

Polk County Board of Supervisors

Polk County Government Center
100 Polk County Plaza, Balsam Lake, WI
County Board Room

Tuesday, April 30, 2013

Regular Business Meeting, 6:00 PM

Open Session

1. Call to Order
2. Evidence of Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Time of Reflection – Supr. Harry Johansen

6. **Consent Agenda**
 - *Consideration of noticed agenda for April 30, 2013 meeting;
 - *Consideration/corrections to the published minutes of the March 19, 2013 meeting
7. Public Comments - 3 minutes per person- not to exceed 30 minutes total
8. Chairman's Report, Wm. Johnson
9. Time for Committee Q&A (if any)
10. Administrator's Report, Dana Frey

11. **Proposed Resolutions and Ordinances**
 - A. **Resolution No. 15 -13, Resolution to Accept Donation of Land from Janet Ahlgren**

 - B. **Resolution No. 06 -13, Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael**

 - C. **Resolution No. 16 -13, Resolution to Authorize 2013 Highway Construction Projects**

 - D. **Ordinance No. 17 -13, Ordinance to Repeal Resolution No. 71-82; Ordinance Prohibiting Possession of hand-Guns in Public Buildings**

12. Supervisor's Reports
13. Adjourn

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.

Notice of Rescheduling of Regular Business Meeting

Polk County Board of Supervisors

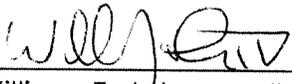
Polk County Government Center
100 Polk County Plaza, Balsam Lake, WI
County Board Room

PLEASE TAKE NOTICE that, pursuant to Article 2, Section 6, of the Polk County Board Rules of Order, the regular business meeting of the Polk County Board of Supervisors, set by Rule, Article 2, Section 1, for April 16, 2013 at 6:00 p. m., has been rescheduled to Tuesday, April 30, 2013 at 6:00 p.m. Pursuant to Article 3, Section 2, of the Polk County Board Rules of Order, the meeting notice for the regular business meeting, as rescheduled, will be published, posted and distributed on April 19, 2013.

The rescheduling of the April regular business meeting of the Polk County Board of Supervisors, as noticed above, is made to remove a scheduling conflict that placed upon many of the county supervisors, who also serve on or attend town boards, as a result of Wisconsin Statute Section 60.11(2)(a), as amended by 2011 Wisconsin Act 115, enacted February 17, 2012. The amendment caused the annual meeting of town boards to move from the second week in April to the third week in April.

Dated this 25th day of March 2013.

By Order of the Polk County Chairperson:



William F. Johnson, IV,
Polk County Chairperson

A

1 RESOLUTION NO. 15 -13

2 Resolution to Accept Donation of Land from Janet Ahlgren

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

5
6 Ladies and Gentlemen:

7 WHEREAS, Janet Ahlgren has made the request to donate to Polk County approximately 180
8 acres of land located in the Town of Balsam Lake to Polk County to be known as the Ahlgren
9 Wildlife Preserve and Recreational Area; and

10 WHEREAS, the donation is conditioned upon the restriction that said lands be used for the
11 public purposes of non-motorized recreation, forestry, and education; and

12 WHEREAS, in the event that Polk County is unable to fulfill said condition it is the intent of
13 Janet Ahlgren that the title to the property revert back to her and that title be conveyed to the
14 West Wisconsin Land Trust as provided by estate planning documents of Janet Ahlgren; and

15 WHEREAS, the Polk County Parks, Forestry and Recreation Committee has recommended that
16 the County accept the donation of the above referenced 180 acres and that the County manage
17 said lands for non-motorized recreational, forestry and educational purposes; and

18 WHEREAS, it is in the interest of the County to accept the donation of Janet Ahlgren and
19 manage said lands for public uses of non-motorized recreation, forestry and education.

20 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section
21 59.52(6)(a), the Polk County Board of Supervisors does, on behalf of Polk County, accept the
22 donation of 180 acres of land in the Town of Balsam Lake from Janet Ahlgren.

