

# Polk County Board of Supervisors

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

**Tuesday, September 17, 2013**

**6:30 PM**

**Open Session**

1. Call to Order
2. Evidence of Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Time of Reflection – Supr. Masters
6. **Consent Agenda**
  - \*Consideration of noticed agenda for September, 17, 2013 meeting;
  - \*Consideration/corrections to the published minutes of the August 20, 2013 County Board meeting
  - \*A. Resolution 34-13, Resolution to Approve Zoning Map Amendment for the Town of Garfield**
7. Public Comments - 3 minutes per person- not to exceed 30 minutes total
8. Time for Committee Q&A (if any)
9. Chairman's Report, Wm. Johnson
10. County Administrator's Report, Admin. Frey
11. Presentation by Polk County Land & Water Dept. on Lake Management
12. **Proposed Resolutions and Ordinances**
  - B. Resolution 35-13, Resolution in Support of Clean Energy Choice for Wisconsin Service, 2013-2018**
  - C. Resolution 32-13, Resolution Regarding Interpretation and Application of Shoreland Zoning Ordinance**
13. Supervisor's Reports
14. 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.

A

Resolution to Approve Zoning Map Amendment for the Town of Garfield

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

WHEREAS, the Town of Garfield administers their own Zoning Ordinance; and

WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if exercising village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board;" and

WHEREAS the Town of Garfield adopted Zoning Ordinance No 3-2010 on February 1, 2011 and was amended on December 20, 2011; and

WHEREAS, the Duane and Barbara Friese, owners of real property in the Town of Garfield, have requested an amendment to the Town Zoning Map for their property identified at 024-00193-0000, described as Lot 3 of Certified Survey Map No. 61 Vol. 3, P. 108 and part of the SE ¼ of the NE ¼ of Section 11, T33, R17W, and located at 1301 105<sup>th</sup> Avenue; and

WHEREAS, the zoning map amendment would move from AGRICULTURAL-RESIDENTIAL to COMMERCIAL parcel #024-00193-0000 located in the SE ¼ of the NE ¼ of Section 11, T33, R17W, all parts consisting of 1.10 acres; and

WHEREAS, the Plan Commission of the Town of Garfield after conducting a public hearing, reviewing the proposed amendment, and approving the request at the August 8, 2013 meeting, recommended to the Town Board that the proposed zoning map amendment be approved and petition the Polk County Board of Supervisors to approve the request; and

WHERE AS, the Town Board of Garfield petitioned the Polk County Board of Supervisors to approve the attached Zoning Ordinance Map Amendment on August 13, 2013.

WHEREAS, the Polk County Board of Supervisors must also approve of the Ordinance Amendments.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves the attached Zoning Ordinance Map Amendment for the Town of Garfield.

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Funding Amount & Source:	Not applicable
Finance Committee Recommendation:	Not applicable
Effective Date:	Upon Passage & Publication

Submitted & sponsored by the Land Information Committee:

Craig Morak

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Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

Dana Frey  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Edge  
Jeffrey B. Edge, Corporation Counsel

At its regular business meeting on September \_\_\_\_, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution \_\_\_\_-13: Resolution to Approve Zoning Map Amendment for the Town of Garfield, by a simple majority vote of \_\_ in favor and \_\_ against.

Dated this 4th day of September, 2013 at Polk County Wisconsin.

\_\_\_\_\_  
William Johnson, IV, County Board Chairperson

Attest: \_\_\_\_\_ Carole Wondra, Polk County Clerk

AI

A2

Resolution No. 03-2013

**RESOLUTION ADOPTING ZONING MAP AMENDMENT**

**TOWN OF GARFIELD,  
Polk County, Wisconsin**

The Town Board of the Town of Garfield, Polk County, Wisconsin, does resolve the following:

WHEREAS, Duane and Barbara Friese, owners of real property in the Town of Garfield, have requested an amendment to the Town Zoning Map for their property identified as 024-00193-0000, described as Lot 3 of Certified Survey Map No. 61 Vol. 3, P. 108 and part of the SE ¼ of the NE ¼ of Section 11, T33, R17W, and located at 1301 105<sup>th</sup> Avenue, and

