

RESOLUTION No. 04-16

Resolution Concerning the Petition to Establish the Horseshoe Lake Public Inland Lake
Protection and Rehabilitation District

1 TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

2 WHEREAS, pursuant to Wisconsin Statute Section 33.25(1) the County Clerk did receive on
3 September 14, 2015 a petition requesting the establishment of the Horseshoe Lake Public Inland
4 Lake Protection and Rehabilitation District; and

5 WHEREAS, after due and sufficient public notice, the Polk County Conservation, Development,
6 Recreation and Education Committee did, pursuant to Wisconsin Statute Section 33.26(1), on
7 October 7, 2015, conduct a public hearing on said petition wherein the committee received
8 public testimony in support of said petition; objections, criticisms or suggestions as to the
9 necessity of the proposed district as outlined in the petition; comments to the question of whether
10 the properties within the proposed district would benefit by the establishment of the proposed
11 district; and information from the County Clerk that no objections to the formation of such
12 district were filed with the County Clerk.

13 WHEREAS, in addition to a review of the petition and receipt of public testimony concerning
14 the petition, the committee has received tax parcel information from Polk County and Barron
15 County with regards to the lands within the proposed district; and

16 WHEREAS, on December 2, 2015 the Polk County Conservation, Development, Recreation and
17 Education Committee recommended that the Polk County Board of Supervisors adopt a
18 resolution that grants the petition consistent with the findings, district boundaries, district name
19 and confirms the appointment of initial district board of commissioners as set forth herein.

20 WHEREAS, having the assigned function of serving as the land conservation committee, the
21 Polk County Conservation, Development, Recreation and Education Committee has nominated
22 for appointment four (4) persons for the initial district board of commissioners, which shall be
23 composed of five (5) persons, including the three (3) owners of property within the district,
24 including at least one of whom is a resident of the district, and one (1) person whose appointment
25 shall be made by the town board of the town having the largest portion by valuation within the
26 petitioned district.

27 WHEREAS, the four (4) persons nominated by the Committee for appointment to the initial
28 board of commissioners are, consistent with Resolution No. 01-15, as much as practicable,
29 persons who are not seated on the Polk County Board of Supervisors or the Committee.

30 THEREFORE, NOW BE IT RESOLVED, that, pursuant to Wisconsin Statute Sections 33.25(1);
31 33.26(1) and 33.37, the Polk County Board of Supervisors finds, as follows:

32 1. On September 14, 2015 there was filed in the office of Polk County Clerk a petition for
33 the establishment of a public inland lake protection and rehabilitation district pursuant to
34 Wisconsin Statute Section 33.25.

35 2. Said petition satisfies the requisites of contents set forth in Section 33.25(2)(a)-(d), as
36 follows:

37 a. The petition proposed the name of the district of the Horseshoe Lake Public
38 Inland Lake Protection and Rehabilitation District.

39 b. The petition set forth the necessity to establish the proposed district to define the
40 present and anticipated problems of Horseshoe Lake; to identify their causes and
41 to implement remedial measures to deal with such problems; and to undertake
42 activities for the protection of the lake fishery, maintenance of appropriate lake
43 levels, reduction of sedimentation, control of invasive species and promote
44 harmonious usage of the lake's surface.

45 c. The petition stated that public health, comfort, convenience, necessity or public
46 welfare will be promoted by the establishment of the district and that the lands to
47 be included therein will be benefited by the establishment of the petitioned for
48 district.

49 d. The petition identified the lands and territory to be in the proposed district and
50 benefitted by the establishment of the proposed district are as follows:

51 "Any parcel having lake-frontage boundaries on Horseshoe Lake and lying
52 within:

53 **Polk County Wisconsin**

54 Section 01 Township 34N Range 15W Government Lot 8;
55 Section 12 Township 34N Range 15W Government Lots 1, 2, 3, 4;
56 Section 13 Township 34N Range 15W Government Lots 1, 2;
57 Section 14 Township 34N Range 15W Government Lots 1, 2, 3, Plat Morning
58 Side Park;
59 Section 13 Township 34N Range 15W Government Lots 3, 4, 5, 6, Plat Lake
60 View Park, Plat Wycoff Sandy Point Park;
61 Section 12 Township 34N Range 15W Government Lots 5;

62 **Barron County Wisconsin**

63 Section 06 Town 34N Range 14W, SW ¼ of the SE ¼;
64 Section 07 Town 34N Range 14W Government Lots 1, 2, 3, 4, 5, Plat Nessen
65 Park, Plat North Nessen Park."

66 3. The proposed district is in the counties of Polk and Barron.

67 4. The largest portion, by valuation, of the proposed district lies within Polk County.

