

Ordinance 59-08

The County Board of Supervisors of the County of Polk does ordain as follows:

Whereas, Polk County has previously adopted the Polk County Shoreland Protection Zoning Ordinance on May 15th, 2007 by Resolution Number 44-07, and;

Whereas, on March 11th, 2008 the Polk County Board of Supervisors amended said ordinance by Resolution Number 09-08, and;

Whereas, on July 16th, 2008 a Public Hearing was held to amend the Polk County Shoreland Protection Zoning Ordinance, and;

Therefore, the Polk County Board of Supervisors does ordain that the Polk County Shoreland Protection Zoning Ordinance is amended as follows:

- 1) Article 4. – Definition of a “Tourist Rooming House”
“Tourist Rooming House” means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2, not to exceed 8. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. HFS 197.
- ~~2) Add Article 8.D.1.(a) – Tourist rooming houses are exempt from Article 8.D. setbacks but must meet the following setbacks: 50 feet from a residence other than that of the owner of the lot and 25 feet from any lot line.~~

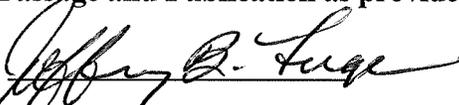
Funding amount: N/A

Funding source: N/A

Date Finance Committee Advised: N/A

Effective date: Upon Passage and Publication as provided by law.

Approved as to form:



Date Submitted to County Board: August 19th, 2008

County Board action:

Adopted as Amended.

Respectfully Submitted by the Land Information Committee:



POLK COUNTY BOARD OF SUPERVISORS
6:30 p.m., Tuesday, August 19, 2008
Polk County Government Center - County Board Room
Balsam Lake, WI 54810

Chairman Beseler called the meeting of the Polk County Board of Supervisors to order at 6:30 p.m.

County Clerk informed the Chair that notice of the agenda was posted in three public buildings, mailed to all of Polk County media, published in the county's legal paper, Tri County and Indianhead Advertisers and posted on the county's website the week of August 11, 2008. Corporation Counsel verified that sufficient notice of the meeting was given.

Roll call was taken by County Clerk, Cathy Albrecht. 23 present.

Supervisor Bergstrom offered prayer.
Chairman Beseler led the Pledge of Allegiance.

Motion (Jepsen/Bergstrom) to suspend the Rules to accept on the agenda the Resolution to Approve State Trust Fund Loan without a signature. Motion carried by a unanimous voice vote. Chairman Beseler asked to change the order by moving the Presentation by the Personnel Committee Report on Bargaining after the resolutions. **Motion (Masters/Stoneking) to approve the agenda with that change. Motion carried** by a unanimous voice vote.

Motion (Schmidt/Larsen) to approve the minutes of July 15, 2008. Motion carried.

Public comments were given.

Finance Report was given by Tonya Weinert, Finance Director.

Res. 58-08 Approval of Town of St. Croix Falls Zoning District Map Amendment Motion (Edgell/Sample) to adopt Res. 58-08. Sara McCurdy, Land Information Director, addressed the resolution. **Res. 58-08 was adopted** by a unanimous voice vote.

Res./Ordinance 59-08 Amendment to the Polk County Shoreland Protection Zoning Ordinance Motion (Rediske/O'Connell) to adopt Res. 59-08. Sara McCurdy addressed the resolution. **Motion (Gamache/Masters) to amend the resolution by striking "2) Add Article 8.D.1(a) – Tourist rooming houses are exempt from Article 8.D. setbacks but must meet the following setbacks: 50 feet from a residence other than that of the owner of the lot and 25 feet from any lot line."** Aye and Nay vote. 13 yes, 10 no. Those voting yes were Suprs. Dueholm, Peterson, Schmidt, Brown, Caspersen, Edgell, Masters, Arcand, Larsen, Bergstrom, Johnson, Gamache and Newville. Those voting no were Suprs. Johansen, Kienholz, Rediske, Sample, Messicci, Luke, Stoneking, Jepsen, O'Connell and Beseler. **Motion carried.** Aye and Nay vote on Res. 59-08 as amended. 20 yes, 3 no (Suprs. Dueholm, Larsen and Beseler). **Res. 59-08 as amended was adopted.**

Res. 60-08 Cremation Permit Fee Motion (O'Connell/Masters) to adopt Res. 60-08. Jonn Dinnies, Medical Examiner, addressed the resolution. **Res. 60-08 was adopted** by a unanimous voice vote.

