

Resolution 10-07

A RESOLUTION BY POLK COUNTY TO ENTER INTO A COOPERATIVE AGREEMENT FOR A RECYCLING EFFICIENCY PROGRAM WITH BURNETT AND WASHBURN COUNTIES (RECYCLING CONTROL COMMISSION-RCC)

WHEREAS Polk County has a Materials Recovery Facility (MRF) located in St. Croix Falls, Wisconsin; and

WHEREAS recycling efficiencies are integral and necessary to recycling programs in the State of Wisconsin; and

WHEREAS Burnett and Washburn Counties maintain a recycling program on a collaborative basis through the entity of the Recycling Control Commission of Burnett and Washburn Counties (RCC); and

WHEREAS Polk County and the RCC and associated staff, as of January 2007, have been working on a program to plan, research, design and implement specific cooperative programs, namely to develop a program to collect and market previously unrecycled plastic nursery pots and seedling trays from nurseries and residents in the three counties and to develop a collection program for these materials at nurseries and greenhouses that can be utilized by the businesses and also serve as a collection point for residents; and

WHEREAS, after conducting research on the cost efficiency and efficacy of a such a program, the staff of Polk County and RCC have developed a cooperative recycling program to collect and market previously unrecycled materials that:

1. May result in efficient and practical solutions to common cost issues;
2. Will increase recycling opportunities for residents and businesses of the cooperating responsible units;
3. Can generate additional revenues for the cooperating recycling programs.

NOW, THEREFORE, BE IT RESOLVED, that Polk County Board of Supervisors declares its intent to work together with RCC to identify and institute these recycling projects and/or pursuits, and to work together where possible to provide solutions on a collaborative basis for the benefit of the citizens of Polk County and the respective constituencies of Burnett and Washburn Counties in these regards.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors adopts and enters into the Polk County and the Recycling Control Commission (Burnett & Washburn Counties) Recycling Cooperative Agreement 2006-07, as attached hereto and incorporated herein, for the purpose of carrying out the cooperative recycling program.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the Polk County Director of Buildings, Parks and Waste to submit on behalf of Polk County a

2007 Recycling Incentive Grant application to the Wisconsin Department of Natural Resources and be responsible for all grants relating to this authorizing resolution.

Funding Amount: Estimated \$30,000 **Funding Source:** Wis. DNR Recycling Incentive Grant

Date Finance Committee Advised: Not Applicable

Finance Committee Recommendation: Not applicable

Approved as to form: *Jeffrey B. Fuge*
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to the County Board: 3/20/07

County Board Action: Adopted

Effective Date: Upon Passage

SUBMITTED at the request of Polk County Property, Forestry and Recreational Committee.

Russell E. Arund

K.J. [Signature]

The above resolution, Resolution 10-07, has been approved this 20th day of March, 2007.

Larry Jepsen
Larry Jepsen, Polk County Board Chairperson

Dated: 3-21-07

Attest: *Catherine Albrecht*
Catherine Albrecht, Polk County Clerk

Dated: 3-21-07

POLK COUNTY
AND THE
RECYCLING CONTROL COMMISSION (BURNETT & WASHBURN COUNTIES)
RECYCLING COOPERATIVE AGREEMENT 2006-07

This agreement is entered on January 1, 2007 between Polk County (a responsible unit) and the Recycling Control Commission, a commission formed by contract pursuant to 66.0301 of the Wisconsin Statutes, (Burnett & Washburn Counties, both individual responsible units), all Wisconsin municipal corporations, hereinafter designated individually as "Polk" and "RCC," and "Burnett" and "Washburn", and collectively as "Counties."

RECITALS

Purpose:

The purpose of this agreement is to enter into contract pursuant to 66.0301 of the Wisconsin Statutes, to specify those certain responsibilities of the parties hereto in the implementation of an inter-county recycling program during the term of this agreement, and to satisfy for each of the Counties eligibility requirements necessary to qualify as applicants for the Wisconsin Department of Natural Resources Recycling Efficiency Incentive Grants to Responsible Units.

Program Description:

Through this agreement it is the intent of the Counties to achieve the following:

1. Polk has a Materials Recovery Facility (MRF) located in St. Croix Falls, Wisconsin. Polk and RCC will develop a program to recycle plastic nursery pots and seedling trays from nurseries and residents in the three counties. The cost efficiency and efficacy of this program has been researched. The Counties will develop in their respective counties a collection program for these materials at nurseries and greenhouses that can be utilized by the businesses and also serve as a collection point for residents. Collections may also be held at any three county recycling centers as deemed appropriate.
2. All materials will be consolidated, baled, transported and marketed by the Polk County MRF. As RCC does not operate a MRF in its two counties, RCC may bale materials from its collection points with the use of its mobile baler unit purchased last year. RCC will ship the above-mentioned recyclables to the Polk County MRF beginning January 1, 2007, but particularly during the spring planting season.
3. The Polk County MRF will carry out final disposition. The Counties have investigated the marketing of these materials and have found a market at an Iowa plastics recycling firm.
4. Polk and RCC will in their respective counties develop an education and publicity program to inform users of the program of the proper material preparation for these containers.
5. Any profits realized from this endeavor will be handled per a separate contract agreed to by the Polk and RCC.

