

1 Polk County Board of Supervisors
2 Resolution No. 43-17
3 Resolution Authorizing the Development of a Multi-Use, Multi-Season Trail Management Plan
4 for
5 Stower Seven Lakes Trail

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

8
9 Ladies and Gentlemen:

10 WHEREAS, the Stower Seven Lakes Trail (Trail) is a Wisconsin Department of Natural Resources
11 (Department) trail managed by Polk County as a non-motorized trail; and

12 WHEREAS, in 2004, Polk County developed under the then existing law a master plan for the
13 designation and management of the Trail as a multi-use, multi-season trail, ~~and providing for,~~
14 ~~amongst recognized uses, all terrain vehicle and snowmobile travel;~~ and

15 WHEREAS, despite the master plan, the use of the trail has been limited to non- motorized use as a
16 result of a 2008 Polk County Circuit Court decision, in Polk County Court Case No. 2007CV177,
17 that ordered the Department to prohibit motorized uses on the Trail unless they meet the limited
18 exceptions found in Wisconsin Statute Section 23.175(1) or Wisconsin Administrative Code, section
19 NR 51.70 to 51.75, under its then existing language; and

20 WHEREAS, since the decision, the Wisconsin Legislature has amended Wisconsin Statute Section
21 23.175 and the Department has repealed Wisconsin Administrative Code, section NR 51.70 to 51.75,
22 removing the statutory and administrative limitations that existed at the time that the Polk County
23 Circuit Court issued said decision; and

24 WHEREAS, in 2015, the Department notified and informed Polk County that the 2004 master plan
25 could not receive approval in light of the court decision and that the County would have to develop a
26 new trail plan under Section 23.175, ~~as amended, in order for motorized uses of the Trail to receive~~
27 ~~consideration and approval;~~ and

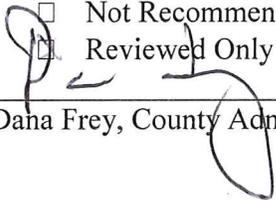
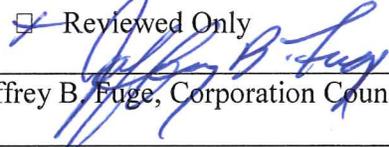
28 WHEREAS, developing a new master land use and trail management plan for the Trail as a multi-
29 use, multi-season trail would address the County priority to increase recreational and tourism
30 opportunities.

31 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section 23.175, the
32 Polk County Board of Supervisors authorizes there be developed a master land use and trail
33 management plan that proposes the Trail be a multi-use, multi-season trail that provides recreational
34 trail opportunities to as many different interests as possible., ~~including, but not limited to, various~~
35 ~~non-motorized and motorized uses.~~

36 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs
37 county staff as delegated by the County Administrator to implement a planning process that develops
38 the proposed master land use and trail management plan and includes public participation; Wisconsin

39 Department coordination, consultation, environmental assessment review and approval;
 40 recommendation of the Environmental Services Committee; and approval of the County Board.

41 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs the
 42 Corporation Counsel to, as necessary and appropriate, intervene in Polk County Court Case No. 2007
 43 CV177 or bring an independent legal action on behalf of Polk County to seek a court order that
 44 allows the Trail to be managed and operated as a multi-use and multi-season trail.

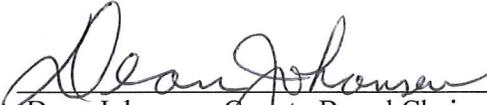
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	First Reading: June 20, 2017 Second Reading: July 18, 2017
Submitted By:	
Review 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:

At its regular business meeting on the 18th of July 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No.43-17: Resolution Authorizing the Development of a Multi-Use, Multi-Season Trail Management Plan for Stower Seven Lakes Trail, as follows:

- Enacted by majority of the board of supervisors by a vote of 14 in favor and 1 against.
- Enacted by unanimous vote.
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY: 
 Dean Johansen, County Board Chairperson

Attest: 
 Sharon E. Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY RESOLUTION

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk due hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Resolution No. 43-17: Resolution Authorizing the Development of a Multi-Use, Multi-Season Trail Management Plan for Stower Seven Lakes Trail adopted/defeated by the Polk County Board of supervisors at its regular business meeting held on July 18, 2017.

 7/18/17

Sharon E. Jorgenson, Polk County Clerk

Date