23 BE IT FURTHER RESOLVED that, consistent with Article XI, Section 3a of the Wisconsin
24 Constitution and Wisconsin Statute Section 66.1025, in the event that a condition or conditions
25 of the donation becomes impossible or impracticable, the Polk County Board of Supervisors may
26 by resolution upon two-thirds vote of its members elect to grant the land back to the donor, Janet
27 Ahlgren or West Wisconsin Land Trust, as her designated heir, or, alternatively, accept from
28 Janet Ahlgren or her heirs, a grant relieving Polk County from such condition or conditions, as
29 appropriate.

30 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs and authorizes
31 that the appropriate county officials and officers to prepare and to execute any and all documents
32 associated with the donation and conveyance of said lands from Janet Ahlgren to Polk County.

33 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors designates said lands
34 as the "Ahlgren Wildlife Preserve and Recreational Area", which shall be managed by the Polk
35 County Parks Department for non-motorized recreational, forestry and educational purposes.

A1

36 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs that the Polk
37 County Parks Department update the Polk County Outdoor Recreation Plan to include provision
38 for the non-motorized recreational, forestry and educational use of the Ahlgren Wildlife Preserve
39 and Recreation Area.

Funding Amount: Not Applicable

Funding Source: Not Applicable

Date Finance Committee Advised: _____

Finance Committee Recommendation: _____

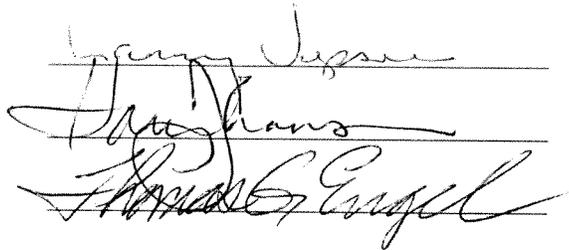
Effective Date: _____

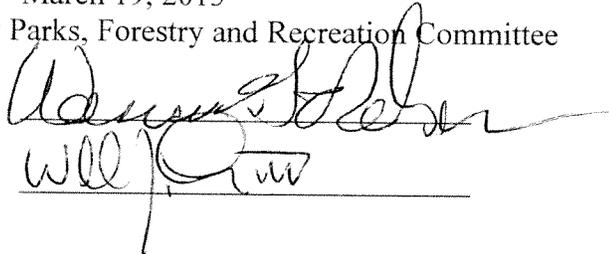
Upon Passage

Date Submitted to County Board: _____

March 19, 2013

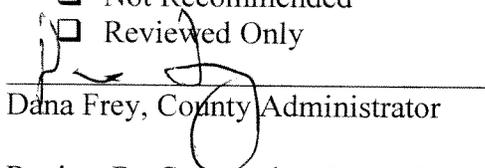
Submitted by the Polk County Parks, Forestry and Recreation Committee





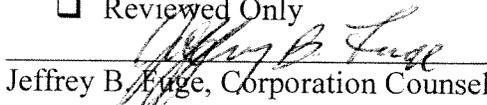
Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only


Dana Frey, County Administrator

Review By Corporation Counsel:

- Recommended
 - Not Recommended
 - Reviewed Only
- Approved as to form, 3/19/13*


Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on March 19, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-13: Resolution to Accept Donation of Land from Janet Ahlgren, by a simple majority vote of _____ in favor and _____ against.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

B

ORIGINAL

Resolution No: 06-13
(Amended)

Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael

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

Ladies and Gentlemen:

WHEREAS, CheyeAnn Michael has filed an Owner's Claim for Damages by Dogs to Animals and Affidavit of Owner ,

WHEREAS, pursuant to Section 174.11(1), the Agriculture and Extension Education Committee, after reviewing said claim and considering the Affidavit of Owner and the Affidavit of the Investigative Committee, recommends that the Polk County Board of Supervisors disallow the claim of CheyeAnn Michael on the basis that said claimant failed to pay the dog licenses for the assessable dogs which she owns.

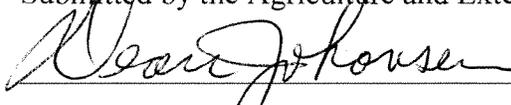
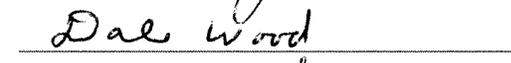
NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Wisconsin Statute Section 174.11(2)(b) and (4), the Polk County Board of Supervisors disallows the dog claim of CheyeAnn Michael.