6. If cost savings are realized, as expected, it is anticipated that this cooperative relationship could continue into the future. It is hoped that the additional revenues generated by the project could help increase recycling revenue streams as well as providing a recycling outlet for new materials.
7. This represents an expansion of the recycling program for Polk and RCC. Such plastic materials have never been recycled within the three counties in the past. The intent of the program is to continue to investigate and implement programs that can recycle previously land filled materials.

OPERATIVE TERMS

The Counties adopt the following operative terms and conditions of this cooperative agreement as to meet the objectives of the described program.

1. TERM:

This cooperative agreement shall commence on January 1, 2007 and terminate on October 1, 2007.

2. BINDING AUTHORITY:

Each County and the RCC shall adopt this cooperative agreement by resolution. A copy of said resolutions shall be attached hereto and incorporated herein.

3. DUTIES OF POLK COUNTY:

Polk agrees to:

- a. Transport all of the above-described recyclables collected through the nurseries located in Polk County.
- b. Market the above-described recyclables collected for Polk, Burnett and Washburn Counties received the Polk County MRF.
- c. Ensure to the best of its ability that materials are delivered to the Polk County MRF separated and sorted as required by the Polk County MRF.
- d. Assist Burnett and Washburn Counties in the publicity and education efforts necessary for the proper implementation of this program.
- e. Apply for the REI grant as described in State of Wisconsin Guidelines.

4. DUTIES & RESPONSIBILITIES OF RCC.

RCC hereby agrees to:

- a. Transport from Burnett and Washburn counties all of the above-described recyclables collected through the nurseries and greenhouses and residential drop-off sites to the Polk County MRF for processing and marketing.
- b. Be responsible for all transportation costs of same materials to the Polk County MRF.
- c. Ensure to the best of its ability that materials are delivered to the Polk County MRF separated and sorted as required by the Polk County MRF.
- d. Assist Polk County in the publicity and education efforts necessary for the proper implementation of this program.

5. INSURANCE:

Each party to this agreement shall maintain its own liability insurance sufficient to insure against the risks arising from each party's responsibilities under this agreement.

6. MUTUAL INDEMNIFICATION:

- a. Polk shall indemnify and hold the RCC, Burnett and Washburn harmless against and from all liabilities and obligations which may be imposed upon or incurred by or asserted against RCC, Burnett and/or Washburn as a result of injuries, damages, expenses, penalties, claims, costs, and charges arising out of any actions taken by Polk, its employees or agents, in Polk's performance of this agreement.
- b. RCC shall indemnify and hold, Polk harmless against and from all liabilities and obligations which may be imposed upon or incurred by or asserted against Polk as a result of injuries, damages, expenses, penalties, claims, costs, and charges arising out of any actions taken by RCC, its employees or agents, in RCC's performance of this agreement.
- c. Burnett shall indemnify and hold Polk harmless against and from all liabilities and obligations which may be imposed upon or incurred by or asserted against Polk as a result of injuries, damages, expenses, penalties, claims, costs, and charges arising out of any actions taken by Burnett, its employees or agents, in Burnett's performance of this agreement.
- d. Washburn shall indemnify and hold Polk harmless against and from all liabilities and obligations which may be imposed upon or incurred by or asserted against Polk as a result of injuries, damages, expenses, penalties, claims, costs, and charges arising out of any actions taken by Washburn, its employees or agents, in Washburn's performance of this agreement.

- e. Liabilities and obligations shall mean, and not be limited to, any costs incurred, including attorney's fees, to defend against such injuries, damages, expenses, penalties, claims, costs, and charges.

7. MODIFICATIONS:

The parties hereto agree no modification can be made to this agreement except those which are mutually agreed upon by and between the parties and which have been executed in writing by duly authorized representatives of the parties.

8. NOTICE:

- a. Notices to Polk shall be delivered to: Polk County Department of Parks, Buildings and Solid Waste Management, 100 Polk County Plaza, Suite 10, Balsam Lake, Wisconsin, 54810.
- b. Notices to RCC, Burnett and Washburn shall be delivered to: Recycling Control Commission, 1400 South River Street, Spooner, Wisconsin, 54801.

9. MISCELLANEOUS TERMS AND CONDITIONS:

The following terms apply to the parties to this agreement:

- a. The agreement shall be in accord with and subject to the laws of the State of Wisconsin.
- b. If any clause or provision of this agreement is determined by a court with requisite jurisdiction to be illegal or unconstitutional, that clause or provision shall be severed from this agreement, where possible, and the remainder of the agreement shall continue to have full force and effect.

