



POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, October 10, 2018 at 9:00 a.m.

A quorum of the County Board may be present

Materials: September 26, 2018 Minutes

Ordinance No. 79-18 subject matter

Minutes of the Trail planning Subcommittee Aug. 14, 2018 & Aug. 28, 2018

Land and Water Dept. report

1. Call to order
2. Approval of agenda
3. Approval of minutes for September 26, 2018
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information from non-committee Supervisors on Matters Noticed
6. Review and Develop Recommendations on Administrator's Proposed 2019 Operating and Capital Budget Concerning Functions Assigned to Committee
7. Land Conservation, Agriculture and Extension Education:
 - Update regarding Corp. Counsel's proposed Revisions to Storm Water and Erosion Control Ordinance
 - Recommendation on Proposed Ordinance No. 79-18: Ordinance Repealing Designation and Service Contract for Humane Society and Revising Limits on Claims Made Against Dog License Fund
8. Parks, Recreation, Trails and Forestry:
 - Consideration of the Minutes of the August 14, 2018 and August 28, 2018 Meetings of the Subcommittee on Trail Planning
 - Reconsideration of Recommendation on Proposed Stower Seven Lakes Trail Plan and Cattail Trail Plan for Proper Consideration of Amery Bicycle and Pedestrian Plan
 - Receipt of Information from Office of Corporation Counsel Concerning Potential Repayment of Federal Highway Administration Grant Funds Used in Construction of Stower Seven Lakes Trail
9. Planning and Zoning:
 - Review and Develop Revisions to Subdivision Ordinance; Comprehensive Land Use Ordinance; Shoreland Protection Zoning Ordinance relating to Road Design Standards
 - Review the process of hearing conditional use applications
10. Revisions to Committee Work Plan
11. Identification of Subject Matters for Upcoming Meetings and Public Hearings
 - Public Hearing on October 24, 2018 on revisions to Subdivision Ordinance; Comprehensive Land Use Ordinance; Shoreland Protection Zoning Ordinance

- Set Public Hearing for proposed amendments to Storm Water and Erosion Control Ordinance

12. Adjourn

Items on the agenda not necessarily presented in the order listed. 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.



POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 A.M. Wednesday, September 26, 2018

Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim County Administrator; Malia Malone, Assistant Corporation Counsel, and members of the public and of the press.

Meeting called to order by Chair O'Connell at 9:05 A.M.

Approval of Agenda- Chair O'Connell called for a **motion** to approve the amended agenda.

Motion (Edgell/Route) to approve the agenda as amended carried by unanimous voice vote.

Approval of Minutes – Chair O'Connell called for a **motion** to approve the minutes of the September 5, 2018 meeting. **Motion** (LaBlanc/Olson) to approve the Minutes of September 5, 2018 carried by unanimous voice vote.

Public Comment – 1 public comment received by committee.

Receipt of Information from non-committee Supervisors on Matters Noticed – none.

Chair O'Connell recognized Kristen Bruder, UW Ext. for the purpose of receiving information. Bruder provided an update of the staffing of the UW Extension in Polk County.

Chair O'Connell recognized Malia Malone, Assistant Corporation Counsel to facilitate the process of approving the DATCP cost share funding for Nicholas Johnson manure storage facility. **Motion** (Edgell/LaBlanc) to approve DATCP cost share funding for Nicholas Johnson passed by voice vote 5/1.

Chair O'Connell recognized Mark Gossman, Forester for the purpose of receiving a status report on the property withdrawal from County Forest Land and AT&T lease of same land. Gossman explained the need to transfer land into the County Forest to complete the process of withdrawing land for the purpose of installation of a Telecommunication Tower. Discussion. **Motion** (Olson/Route) to enroll 18 acres of Polk County Land in the Town of Sterling to Polk County Forest Land passed by unanimous voice vote.

Chair O'Connell recognized Jason Kjeseth, Zoning Administrator for the purpose of receiving information regarding revisions to Subdivision, Comprehensive, and Shoreline Ordinances. These three ordinances will be ready for Public Hearing at the October 24, 2018 meeting.