WHEREAS, the Plan Commission of the Town of Garfield after conducting a public hearing, reviewing the proposed amendment, and approving the request at the August 8, 2013 meeting, recommended to the Town Board that the proposed zoning map amendment be approved and petition the Polk County Board of Supervisors to approve the request,

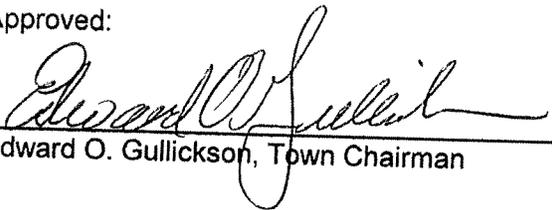
BE IT FURTHER RESOLVED that the Town Board of the Town of Garfield hereby petitions the Polk County Board of Supervisors to concur and ratify the zoning map amendments as follows:

From AGRICULTURAL-RESIDENTIAL to COMMERCIAL parcel #024-00193-0000 located in the SE ¼ of the NE ¼ of Section 11, T33, R17W, all parts consisting of 1.10 acres.

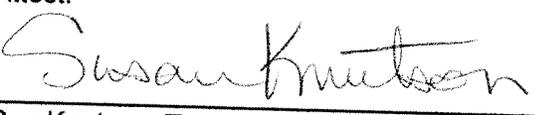
BET IT FURTHER RESOLVED that this zoning map amendment becomes effective upon passage and publication of this enabling resolution.

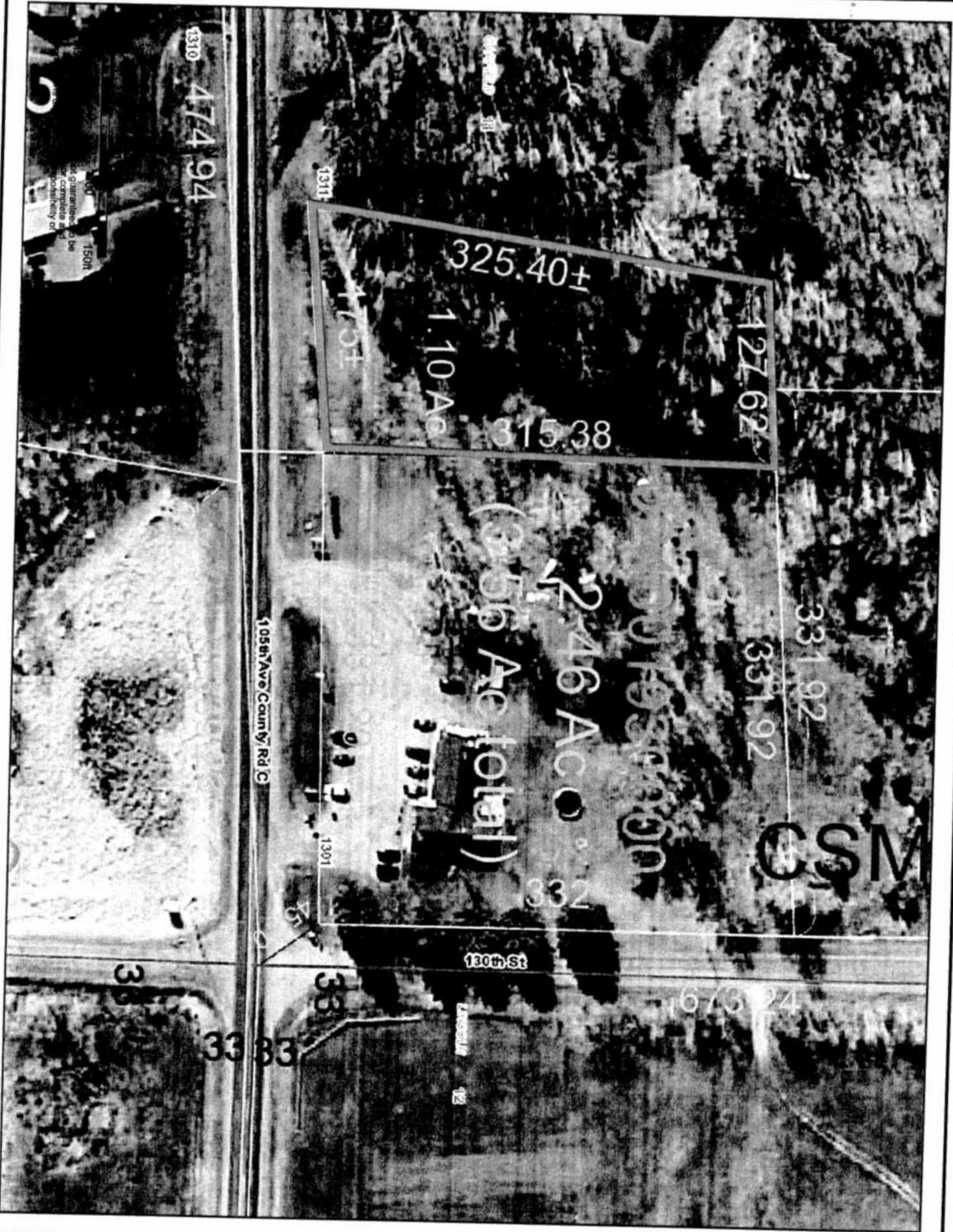
ADOPTED this 13<sup>th</sup> day of August, 2013.