BE IT FURTHER RESOLVED, that this resolution shall constitute a Notice of Disallowance, and that a certified copy of the same shall be served by certified mail, return receipt requested, upon Claimant, CheyeAnn Michael.

BE IT FURTHER RESOLVED, that pursuant to Wis. Stat. § 893.80(1g), no action or claim may be brought against Polk County or its officers, boards, committees, agents or employees after six months from the date of service of said notice.

Funding Amount:	Not Applicable	Funding Source:	Dog Fund
Date Finance Committee Advised:		Not Applicable	
Finance Committee Recommendation:		Not Applicable	
Effective Date:		Upon Passage	
Date Submitted to County Board:		April 30, 2013	

Submitted by the Agriculture and Extension Education Committee:

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

B1



Dana Frey, County Administrator

Review By Corporation Counsel:

Approved as to Form
 Recommended

Not Recommended

Reviewed Only



Jeffrey B. Page, Corporation Counsel

At its regular business meeting on March 19, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-13: Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael, by a simple majority vote of _____ in favor and _____ against.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

Resolution 06-13: Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael

Our office has presented to the County Clerk, the proposed amendment to said resolution as adopted by the Agricultural and Extension Committee.

The Committee Report would reflect as follows:

Proposed Resolution	Committee Recommendation
<p>Resolution 06-13: Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael</p>	<p>History: At the March 19, 2013 County Board Meeting, Resolution 06-13 was referred to the sponsoring committee, Polk County Agricultural and Extension Committee for reconsideration.</p> <p>Recommendation – Adopt Resolution after amendment: On April 5, 2013 the Polk County Agricultural and Extension Committee reconsidered Resolution 06-13 and adopted a recommendation to amend the resolution to disallow. The proposed amendment seeks to disallow the claim on a modified basis: Claimant failed to pay dog license for her own dog as required under Section 174.11(4), Wisconsin Statutes.</p>

The attached Findings and Recommendation of Committee were left in committee for signature by Committee Chair and Secretary. The original signed Findings and Recommendation of Committee should be appended to the Committee minutes and retained in the Committee Minutes binder.

It is not necessary to include The Findings and Recommendation of Committee in county packet materials sent out for the April 30, 2013 meeting.

A supervisor will have offer a "motion to amend Resolution 06-13 consistent with committee recommendation". The recommended amended resolution requires no signature by County Administrator or Corporation Counsel because the initial resolution has been so signed and the motion to amend would be consistent with the intent of the initial resolution.

Jeff

Direct Line: 715-485-9282

Jeffrey B. Fuge
 Polk County Corporation Counsel
 1005 West Main Street, Suite 100
 Balsam, Lake, WI 54810
 Tel: 715-485-9210
 Fax: 715-485-9171

Resolution No: 06-13

Resolution to Section 174.11 Dog Claim of CheyeAnn Michael

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

Ladies and Gentlemen:

WHEREAS, CheyeAnn Michael has filed an Owner's Claim for Damages by Dogs to Animals and Affidavit of Owner , claiming damage to fifty (50) chickens at a total replacement cost of \$74.00; and

WHEREAS, the Town of Johnstown investigated said claim and found that that the claimed damages were caused by dogs and that the fair market value of said chickens were as claimed.

WHEREAS, pursuant to Section 174.11(1), the Agriculture and Extension Education Committee, after reviewing said claim and considering the Affidavit of Owner and the Affidavit of the Investigative Committee, recommends that the Polk County Board of Supervisors disallow the claim of CheyeAnn Michael.

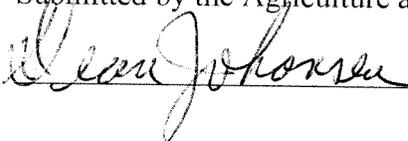
NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Wisconsin Statute Section 174.11(2)(b), the Polk County Board of Supervisors disallows the dog claim of CheyeAnn Michael.

BE IT FURTHER RESOLVED, that this resolution shall constitute a Notice of Disallowance, and that a certified copy of the same shall be served by certified mail, return receipt requested, upon Claimant, CheyeAnn Michael.

BE IT FURTHER RESOLVED, that pursuant to Wis. Stat. § 893.80(1g), no action or claim may be brought against Polk County or its officers, boards, committees, agents or employees after six months from the date of service of said notice.