Chair O'Connell called for a break at 9:55 A.M. Chair O'Connell called the meeting back in session at 10:08 A.M.

Public Hearing – Wayne Boe conditional use permit. Chair O'Connell opened the Public Hearing at 10:08 A.M. Jason Kjeseth presented a staff report and read into the minutes 4 written exhibits and presented a slide show of the property affected. Brian Hobbs explained the process for obtaining a permit for the operation of a temporary campground. Wayne Boe and Brad Prunow addressed the committee. After initial discussion, public comments were received. Testimony received by 4 members of the public. Discussion. The Public Hearing was closed at 11: A.M. The committee submitted findings of fact and specified the conditions to be met. **Motion** (Olson/Route) to approve the Conditional Use permit with conditions passed by unanimous voice vote.

Chair O'Connell called for a break at 11:23 A.M. Chair O'Connell called the meeting back in session at 11:40 A.M.

Administrator's Report on Cost Estimates for External Review of Land Use Ordinances is deferred until a future meeting.

Administrator Fuge recommended committee action on the Proposed Ordinance Concerning the Sale of Tax Deed Property to take the proposed ordinance to the October board meeting. **Motion** (LaBlanc/Olson) to recommend enactment of the proposed Ordinance Concerning the Sale of Tax Deed Property as drafted. Motion carried by voice vote of 4 to 1.

Chair O'Connell recognized Debbie Peterson, Director of Parks and Buildings for the purpose of receiving information. Peterson, and Tina Riley, Office Manager presented a summary of Tax Deed Properties. The committee set the selling price at that suggested by Peterson.

Chair O'Connell recognized Maggie Wickre, Director of Finance and Andrea Jerrick, Director of Employee Relations for the purpose of presenting the proposed budget. The committee is to review the information for discussion at their next meeting.

Identification of Subject Matters for Upcoming Meetings: Revisions to sub-division ordinances, Road Standards, sale of Woodley property, Admin. Report re: external review of land use ordinances, Storm water erosion ordinance, minutes of the final subcommittee meeting, possibility of grant repayment, update the comprehensive and shoreline ordinances to comply with the sub-division ordinance, talk through budget, and the process of hearing conditional use applications. Second meeting in October – 3 public hearings.

Motion (Edgell/LaBlanc) to adjourn. **Motion** carried by unanimous voice vote. Chair O’Connell declared meeting adjourned at 12:47 P.M.

Respectfully submitted,

Stephanie Fansler
Deputy Polk County Clerk

Subject Matter Summary

Subject Matter Description:

Ordinance Repealing Designation and Service Contract for Humane Society and Revising Limits on Claims Made Against Dog License Fund

Legislative Process:

The proposed ordinance is placed before the General Government Committee and the Environmental Services Committee for recommendation. The proposed ordinance will be noticed for the October 16, 2018 County Board meeting.

Summary:

The proposed ordinance seeks to repeal the previous ordinance, Ordinance No. 05-15, which designated Arnell Memorial Humane Society as the county humane society and authorized a provider contract with Arnell. The contract has a four year term, expiring on December 31, 2018. The proposed ordinance would cause the contract to lapse rather than renew the contract. The proposed ordinance leaves in place the monetary limitations previously set for claims for damages cause by dogs and the annual cap for such claims.

Initially designated as the County's humane society in 1996, Arnell has been utilized for the care, custody, treatment and disposal of stray dogs within the County. In 2013, the County made the administrative decision to allocate the dog license moneys to Arnell, after receiving a legal opinion from Corporation Counsel. The legal opinion concluded that because the County had designated a county humane society, the balance of the dog license fund must be paid to the county humane society as a matter of statutory mandate. Under the mandate, the County lacked authority to pay any of the dog license fund moneys to the cities, villages and towns.

If enacted, the proposed ordinance would require the County to pay the moneys of the dog license fund to the cities, village and towns after paying the state its 5 percent of dog license fees collected; paying dog claims that have been allowed by the County Board; and reimbursing the County for the costs associated with administering the dog license law.