Approved:

  
Edward O. Gullickson, Town Chairman

Attest:

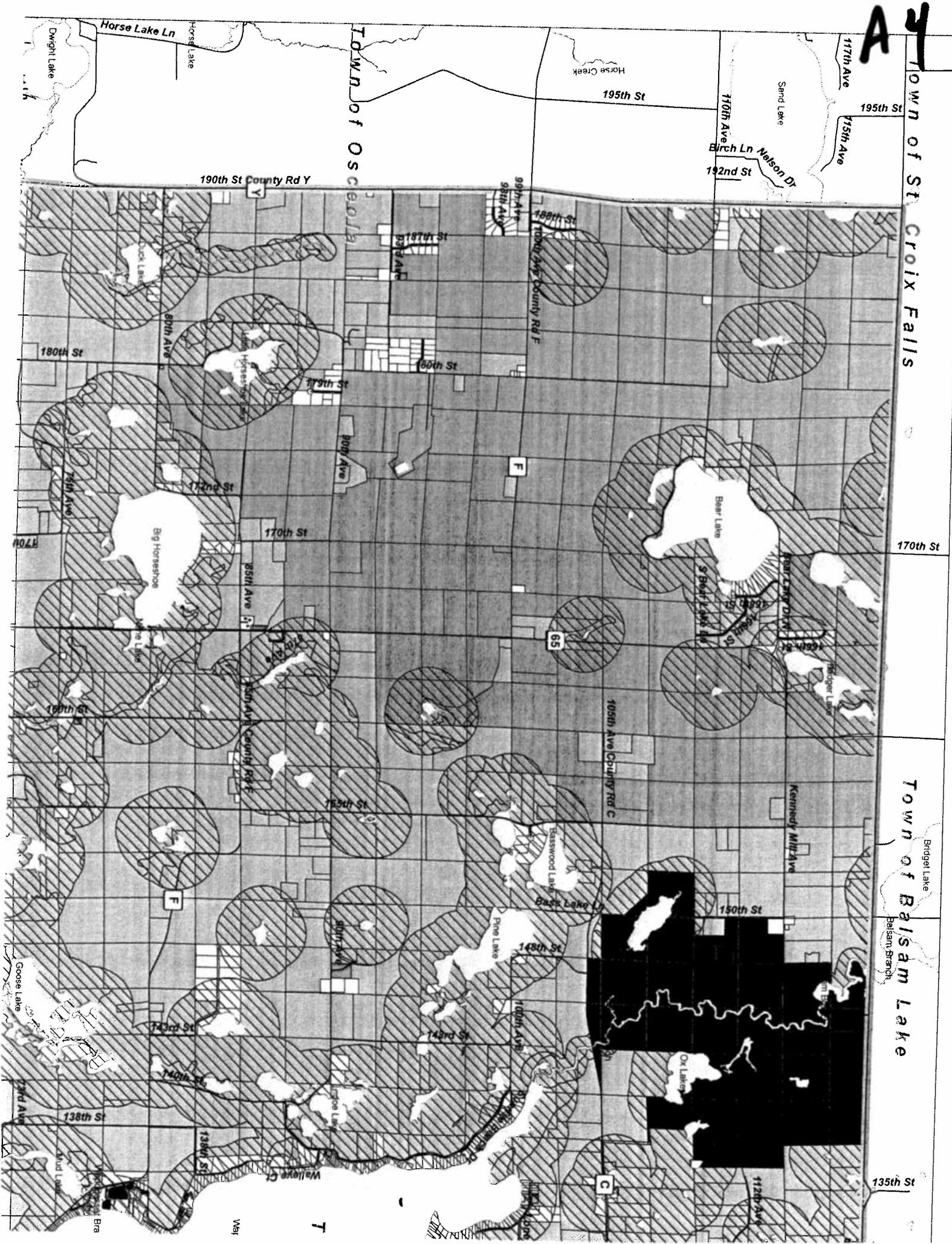
  
Sue Knutson, Town Clerk



A4

Town of St Croix Falls

Town of Balsam Lake



TOWN of OSCOLA

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B

Resolution No. \_\_\_\_ -13  
Resolution in Support of Clean Energy Choice for Wisconsin

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

Ladies and Gentlemen:

WHEREAS, Polk County has pursued the goal of becoming more sustainable in its planning, operation, management and policymaking by implementing numerous projects, initiative, and policies that save energy, reduce waste and conserve natural resources while supporting a healthy economy; and

WHEREAS, such recent County initiatives include window replacement and roof insulation at Golden Age Manor, lighting project at the Highway Department Garage, LED exit lighting at the Government Center and Justice Center, and installation of automatic door openers at the highway department; and

WHEREAS, Clean Energy Choice will expand market opportunities for Polk County and Wisconsin companies and their employees who are part of the state's renewable energy supply chain by integrating locally available renewable energy into our economy and by engaging local manufacturers, distributors and installers, farmers, builders, entrepreneurs, and related professional workers; and

WHEREAS, Polk County urges the State of Wisconsin to adopt a policy expressly allowing customers to enter into contracts with third parties who install, own, and operate a renewable energy system at the customer's premises by supporting Clean Energy Choice which will help households and businesses overcome the diminishing supply of renewable energy incentive dollars available from Wisconsin's Focus on Energy program and utilities at no extra cost to ratepayers and taxpayers; and