Res. 61-08 Withdrawal and Sale of County Forest Land Located in the Town of Sterling Motion (Larsen/Arcand) to adopt Res. 61-08. Paul Pederson, County Forester, addressed the resolution. 2/3 vote needed. Aye and Nay vote. 22 yes, 1 no (Rediske) **Res. 61-08 was adopted.**

Chair called a 10 minute break.
Meeting resumed.

Res. 62-08 To Approve and Enter Into a Memorandum of Agreement with the Wisconsin Department of Natural Resources Regarding the Use and Development of the Amery to Dresser
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Trail Motion (Arcand/Larsen) to adopt Res. 62-08 Motion (Arcand/Brown) to refer back to the committee. It was asked of the committee to clarify obligations of the County regarding dollars and labor. Aye and Nay vote. 17 yes, 6 no. Those voting yes were Suprs. Peterson, Schmidt, Brown, Caspersen, Rediske, Edgell, Masters, Sample, Messicci, Arcand, Larsen, Jepsen, O'Connell, Bergstrom, Johnson, Gamache and Newville. Those voting no were Suprs. Dueholm, Johansen, Kienholz, Luke, Stoneking and Beseler. **Motion carried.**

Res. 63-08 To Authorize a Highway Facility Plan Motion (Sample/O'Connell) to adopt Res. 63-08. Motion (Johansen/Sample) to amend the first "Be It Further Resolved" paragraph by replacing the words "land requisition" with "geographical location" and changing the date in same paragraph from December, 2008 to March, 2009. Motion carried by a voice vote. Motion (Messicci/Stoneking) to amend the first "Be It Further Resolved" paragraph by adding to the report "as well as assessment of currently county owned, but underutilized building space and land, and potential futures uses, included but not limited to use by the Polk County Highway Department. Motion (Sample/Gamache) to amend that amendment by striking the word "underutilized". Motion carried by a unanimous voice vote. The amended amendment was carried by a voice vote. Motion (Arcand/Jepsen) to add "Be It Further Resolved that a structural assessment be done on the buildings and that the cost not exceed \$50,000 with the funding source being the Contingency Fund. Motion (Sample/Johansen) to amend that amendment by adding "preceding the assessment to have a visit with Short, Elliott and Hendrickson Engineers to discuss what knowledge we already have in relation to the structural integrity and to change the funding amount from \$50,000 to \$25,000. Motion carried by a voice vote. Aye and Nay vote on the amended amendment. 17 yes, 6 no. Those voting yes were Suprs. Dueholm, Peterson, Johansen, Schmidt, Brown, Kienholz, Caspersen, Rediske, Edgell, Masters, Sample, Messicci, Arcand, Stoneking, O'Connell, Bergstrom and Beseler. Those voting no were Suprs. Larsen, Luke, Jepsen, Johnson, Gamache and Newville. The amended amendment carried. Res. 63-08 as amended was adopted by a unanimous voice vote.

Chair called a 5 minute break
Meeting resumed.

Res. 64-08 Creation and Adoption of Policy 513 – Cellular Devices. Motion (Sample/Bergstrom) to adopt Res. 64-08. Motion (Masters/Larsen) to amend the policy under Procedures by changing the third and fourth paragraphs to read "If the device is used exclusively for business it is excludable from income. However, if there are personal calls other than emergency, the employee will have a cell phone benefit allocated to wages as required by the Internal Revenue Service.

A flat fee that includes a portion of the monthly service fee will be assessed. Costs for cellular plans vary greatly. The assessment will be a monthly flat fee of \$10.00. Each Department will review their monthly invoices to determine whether or not there is non-emergency personal usage and then assess the monthly fee and submit that information to the Payroll Division for processing as income to wages on a monthly basis." Motion carried by a voice vote.