Funding Amount:	Not Applicable	Funding Source:	Dog Fund
Date Finance Committee Advised:		Not Applicable	
Finance Committee Recommendation:		Not Applicable	
Effective Date:		Upon Passage	
Date Submitted to County Board:		March 19, 2013	

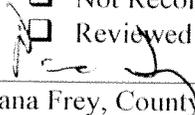
Submitted by the Agriculture and Extension Education Committee:



B4

Review By County Administrator:

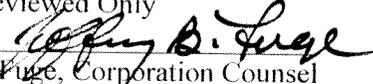
- Recommended
- Not Recommended
- Reviewed Only



 Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form*
- Recommended
 - Not Recommended
 - Reviewed Only



 Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on March 19, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-13: Resolution to Section 174.11 Dog Claim of CheyeAnn Michael, by a simple majority vote of _____ in favor and _____ against.

 William Johnson, IV, County Board Chairperson

Attest: _____
 Carole Wondra, Polk County Clerk

C

RESOLUTION NO. 16-13
AUTHORIZE 2013 HIGHWAY CONSTRUCTION PROJECTS

WHEREAS, the improvements of the County Trunk Highway System are of great importance to the residents of Polk County, and

WHEREAS, the County has a responsibility to keep and maintain the County Trunk Highway system in repair, and

WHEREAS, the Polk County Highway Committee has approved projects for FY 2013, and

WHEREAS, the Highway Committee and the County Board has approved a budget to effect measured improvement on the projects approved by the Highway Committee for FY 2013, and

WHEREAS, the County's purchasing policy requires the County board to take action and approve any and all public works projects over \$150,000.

THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors authorizes the Highway Department to proceed on the following projects:

CTH G1 – Chip Seal	80,460.00
CTH A3 – Ultra Thin Overlay	336,060.00
CTH A2 – Wedge and Overlay	687,515.00
CTH W4 – Thin Overlay	380,100.00
CTH I3 – Balsam Lake Box Culvert	130,865.00
CTH W1 – Prep Work for 2014 Overlay	124,000.00

BE IT FURTHER RESOLVED, that in the event the approved project costs exceed the estimated project cost, the Board authorizes the department to eliminate projects to meet budget constraints.

BE IT FURTHER RESOLVED, those projects eliminated may be moved to future funding years.

Funding Amount: \$ 1,739,000.00
Funding Source: 2013 Highway Budget
Date Finance Committee Advised:
Finance Committee Recommendation:
Effective Date: Upon Passage
Date Submitted to County Board: April 16, 2013

Approved as to form: *Jeff B. Luge*
Jeff Luge, Corporation Counsel

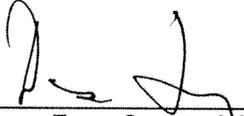
Submitted at the request of the Polk County Highway Committee.

Submitted by: *Marvin Carpenter*

CI

Review by County Administrator:

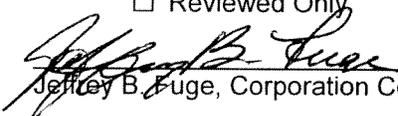
- Recommended
- Not Recommended
- Reviewed Only



Dana Frey, County Administrator

Review by Corporation Counsel:

- Recommended
- Not Recommended
- Reviewed Only



Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on _____, The Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-12: Resolution to Authorize 2013 Highway Construction Projects by a vote of _____ in favor and _____ against.

William Johnson, IV, County Board Chairman

Attest: _____
Carole Wondra, Polk County Clerk

D

Ordinance No. 12-13

Ordinance to Repeal Resolution No. 71-82: Ordinance Prohibiting Possession of Hand-Guns in Public Buildings

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

Ladies and Gentlemen:

WHEREAS, in adopting Resolution No. 71-82, the Polk County Board of Supervisors ordained to prohibit the possession of handguns in public buildings located in Polk County; and

WHEREAS, pursuant to Wisconsin's Conceal and Carry Law and the prohibition of handguns provided by the above referenced ordinance creates Polk County Government buildings are designated "Gun Free Zones", and

WHEREAS, the "Gun Free Zone" designation violates the Constitutional rights of law abiding citizens, workers and visitors; and

WHEREAS, "Gun Free Zones" Nationally seem to have become magnets for "workplace violence", and

WHEREAS, "Gun Free Zones" in Wisconsin carry certain liability risks with such labeling, and

WHEREAS, "Gun Free Zones" actually decrease the safety, actual or perceived, of anyone within such facilities, and

WHEREAS, "Gun Free Zones" do not contribute to workplace safety, and

WHEREAS, time has proven that law abiding citizens with Conceal and Carry permits, do not pose any threat to other law abiding citizens.