WHEREAS, current ambiguities in state law make it difficult for customers to access directly clean renewable energy produced on their premises from systems owned by third parties, and more and more states have adopted policies expressly authorizing these types of arrangements with third parties; and

WHEREAS, the businesses, residents schools and local governments in Polk County desire to exercise responsibility over their long term energy choices and integrate clean energy into their daily lives.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors endorses Clean Energy Choice as a policy for Wisconsin residents;

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs the county clerk to forward this resolution to the Governor, representatives for the state legislators, the Wisconsin Counties Association and all Wisconsin Counties.

Funding Amount and Source:	Not Applicable
Date Finance Committee Advised:	Not Applicable
Finance Committee Recommendation:	Not Applicable
Effective Date:	Upon Passage

B1

Submitted and Sponsored By: <u>Tom Engel</u>	Renewable Energy Committee
<u>David Muller</u>	<u>Martin Baillargeon</u>
<u>Joseph M. Crouche</u>	<u>Gary Dado</u>
<u>William Johnson</u>	<u>Jeff Hill</u>

Submitted and Sponsored By: <u>Tom Engel</u>	Parks & Forestry, Buildings, & Solid Waste
<u>William Johnson</u>	
<u>Jeff Hill</u>	
<u>Kathryn Theoley</u>	

Review by County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only <u>Dana Frey</u> 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 <u>Jeffrey B. Fuge</u> Jeffrey B. Fuge, Corporation Counsel
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County Board Action	
At its regular business meeting on _____, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. ____-13: Resolution	
_____, by a simple majority vote of ___ in favor and ___ against.	
_____	Dated: _____
William Johnson, IV, County Board Chairperson	
Attest: _____	Dated: _____
Carole Wondra, Polk County	