Motion (Schmidt/Dueholm) to amend by replacing paragraph two under "Policy" with "County cell phones, hands-free devices, laptop computers, pagers, and walkie-talkie devices are not to be used for talking nor texting while driving a vehicle under any circumstances unless calling a local emergency service such as 911. If one cannot safely pull over to make or accept a call, that call should not be made nor answered until one can safely pull over. Under no circumstances are texting capabilities to be used while driving.

The term vehicle 'includes but is not limited to all of the following: vehicles owned by the county, vehicles leased by the county, client owned vehicles and personal vehicles used for county business.'

Any violations, tickets or finds one may receive related to the use of any of the above mentioned devices are the responsibility of the employee, not the county.

Law enforcement personnel on duty are exempt from these restrictions." Motion lost by a voice vote.

Motion (Luke/Newville) to remove the second paragraph under "Policy".

Chair called a 5 minute break.

Meeting resumed.

A copy of a letter from County Mutual Insurance regarding cell phone usage while operating vehicles was distributed to the Board. **Motion (Luke/Masters) to withdraw the motion on the floor. Motion carried** by a unanimous voice vote.

Motion (Dueholm/Jepsen) to add that anyone with a county cell phone be automatically be charged a \$5.00 benefit. Motion (Dueholm/Jepsen) to withdraw the motion on the floor. Motion carried by a unanimous voice vote. **Res. 64-08 as amended was adopted.**

Res. 65-08 Motion (Rediske/Larsen) to adopt Res. 65-08. To Authorize An Advisory Referendum Regarding Health Care Insurance Supr. Rediske and Steve Carlson addressed the resolution. Ballot vote. 13 yes, 10 no. Those voting yes were Suprs. Dueholm, Kienholz, Caspersen, Rediske, Messicci, Arcand, Larsen, Luke, Stoneking, Jepsen, Gamache, Newville and Beseler. Those voting no were Suprs. Peterson, Johansen, Schmidt, Brown, Edgell, Masters, Sample, O'Connell, Bergstrom and Johnson. **Res. 65-08 was adopted.**

Res. 66-08 Creation and Adoption of Policy 908 – Cash Handling Policy Motion (Newville/Bergstrom) to adopt Res. 66-08. Res. 66-08 adopted by a unanimous voice vote.

Res. 67-08 Resolution to Approve State Trust Fund Loan Motion (Bergstrom/Kienholz) to adopt Res. 67-08. Resolution read by Supr. Bergstrom (page 3). Suprs. Sample asked that it be noted that the expenditure was approved by Res. 108-07 in November, 2007. Aye and Nay vote. 23 yes. **Res. 67-08 was adopted.**

Motion (Newville/Arcand) to go into closed session pursuant to Wisconsin State Statute Section 19.85(1)(e) – conducting other specified public business, whenever competitive or bargaining reasons require a closed session to discuss strategy for upcoming negotiations for collective bargaining agreement. Aye and Nay vote. 21 yes, 2 no (Suprs. Larsen and Luke) **Motion carried.** Those present other than Board were Tonya Weinert, Andria Jerrick, Jeff Fuge and Cathy Albrecht.

Motion (Rediske/Peterson) to return to open session. Motion carried by a unanimous voice vote.

Standing Committee reports were given.

Motion (Masters/Jepsen) to suspend the rules in order to meet after 11:00 p.m. Motion carried by a voice vote.

It was announced by the Chair that Jeff Peterson had declined the appointment to the Lake District. **Motion (Jepsen/Masters) to accept the appointment of Bill Alleva to the Human Service Board. Motion carried** by a unanimous voice vote.

Motion (Luke/Jepsen) to accept the annual reports for Register of Deeds, Buildings, Parks and Solid Waste, Human Services and Golden Age Manor. Supr. Dueholm asked for the 2007 report for Golden Age Manor to be pulled. Motion and second agreed. Motion carried.

Annual reports presented were Golden Age Manor for 2006, Child Support, Clerk of Circuit Court and Public Health.

Supervisors' reports were given.

The Chairman's/Administrative Coordinator's report was given.

Motion (Newville/Jepsen) to adjourn. Motion carried. (11:18 p.m.)