POLK COUNTY



Larry Jepsen, County Board Chair
Dated: _____

BURNETT COUNTY

Clifford Main, County Board Chair
Dated: _____

WASHBURN COUNTY

Michael Bobin, County Board Chair
Dated: _____

**RECYCLING CONTROL
COMMISSION**

Carsten Endresen, RCC Chair
Dated: _____

MINUTES OF THE POLK COUNTY BOARD OF SUPERVISORS

MARCH 20, 2007 - 4 p.m.

Chairman Jepsen called the meeting of the Polk County Board of Supervisors to order at 4:00 p.m. The Supervisors were introduced to the facilitators and program outline for Strategic Planning by Supvr. Rediske, Chair of the Ad Hoc Strategic Planning Committee. Chairman Jepsen called a half-hour recess for lunch at 5:30 p.m. Meeting reconvened at 6:00 p.m. County Clerk informed the Chair that notice of the meeting's agenda was posted in three public buildings, was published in the County's legal paper and the Advertisers during the week of March 12, 2007, and was mailed to all of Polk County media. Corporation Counsel verified that proper notice of the meeting was given.

The roll call was taken by County Clerk, Cathy Albrecht. 21 present, 2 absent (Supvrs. O'Connell and Bergstrom). Supervisor Hughes offered a moment of silence for reflection and prayer. Chairman Jepsen led the Pledge of Allegiance.

Motion (Nilssen/Johnson) to approve the agenda. Motion (Beseler/Larsen) to suspend the rules of order to act on the resolution regarding Support of Additional Assistant District Attorney. Motion carried by a unanimous voice vote. Motion (Beseler/Hughes) to amend the agenda by adding the resolution "In Support of Additional Assistant District Attorney." Motion carried by a unanimous voice vote. Agenda as amended was approved by a unanimous voice vote.

Motion (Hughes/Schmidt) to approve the minutes of January 16, 2007. Minutes were approved by a unanimous voice vote.

Chairman Jepsen presented a plaque award for Outstanding Achievement in Recycling for the State of Wisconsin for 2007 to Debbie Peterson, Director of Parks, Buildings and Solid Waste. Ms. Peterson and Supvr. Larsen presented awards to the workers that helped achieve the award.

A presentation by Bonnie Fredrickson, Coordinator for Workforce Resources (Job Center), was given.

The Administrative Coordinator report was give by Chairman Jepsen.

Finance Director's report was given by Tonya Wienert.

Public comments were given.

Chairman Jepsen called a 5-minute break. Meeting reconvened with Supvr. Newville taking the chair.

RESOLUTION 09-07

RESOLUTION OFFERED BY SUPERVISORS OF THE
SOLID WASTE COMMITTEE
RESOLVED BY THE BOARD OF SUPERVISORS OF
POLK COUNTY, WISCONSIN

WHEREAS, the State of Wisconsin mandated recycling in 1990 under Wisconsin Act 335 and later under Administrative code NR 544; and

WHEREAS, NR 544 requires Towns, Villages, Cities or Counties, hereafter Municipalities, to become Responsible Units for Recycling and as such are required to establish and pay for Effective Recycling Programs; and

WHEREAS, the State of Wisconsin originally promised to cost share 66% of Municipalities' costs for maintaining Effective Recycling Programs; and

POLK COUNTY BOARD PROCEEDINGS

WHEREAS, the State of Wisconsin currently reimburses municipalities an average of less than of 30% of their residential recycling costs; and

WHEREAS, the State of Wisconsin has imposed levy limits on Municipalities putting many under severe financial constraints; and

WHEREAS, during the last four biennium budget cycles, the State has taken over eighty million dollars (\$80,000,000) away from the recycling fund to pay for other State programs; and

WHEREAS, the State of Wisconsin is using monies raised to support Municipal Recycling Programs as part of a failed attempt to balance the State's budget.

NOW, THEREFORE, BE IT RESOLVED, by the Polk County Board of Supervisors that all future monies in the recycling fund should only be used for current state staffing and for grants to Responsible Units.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the County Clerk to the Wisconsin Counties' Association, Senator Sheila Harsdorf, Assembly Representative Ann Hrarychuck and Mary Hubler, State Representative Dan Meyer and Don Friske, and Governor Jim Doyle and Robert Jauch.

If you are submitting an ordinance to the County Board, the first sentence of the ordinance should read: "The County Board of Supervisors of the County of Polk does ordain as follows."

The effective date of an ordinance is "upon publication."

Approved as to form: Jeffrey B. Fuge, Corporation Counsel.

Date Submitted to County Board: March 20, 2007.

County board action: Adopted as amended.

Submitted at the request of the Property, Forestry and Recreation Committee: Michael Larsen, Jeff Peterson, Russell E. Arcand, Marvin Caspersen and Kay Friberg.

Res. 09-07 - Resolution Offered By Supervisors Of The Solid Waste Committee. Motion (Blake/Larsen) to adopt Res. 09-07. Motion (Blake/Friberg) to amend the "Be It Further Resolved" paragraph by having a copy of the resolution forwarded to Senator Robert Jauch also. Amended passed by a unanimous voice vote. Res. 09-07 as amended was adopted by a unanimous voice vote.

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