BA

## Third-Party Ownership

Third-party financing is increasingly a preferred means of financing on-site renewable energy generation, particularly for commercial customers. Under these types of arrangements, a resident or business hosts a renewable system that is owned by a separate investor. Third-party financing arrangements are particularly beneficial for entities that cannot claim tax credits (such as governments, schools and nonprofits) and for entities that either lack initial investment capital to purchase a system or the desire to own and maintain a on-site renewable energy system. Under a third-party financing arrangement, an investor monetizes available incentives (e.g. tax credits, rebates and depreciation deductions). The investor then sells electricity produced by a system to a host entity at lower rates than the host customer may otherwise be able to benefit from, if the customer were to invest directly in the system.

Third party financing mechanisms include both power purchase agreements (PPA) and leasing arrangements. With a PPA, the host agrees to purchase all the energy produced onsite. Any excess generation is typically subject to a net metering arrangement between the host customer and a utility. With a leasing arrangement, the host agrees to pay a fixed monthly fee that is not directly based on the amount of on-site generation.

For economic reasons, most small-scale renewable energy facilities in the country are owned and installed by third parties. It is often easier for third parties to take advantage of federal credits and business depreciation, while relieving the property owner of the responsibility of financing the system and building it. Grow Solar Wisconsin team member RENEW is working to advance a policy fix that removes the legal ambiguities surrounding the sale of energy from third-party-owned systems to host customers.

From: <http://www.growsolar.org/toolbox/third-party-ownership/>

C

**POLK COUNTY BOARD OF SUPERVISORS**

**RESOLUTION ~~2013-~~ 32-13**

**RESOLUTION REGARDING INTERPRETATION AND APPLICATION OF SHORELAND ZONING ORDINANCE**

**WHEREAS**, The Polk County Board of Supervisors adopted its current Shoreland Zoning Ordinance on or about April 1, 2010 ("Shoreland Ordinance");

**WHEREAS**, as is the case with most ordinances, in many instances, provisions of the Shoreland Ordinance could fairly have more than one interpretation;

**WHEREAS**, it has come to the attention of the Board of Supervisors, through a number of citizen complaints that the manner in which the Shoreland Ordinance is applied, enforced and interpreted is often times unnecessarily restrictive and unfair;

**WHEREAS**, as a result of the economic importance of tourism related to Polk County's lakes and rivers, an overly-restrictive or unnecessarily burdensome interpretation or application of the Shoreland Ordinance, when a less-restrictive or burdensome interpretation is available under the Shoreland Ordinance, can cause serious and harmful consequences to the property owner and can negative consequences for the local economy, local businesses, jobs, economic growth and the prosperity of the citizens of Polk County;

**WHEREAS**, the ultimate goal of all of Polk County's ordinances should be effectuate life, liberty and happiness of the citizens of Polk County;

**WHEREAS**, a vibrant economy and good jobs are critical to any notion of life, liberty and happiness;

**NOW, THEREFORE BE IT RESOLVED**, that it shall be the policy of Polk County that interpretive questions and ambiguities regarding the application and enforcement of the Shoreland Ordinance shall be resolved in favor of the interpretation or policy direction, that would most likely lead to economic activity, job creation and retention, growth, development, and an increased tax base; provided, however, such interpretation shall not be chosen if it would lead to actual, quantifiable damage to surrounding property or natural resources or would violate the plain language of the Shoreland Ordinance; and

**BE IT FURTHER RESOLVED**, that to accomplish the forgoing resolution, those charged with administering, interpreting and enforcing the Shoreland Ordinance (including without limitation, the Zoning Administrator and Board of Adjustment) shall strive to do so in a manner that most effectuates the policy set forth herein; and

**BE IT FURTHER RESOLVED**, that This Resolution does not amend and shall not be deemed to be an amendment to, the Shoreland Ordinance. Instead, this Resolution is a recitation of the Legislative policy of the Polk County Board of Supervisors.

Done and Adopted this \_\_\_ day of August, 2013 by the Polk County Board of Supervisors.