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

1. Resolution No. 71-82 shall be repealed.
2. Pursuant to and except as provided by the Conceal and Carry Law of Wisconsin, 2011 Wisconsin Act 35, and as may be amended from time to time, no person shall possess a fire-arm and/or weapon in the Polk County Justice Center.
3. All entrances to the Polk County Justice Center shall prominently be posted with signage that gives notice of the prohibition as required under relevant state law.

Ordinance No. ____-13: Ordinance to Repeal Resolution No. 71-82: Ordinance Prohibiting Possession of Hand-Guns in Public Buildings
Page 2

Funding Source/ Funding Amount: Not Applicable
Date Finance Committee Advised: Not Applicable
Finance Committee Recommendation: Not Required
Effective Date: Upon Passage and Publication
Date Submitted to the Polk County Board: March 19, 2013
Sponsored and Submitted By:

Rick Scoglio

Review By County Administrator:
 Recommended
 Not Recommended
 Reviewed Only

Dana Frey, County Administrator

Review By Corporation Counsel:
 Approved as to Form
 Recommended
 Not Recommended
 Reviewed Only

Jeffrey B. Fuge, Corporation Counsel

County Board Action:

At its regular business meeting on March 19, 2013, after due and proper notice have been provided, the Polk County Board of Supervisors enacted the above ordinance: Ordinance No. ____-13: Ordinance to Repeal Resolution No. 71-82: Ordinance Prohibiting Possession of Hand-Guns in Public Buildings, by a vote of _____ in favor and _____, against.

William F. Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

D2

Ordinance No. ____-13: Ordinance to Repeal Resolution No. 71-82: Ordinance Prohibiting Possession of Hand-Guns in Public Buildings
Page 3

Certification of Publication

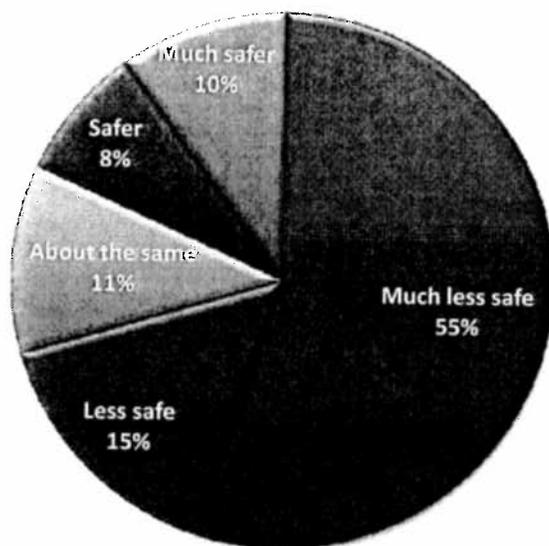
Ordinance No. ____-13: Ordinance to Repeal Resolution No. 71-82: Ordinance Prohibiting Possession of Hand-Guns in Public Buildings, was published in the Inter-County Leader on the _____ day of _____, 2013.

Carole Wondra, County Clerk

Dated: _____

On April 1, the Property Committee voted to request a Polk County employee survey asking if employees would feel safer if the ordinance that prohibits open and concealed to carry permits was repealed, allowing the possession of hand-guns, both open and concealed, in county-owned public buildings. This survey was conducted between April 9 and April 17, 2013 by the Employee Relations Department; there were 149 responses received during that period. The following chart summarizes those responses.

Question: A resolution will be considered at the County Board meeting on April 30 to repeal the ordinance which bans both concealed and openly-carried handguns from County-owned buildings. If handguns were allowed, both concealed and openly-carried, would you perceive your workplace as becoming:



POLK COUNTY BOARD OF SUPERVISORS
Minutes from Tuesday, April 30 , 2013
Polk County Government Center – County Board Room
Balsam Lake, WI 54810

Chairman Johnson called the regular April 30, 2013 meeting of the Polk County Board of Supervisors to order at 6:00 PM.