Administrator's Recommendation and Fiscal Impact Note:

The Administrator has not provided a recommendation on the proposed ordinance. The proposed ordinance alters the manner in which the county administers the County dog license fund by transferring the disbursement of such moneys from the county designated humane society to cities, villages and towns. Allowed claims against the dog license fund will continue to be paid out of moneys in the dog license fund. Otherwise, the ordinance presents no financial impact to county operation.

Legal Impact Note:

Enactment of the proposed ordinance cancels the county's designation of a humane society and ends the contractual relationship that the County has with the Arnell Memorial Humane Society. The County Board has the discretion to enact this ordinance and end that contractual relationship. Dog

licenses fees collected during the year of 2018 will be paid to Arnell Memorial Humane Society in January 2019 consistent with the terms of the current service agreement.

Ordinance No. 79-18
Ordinance Repealing Designation and Service Contract for Humane Society
and
Revising Limits on Claims Made Against Dog License Fund

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

Ladies and Gentlemen:

1 WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 05-15 to designate Arnell
2 Memorial Humane Society (Arnell) as the humane society for the County to provide and to authorize
3 a four-year contract with Arnell to provide for the care, custody, treatment and disposal of dogs; and
4

5 WHEREAS, Ordinance No. 05-15 also set monetary limits for claims that the County must pay from
6 the dog license fund for allowed claims for damages caused by dogs to domestic animals.
7

8 WHEREAS, under Wisconsin law, cities, villages and towns are responsible for issuing dog licenses,
9 collecting dog license fees and enforcing the dog license law and those state laws that regulate the
10 keeping of dogs; and
11

12 WHEREAS, the County's designation of a county humane society prevents payment of dog license
13 moneys to the cities, villages and towns so as to otherwise offset those costs incurred by those
14 governmental entities to administer the dog license law and to enforce state laws that regulate the
15 keeping of dogs;
16

17 WHEREAS, the contract for services with Arnell expires on December 31, 2018 and is subject to
18 renewal; and
19

20 WHEREAS, it is in the interest of the County to allow the contract with Arnell to expire without
21 renewal; to discontinue the designation of the county humane society; and to provide for the payment
22 of dog license moneys collected after January 1, 2019 to cities, villages and towns.
23

24 NOW, THEREFORE, the Polk County Board of Supervisors ordains as follows:
25

- 26 1. Ordinance No. 05-15 is repealed.
27
- 28 2. The previous designation of Arnell Memorial Humane Society as the county humane
29 society shall lapse effective December 31, 2018.
30
- 31 3. Limitation on Claims Made Against the Dog License Fund:
32
 - 33 a. The maximum amount that may be allowed for a claim for damages by dogs to
34 domestic animals, including loss of fair market value, injury or death, under
35 Wisconsin Statute Section 174.11 shall be limited to \$1,000 per claim, regardless of
36 the number of domestic animals that may be injured or killed in the incident or
37 occurrence that gave rise to the claim.
38

39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

b. The maximum amount that may be paid on such allowed claims in any one year shall be limited to \$2,000.00, regardless of the number of such claims that may be made against the County in any one year.

c. In the event that more than one claim for damages is presented for the injury or death of domesticated animals in which such claims all arose out of the same incident or occurrence, the Polk County Board of Supervisors shall treat such multiple claims as one claim. Said claim shall be limited by paragraph b., regardless of the multiplicity of claims filed.

4. Disbursement of Dog License Funds:

a. In accordance with Wisconsin Statute Section 174.09, the Clerk shall annually disburse the dog license fund moneys to the cities, villages and towns for their use in proportion in which the cities, villages and towns have contributed to the fund, after payment into the state treasury 5 percent of the minimum dog license tax as defined by Section 174.05(2), and after the Clerk has paid the County for the actual expenses incurred in administering the dog license law and paying the allowed claims for damages caused dogs during the license year for which the dog license taxes were paid.

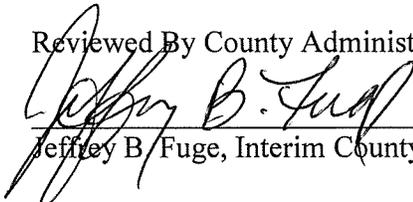
5. With exception of 2, above, this ordinance shall become effective upon passage and publication.