*Thomas M. Magnifico 8-7-13*

C1

Addendum to Resolution No. ~~2013-32-13~~  
RESOLUTION REGARDING INTERPRETATION AND APPLICATION OF SHORELAND  
ZONING ORDINANCE

PREFACE

Article 3, ¶ 1 of the Polk County Board Rules of Order, adopted April 17, 2012, which states:

1. The county board shall consider only resolutions and ordinances that meet all of the following:
  - a. A resolution or ordinance must be endorsed by either one or more sponsoring board members or the chairperson of the committee that recommends consideration by the full county board or by the county administrator pursuant to §59.18(5). During a meeting the chairperson may request a vote to determine if a matter needs to be referred to an appropriate committee for recommendation prior to action by the county board.
  - b. Resolutions must be approved as to form by corporation counsel. Consideration for approval will only be given to properly endorsed documents and no unlawful resolution or ordinance will be approved. The county administrator and corporation counsel shall review all resolutions and ordinances prior to introduction to the county board and shall initial each resolution or ordinance as recommended, not recommended or reviewed only.
  - c. Any resolution or ordinance that requires funding must state an amount and source of funding and be reviewed by the finance committee before the matter will be considered by the county board."

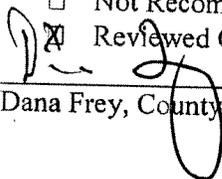
ADDENDUM

Accordingly this addendum is provided to comply with said provision:

Funding Amount and Source:	Not Applicable
Finance Committee Advised:	Not Applicable
Finance Committee Recommendation:	Not Applicable
Date Submitted to County Board:	August 8, 2013 for August 20, 2013 Regular Meeting
Effective Date:	Upon Passage

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Dana Frey, County Administrator

C2

Review By Corporation Counsel:

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

Jeffrey B. Page  
 Jeffrey B. Page, Corporation Counsel

At its regular business meeting on August 20, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. 2013-\_\_\_; RESOLUTION REGARDING INTERPRETATION AND APPLICATION OF SHORELAND ZONING ORDINANCE, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
 William Johnson, IV, County Board Chair

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
 Carole Wondra, Polk County Clerk

Dated: \_\_\_\_\_

C3

Resolution 32-13  
Resolution Regarding Interpretation And Application of Shoreland Ordinance

Summary of Legislative History

Resolution 32-13 was received by the County Board of Supervisors and noticed as an action item on the meeting notice/agenda of the regular business meeting held on August 20, 2013. Upon receiving a motion to approve, the County Board received and adopted a motion to refer the resolution to the Land Information Committee for discussion and recommendation.

During its meeting held on September 4, 2013, the Land Information Committee considered Resolution 32-13. The Land Information Committee adopted a motion to recommend amendment of Resolution 32-13 by striking the first resolved clause. The Land Information Committee adopted a motion to forward Resolution 32-13 to the County Board.

Resolution 32-13 returns to the County Board of Supervisors, regular meeting of September 17, 2013. The meeting notice/agenda gives proper notice to said resolution for further consideration.

The motion to refer said resolution has completed its course. The motion to adopt Resolution 32-13 is presently before the County Board. Assuming the agenda will receive approval, it is appropriate for the Chairperson to call up to the floor Resolution 32-13 and continue debate on same.

Respectfully,



Jeffrey B. Fuge  
Corporation Counsel

**POLK COUNTY BOARD OF SUPERVISORS**  
Minutes from Tuesday, September 17, 2013  
Polk County Government Center – County Board Room  
Balsam Lake, WI 54810

Chairman Johnson called the regular September 17, 2013 meeting of the Polk County Board of Supervisors to order at 6:30 PM.

Chairman Johnson recognized the County Clerk for purposes of receiving evidence of proper notice. The County Clerk stated that the notice of meeting was properly posted in three public buildings, published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 and posted on the county website the week of September 9, 2013. In addition, the Office of County Clerk distributed on September 6, 2013 copies of such notice of meeting and proposed resolutions to supervisors in accordance with Article 3, Section 2 of the County Board Rules of Order. 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 the clerk 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 the County Clerk for purposes of taking roll call. Roll call was taken with 18 members present. Supr. Engel was excused, Suprs. Masters, Scoglio and Kienholz were absent.