Chairman Johnson recognized Maggie Wickre, filling in for the County Clerk for purposes of receiving evidence of proper notice. The Board was informed that notice of the agenda was properly posted in three public buildings, published in the county paper and posted on the county website the week of April 22, 2013. Chairman Johnson recognized Corporation Counsel, Jeffrey Fuge, for purposes of receiving legal opinion with respect to sufficiency of notice. The County Board received the verbal opinion of Corporation Counsel that the advance written notice posted and published as described by Ms. Wickre satisfied the applicable provisions of Wisconsin Open Meetings Law and the applicable procedural provisions of the Polk County Board Rules of Order.

Chairman Johnson recognized Maggie Wickre for purposes of taking roll call. Roll call was taken with 23 members present.

Chairman Johnson led the pledge of Allegiance.

Supr. Harry Johansen led the County Board in a time of reflection.

Chairman Johnson called for a motion to approve the consent agenda as published. Motion (Kienholz/Jepsen) to approve the consent agenda, as published. Chairman Johnson called for voice vote. **Motion to approve Consent Agenda, carried by unanimous voice vote.**

Time was given for public comments.

Chairman Johnson presented the Chairman's Report.

Time was given for committee questions and answers by the board members.

Administrator Frey presented the Administrator's Report

Chairman Johnson called to the floor Resolution 15-13, Resolution to Accept Donation of Land from Janet Ahlgren. Motion (Luke/D. Johansen) to approve said resolution. Chairman called for a vote on motion to adopt Resolution 15-13, to Accept Donation of Land from Janet Ahlgren, motion carried in a roll call vote of 15 yes/8 no. (Voting yes: Suprs. Jepsen, O'Connell, Arcand, Cockroft, D Johansen, H Johansen, Keinholz, Caspersen, Engel, Edgell, Moriak, Luke, Nelson, Stroebel, and Chairman Johnson. Voting no: Suprs. Magnafici, Kremer-Hartung, Bergstrom, Johnson, Brown, Schmidt, Masters, and Scoglio.) Resolution adopted.

April 30, 2013

Chairman Johnson called to the floor Resolution 06-13, Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael. Motion (D Johansen/Jepsen) to approve said resolution. Motion by (Jepsen/Brown) to amend Resolution 06-13 to conform with the recommendation of the Property Committee made during its meeting on April 5, 2013 as contained in "Resolution 06-13 (amended): Resolution to Disallow Section 174.11 Dog Claim of CheyeAnn Michael". Motion to amend resolution 06-13 carried by unanimous voice vote. Motion to adopt resolution 06-13, as amended, carried by unanimous voice vote. Resolution adopted.

Chairman Johnson called to the floor Resolution 16-13, Resolution to Authorize 2013 Highway Construction Projects. Motion (Caspersen /Moriak) to approve said resolution. Chairman called for a vote on motion to adopt Resolution 16-13, Resolution to Authorize 2013 Highway Construction Projects, motion carried by unanimous voice vote. Resolution adopted.

Chairman Johnson called to the floor Ordinance No. 17-13, Ordinance to Repeal Resolution No. 71- 82; Ordinance Prohibiting Possession of Hand-Guns in Public Buildings. Motion (Brown/Masters) to adopt said resolution. Chairman Called for a vote on motion to adopt Ordinance No. 17-13, to Repeal Resolution No. 71- 82 Prohibiting Possession of Hand-Guns in Public Buildings, motion failed by ballet vote, 11 yes/12 no. Voting yes: Suprs. Magnafici, Arcand, Masters, O'Connell, Engel, Bergstrom, Brown, Cockroft, Kremer-Hartung, Edgell, and Scoglio. Voting no: Suprs. H Johansen, Kienholz, Moriak, Caspersen, N Johnson, Nelson, Jepsen, Luke, Stroebel, Schmidt, D Johansen, Chairman Johnson.

Supervisors Reports were given

Motion (Brown/Scoglio) to adjourn. Motion carried by unanimous voice vote. Chairman Johnson declared meeting adjourned 7:30 p.m.