 - Minutes of Last Meeting
 - Public Comments
 - Conduct Investigatory Hearing on Dog Claim of Roger Harms pursuant to Wis. Stat. Section 174.11
 - Consideration of Statutory Scope of Review
 - Presentation of Claim by Claimant
 - Presentation of Supporting Information by Claimant.
 - Receipt of Other Relevant Information
 - Making Requisite Findings for Report on Investigation and Certification
 - Invoices
 - 2011 Budget
 - UWEX Western District Business
 - Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Notice of Investigative Hearing
POLK COUNTY AGRICULTURE & EXTENSION EDUCATION COMMITTEE
100 Polk County Plaza, Suite 210
Balsam Lake, Wisconsin 54810

TO: Ms. Eva Ritter
Attorney for Claimant Roger Harms
P.O. Box 25799
Woodbury, MN 55125-0799

Mr. Roger Harms
1076 30th Street
Amery, WI 54001

RE: Dog Claim of Roger Harms, filed on July 21, 2010.

PLEASE TAKE NOTICE that on Wednesday, November 10, 2010, commencing at 9:30 a.m., the Polk County Agriculture & Extension Committee will hold pursuant to Wisconsin Statute Section 174.11 an investigative hearing on the Owner's Claim for Damage to Animals filed by Roger Harms, dated July 21, 2010. Said hearing will take place at the Polk County Government Center, County Board Room, 100 Polk County Plaza, Balsam Lake, Wisconsin. The Committee will receive testimony and documentary evidence relative to said claim. Pursuant to Wisconsin Statute Section 174.11(1), the Committee will make, certify and return to the Polk County Clerk a report on investigation, the testimony taken and the amount of damages suffered by owner/claimant. The County Clerk shall submit said claim and report of investigation to the County Board of Supervisors which shall render a determination upon said claim. The payment of any dog claim allowed shall be solely against the Dog License Fund after payment of allowable expenses pursuant to Wisconsin Statute Section 174.09(2).

The Investigative Hearing is a meeting under the Wisconsin Open Meetings Law. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Issued this 14th day of October 2010.

Jeffrey B. Fuge
Hearings Officer
Polk County Corporation Counsel
1005 West Main Street, Suite 100
Balsam Lake, WI 54810
715-485-9210

c: Mr. Dean Johansen, Committee Chairperson
Ms. Carole Wondra, County Clerk
Ms. Gail Peavey, University of Wisconsin – Extension, Polk County Office

Polk County Agriculture and Extension Education Committee
Wednesday, November 10, 2010
County Board Room, Government Center
100 Polk Plaza, Balsam Lake, WI 54810

Present: Supervisors: Dean Johansen, Ted Johnson, Larry Jepsen, Herschel Brown, and Wendy Rattel; UW Extension faculty: Gail Peavey and Charles Prissel; Corp. Counsel: Jeff Fuge; and Court Recorder: Cheryl Lippman

Dean Johansen called meeting to order at 9:32 am.

Approved Agenda - Motion by Jepsen; seconded by Johnson to approve the agenda. Motion carried by unanimous voice vote.

Minutes of Last Meeting.

Motion by Jepsen; seconded by Brown to approve the minutes of the October 13th, 2010 meeting; motion carried by unanimous voice vote.

Public Comments. None.

Invoices - Invoice vouchers were presented. Motion by Brown; seconded by Jepsen to approve payment of invoices. Motion carried by unanimous voice vote.

2011 Budget - Discussion of approved budget by County Board of Supervisors.

UWEX Western District Business. Peavey informed status of Ag position. Plan to meet with Dana Frey next week and hire by March/April 2011.

Investigative Hearing on Dog Claim of Roger Harms pursuant to Wis. Stat. Section 174.11.

- Chairman, Dean Johansen declared open the investigative hearing at 9:43am. Neither claimant nor attorney present.
- Mr. Fuge requested the admission of Exhibits 1 through 5. Exhibits 1 through 5 received.
- At 9:48am Mr. Fuge noted committee's charge to hear claim and make factual findings.
- Discussion of affidavit by owner from July 21, 2010.
- Discussion of proof of statutory elements and lack of evidence to support, Wis. Stat. Section 174.11, and the claim.
- **Motion by Brown; seconded by Jepsen that the claim lacks sufficient evidence that dogs forcibly entered the enclosure; carried unanimously.**
- Chairman, Dean Johansen declares that it is the consensus of the Committee to close the investigative hearing due to lack of further evidence. Chairman, Dean Johansen closed the investigative hearing. The investigative hearing adjourned at 10:26 a.m.
- **Motion by Brown; seconded by Johnson to pass claim on to County Board of Supervisors with recommendation to deny claim; carried, unanimously.**
- **Motion by Jepsen; seconded by Johnson to pay court recorder and transcript costs from dog claim fund; carried, unanimously.**

Adjournment - Jepsen moved to adjourn at 10:27am; seconded by Brown.

Meeting was Re-Opened by Chair Dean Johansen.

- 11:20am meeting reconvened as claimant and attorney arrived.
- Claimant and attorney claim notice of hearing was never received.
- Mr. Fuge summarized the findings from investigative hearing held earlier. Discussion.
- **Motion by Brown; seconded by Jepsen to reopen investigative hearing to hear Roger Harms Dog Claim again on December 8th, 2010 at 9:30am; carried, unanimously.**

Second Adjournment

Brown moved to adjourn at 11:33am; seconded by Johnson; carried.

Submitted by Wendy Rattel, Secretary.