Offered this _____ day of _____, 2018.

BY: Brad Olson
Brad Olson, Supervisor, District #1
Doug Route
Doug Route, Supervisor, District #2
Dean Johansen
Dean Johansen, Chair,
Supervisor, District #3,
Chris Nelson
Chris Nelson, Supervisor, District #4
Tracy LaBlanc
Tracy LaBlanc, Supervisor, District #5
Brian Masters
Brian Masters, Supervisor, District #6
Michael Prichard
Michael Prichard, Supervisor, District #7

James Edgell
James Edgell, Supervisor, District #8
Kim O'Connell
Kim O'Connell, Supervisor, District #9
Larry Jepsen
Larry Jepsen, Supervisor, District #10
Jay Luke
Jay Luke, 1st Vice Chair,
Supervisor, District #11
Michael Larsen
Michael Larsen, Supervisor, District #12
Russell Arcand
Russell Arcand, Supervisor, District #13
John Bonneprise
John Bonneprise, 2nd Vice Chair,
Supervisor, District #14
Joe DeMulling
Joe DeMulling, Supervisor, District #15

Reviewed By County Administrator:


Jeffrey B. Fuge, Interim County Administrator

Fiscal Impact Note: The proposed ordinance alters the manner in which the county administers the County dog license fund by transferring the disbursement of such moneys from the county designated humane society to cities, villages and towns. If enacted, the ordinance would require the County to fund from sources other than the dog license fund expenses incurred by the County to administer the dog license fund. Allowed claims against the dog license fund will continue to be paid out of moneys in the dog license fund. Otherwise, the ordinance presents no financial impact to county operations.

Reviewed and Approved as to Form and Execution:


Malia T. Malone, Assistant Corporation Counsel

Legal Impact Note: Enactment of the proposed ordinance cancels the county's designation of a humane society and ends the contractual relationship that the County has with the Arnell Memorial Humane Society. The County Board has the discretion to enact this ordinance and end that contractual relationship. Moneys in the dog license fund for the fiscal year 2018 will be paid to Arnell Memorial Humane Society in January 2019 consistent with the current service agreement.

Excerpt of Minutes

At its regular business meeting on the ___ day of October, 2018, the Polk County Board of Supervisors acted on Ordinance No. 79-18: Ordinance Repealing Designation and Service Contract for Humane Society and Revising Limits on Claims Made Against Dog License Fund, as follows:

- Enacted by majority voice vote
- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Defeated: _____
- Other: _____

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Ordinance No. 79-18
Ordinance Repealing Designation and Service Contract for Humane Society and
Revising Limits on Claims Made Against Dog License Fund

Certification of Publication

Ord. No.79-18, as enacted the _____ day of _____, 2018, was published in the Inter-County Leader
on the ____ day of _____, 2018.

Sharon Jorgenson, County Clerk

TRAIL PLANNING SUBCOMMITTEE

Meeting Minutes – Amended

Tuesday, August 14, 2018

Polk County Government Center, West Conference Room, Balsam Lake, Wisconsin

Present: Brad Olson, Doug Johnson, Rick McGuiggan, Katie Bruns, Jon Fogelberg, Brandon Whittaker

Not Present: Ron Minnick

Others Present: Tim Anderson, County Planner; Tina Riley, Parks Office Manager; Debbie Peterson, Parks Director; Mark G^{sc}rossman, Co Forester, Jeff Fuge, Corp council

6:00 P.M. – Meeting called to order - by Chair Brad Olson

Agenda: Motion (Johnson/ Fogelberg) to approve the agenda. All in favor, motion carried.

Minutes: Motion by (Johnson/ Fogelberg) to approve the August 7, 2018 meeting minutes. All in favor, motion carried.

Discussion of NR44 Decisions.

Trails discussion on trail uses to recommend to the Environmental Committee:

Amended: Jeff Fuge, Corporation Council allowed and encouraged another vote to break the tie. Initial vote for the Stower Seven Lakes trail was a tie at 3 votes for current uses, snowmobiles and horseback riding, and 3 votes for current uses, Snowmobiles, ATV's, and horseback riding. After a re-vote the vote changed and passed to 4 votes for current uses, snowmobiles, and horseback riding, and 2 votes for current uses, ATV's, snowmobiles, and horseback riding.