- 68 5. Pursuant to Wisconsin Statute Section 33.27, it is appropriate for the Polk County Board
69 of Supervisors to have jurisdiction over the petition.
- 70 6. The petition is verified by one of the petitioners and accompanied by a map, which is
71 attached to and incorporated in the petition that indicates the approximate area and
72 boundaries of the proposed district.
- 73 7. Based upon tax roll information supplied by Polk and Barron counties, the proposed
74 district is comprised of 279 real properties.
- 75 8. The petition contains the signatures of persons owning 169 real properties that are within
76 the proposed district.
- 77 9. The petition contains the requisite number of signatures of owners of lands within the
78 proposed district. The petition contains signatures of owners of 60.57% of the lands
79 within the district, exceeding the statutory threshold that the petition contain the signature
80 of owners of 51 % of the lands within the proposed district.
- 81 10. The petition contains signatures of 278 persons who are owners, property owners or
82 landowners as such terms are defined by Wisconsin Statute Section 33.01(9)(am).
- 83 11. The proposed district as petitioned is necessary for the protection and rehabilitation of
84 Horseshoe Lake.
- 85 12. The public health, comfort, convenience, necessity or public welfare will be promoted by
86 the establishment of the district, and that the properties identified in the petition as the
87 properties to be included in the district will be benefited by the establishment of the
88 proposed district through studies that define the present and anticipated problems of
89 Horseshoe Lake, identify their causes and by the implementation of remedial measures
90 and activities which protect the Horseshoe Lake fishery, maintain appropriate lake levels,
91 reduce sedimentation, control invasive species and promote the harmonious usage of the
92 lake's surface.

93 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 33.26(3), the Polk
94 County Board of Supervisors declares organized the Horseshoe Lake Public Inland Lake
95 Protection and Rehabilitation District, which shall have the corporate name and be known as
96 "Horseshoe Lake Public Inland Lake Protection and Rehabilitation District".

97 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.26(3) and 33.37,
98 the Polk County Board of Supervisors establishes the boundaries of the Horseshoe Lake Public
99 Inland Lake Protection and Rehabilitation District to be any real property having lake-frontage
100 on Horseshoe Lake and lying within district boundaries, as follows:

101 **Polk County Wisconsin**
102 Section 01 Township 34N Range 15W Government Lot 8;
103 Section 12 Township 34N Range 15W Government Lots 1, 2, 3, 4;

104 Section 13 Township 34N Range 15W Government Lots 1, 2;
105 Section 14 Township 34N Range 15W Government Lots 1, 2, 3, Plat Morning
106 Side Park;
107 Section 13 Township 34N Range 15W Government Lots 3, 4, 5, 6, Plat Lake
108 View Park, Plat Wycoff Sandy Point Park;
109 Section 12 Township 34N Range 15W Government Lots 5;

110 **Barron County Wisconsin**
111 Section 06 Town 34N Range 14W, SW ¼ of the SE ¼;
112 Section 07 Town 34N Range 14W Government Lots 1, 2, 3, 4, 5, Plat Nessen
113 Park, Plat North Nessen Park.”

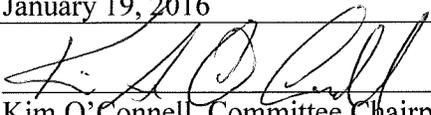
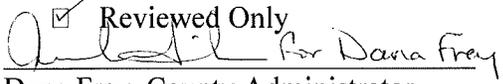
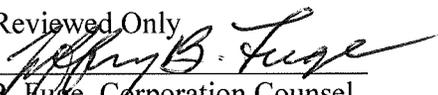
114 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.27 (1), the Polk
115 County Board of Supervisors does confirm the appointment of four (4) owners of property within the
116 district to serve as commissioners of the initial board of the Horseshoe Lake Public Inland Lake
117 Protection and Rehabilitation District until the first annual meeting of said district, as follows:

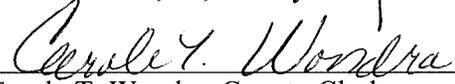
- 118 1. Joe Waldo, resident property owner;
- 119 2. Craig Nackerud, district property owner and non-resident;
- 120 3. Pamela Nelson, resident property owner; and
- 121 4. Paul Falb, resident property owner, who shall serve as the Committee designee pursuant
122 to Sections 33.27(1) and 33.28(2).

123 BE IT FURTHER RESOLVED that the per diem provisions of Resolution No. 01-15 shall first apply
124 to the meetings of the Horseshoe Lake Public Inland Lake Protection and Rehabilitation District
125 Board held after the first annual meeting of the district is held pursuant to Section 33.30.

126 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs the County Clerk
127 to cause to be served a certified copy of this resolution with the Wisconsin Department of Natural
128 Resources and the Barron County Clerk.

(Resolution Continued on Page 5)

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	January 19, 2016
Submitted and Sponsored By the Polk County Conservation, Development, Recreation and Education Committee	 Kim O'Connell, Committee Chairperson
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action	
Mark As Appropriate:	
<p>At its regular business meeting on the 19th day of January 2016, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. <u>04-16</u>: Resolution Concerning the Petition to Establish the Horseshoe Lake Public Inland Lake Protection and Rehabilitation District, as follows:</p>	
<input type="checkbox"/> Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against. <input checked="" type="checkbox"/> Adopted by unanimous vote. <input type="checkbox"/> Defeated by a vote of _____ in favor and _____ against. <input type="checkbox"/> Defeated by voice vote. <input type="checkbox"/> Action Deferred by Procedural Action, as follows: _____ _____	
SIGNED BY: _____  William F. Johnson, IV, County Board Chairperson	
Attest: _____  Carole T. Wondra, County Clerk	