Final Vote Recommended by Trail Planning Subcommittee:

Cattail Trail - Vote 4 to 2. Keep the current allowed uses and add horseback riding on the entire trail.

Stower Seven Lakes Trail - Vote 4 to 2. Keep the current allowed uses and add snowmobiling when open by the county, and horseback riding.

Committee agreed to the following dates for upcoming meetings:

Tuesday, August 28th, 6:00 pm Open House, Polk County Government Center, County Board Room, Balsam Lake, WI

8:30 P.M. Adjourn: Motion (Johnson/Fogelberg) to adjourn. All in favor, motion carried.

TRAIL PLANNING SUBCOMMITTEE

Meeting Minutes

Tuesday, August 28, 2018

Polk County Government Center, County Board Room, Balsam Lake, Wisconsin

Present: Brad Olson, Doug Johnson, Rick McGuiggan, Katie Bruns, Jon Fogelberg, Brandon Whittaker

Not Present: Ron Minnick

Others Present: Tim Anderson, County Planner; Debbie Peterson, Parks Director; Mark Gossman, Co Forester

6:00 P.M. – Meeting called to order - by Chair Brad Olson

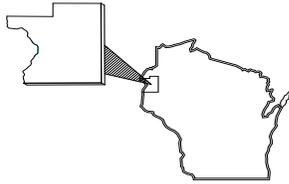
Agenda: Motion (Johnson/ Fogelberg) to approve the agenda. All in favor, motion carried.

Minutes: Motion by (Olson/no second) to approve the August 14, 2018 meeting minutes. Motion Denied.

Motion by (McGuiggan/Johnson) to approve the August 14, 2018 meeting minutes with the following amendment of the voting details: **Amended:** Jeff Fuge, Corporation Council allowed another vote to break the tie. Initial vote for the Stower Seven Lakes trail was 3 to 2 to 1 with the 1 vote making a request to re-vote. This changed the vote to a tie at 3 votes for current uses, snowmobiles and horseback riding, and 3 votes for current uses, Snowmobiles, ATV's, and horseback riding. After a re-vote the vote changed and passed to 4 votes for current uses, snowmobiles, and horseback riding, and 2 votes for current uses, ATV's, snowmobiles, and horseback riding.

Open Discussion

8:00 P.M. Adjourn: Motion (Johnson/McGuiggan) to adjourn. All in favor, motion carried.



POLK COUNTY LAND & WATER RESOURCES DEPARTMENT

100 POLK COUNTY PLAZA – SUITE 120 BALSAM LAKE, WISCONSIN 54810

PHONE: 715-485-8699 TIM RITTEN, DIRECTOR

Email TimR@co.polk.wi.us

Director's Report, October 3, 2018

Runoff Management, Resource Management and Farmland Preservation Program (FPP) (c/s=cost shared)

Current

- Nick Johnson manure storage and barnyard runoff control (c/s) begin construction
- Kammerud well closure (c/s) complete
- Chaussie well closure (c/s) complete
- Bjorn Neumann manure pit (c/s) construction nearly complete
- Tom Hengst grade stabilization with underground outlet (c/s) complete

Upcoming

- Jayce Denhoed grazing system cancelled
- Skorka well closure (on hold until c/s money available)
- Land and Water Resource Management Plan planning meeting in November

Lake Protection

Current

- County-wide AIS and Magnor Lake projects ongoing
- Completing projects and grant obligations as assigned

Upcoming

- Long Trade Lake management plan

Nonmetallic Mine Reclamation

Current

- 2 new mines permitted
- 64 active permitted mines in 2018
- 3 mines partial reclamation in 2018

Upcoming

- Fall inspections start soon

Contracted Services

Current

- Bone Lake gully repair construction in progress
- Deer Lake pond project construction complete
- Long Lake south pond cancelled
- Town of St. Croix Falls road improvement project complete

Conservation Administration, Wildlife Damage

Current

- Wildlife Damage Program USDA-APHIS 2019-2023 agreement under review