Chairman Johnson led the pledge of Allegiance.

The time of reflection was not offered due to the absence of Supr. Masters.

Chairman Johnson informed the board that due to the absence of Supr. Engel, Resolution B, No. 35-13 was being pulled from the agenda and would be presented at the October meeting.

**Chairman Johnson called for a motion to approve the consent agenda with the removal of Resolution 35-13. Motion (Jepsen/Luke) to approve the consent agenda. Chairman Johnson called for voice vote. Motion to approve Consent Agenda, carried by unanimous voice vote. Approval of the Consent agenda included Resolution 34-13, Resolution to Approve Zoning Map Amendment for the Town of Garfield. Resolution adopted.**

Time was given for public comment.

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

Chairman Johnson presented the Chairman's Report.

Administrator Frey presented his monthly Administrator's report.

Katelin Holm, from the Land and Water Resources Department, gave a presentation updating the board of the progress being made on lake management in Polk County.

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September 17, 2013

**Chairman Johnson called back to the floor Resolution 32-13, which during regular session of the meeting on August 20, 2013 received a motion to adopt and motion to refer to committee. Chairman Johnson declares that Resolution 32-13, Regarding Interpretation and Application of Shoreland Zoning Ordinance is of the floor, stating that the Land Information Committee has considered the resolution and has provided a Committee Report as circulated in the county board packet. Chairman Johnson recognized Supr. O’Connell, as committee chair of said committee for additional debate. Supr. O’Connell requested that Supr. Magnafici be recognized. Chairman Johnson recognized Supr. Magnafici. Motion (Magnafici/Kremer-Hartung) to amend Resolution 32-13 as follows:**

1. Amendment, by adding another WHEREAS provision, (following line 17), as follows:

“WHEREAS, the public policy of land use regulation favors the free and unrestricted use of private property such that provisions of land use ordinances that restrict the use of property must be in clear, unambiguous and peremptory terms.”

2. Amend the first resolved clause, (Lines 18- 24), by striking existing initial language and inserting language as follows:

NOW, THEREFORE, BE IT RESOLVED, that the public policy of Polk County shall favor the free and unrestricted use of private property, a natural result of which policy will lead to economic development and job creation. In order to carry out this public policy, the Shoreland Ordinance shall be strictly construed in favor of the property owner and ambiguities in the Shoreland Ordinance shall be resolved in favor of the free use of private property.

3. Amend the final resolved clause (Lines 29-31), by striking existing initial language and inserting language as follows:

BE IT FURTHER RESOLVED that, pursuant to and consistent with Wisconsin Statute Section 59.69(6), this resolution is adopted as a recitation of the fundamental principles which govern the interpretation of land use ordinances and this resolution shall not be considered to conflict with or as amendment to the Polk County Shoreland Protection Zoning Ordinance.”

**Chairman Johnson declared a recess to allow the County Clerk to print sufficient copies of above said motion and circulate one to each Supervisor.**

**At 7:30p.m. Chairman Johnson reconvened the Board. Supervisor Masters joined the Board meeting.**

**Chairman Johnson declared that the proposed amendment to Resolution 32-13 is on the floor for continued debate.**

**Supervisor Masters requests roll call vote on said offered amendment. Chairman Johnson calls for the roll vote on the offered amendment. Motion to amend carried** on roll call vote of 14-5, with 4 absent. Voting in favor of the motion were: Supr. Brown, Edgell, Masters, Moriak, Luke, Stroebel, Magnafici, Hartung, Jepsen, O'Connell, Bergstrom, Arcand, Cockroft and Wm. Johnson. ; Voting against said motion were: Supr. D. Johansen, Schmidt, H. Johansen, Caspersen, and Nelson.

**Supervisor Masters requests roll call vote on the motion to adopt resolution 32-13 as amended. Chairman Johnson calls for the roll vote on said motion. Motion to adopt Resolution 32-13 as amended carried** by a roll call vote of 14 yes/5 no. Voting yes: Supr. Brown, Edgell, Masters, Moriak, Luke, Stroebel, Magnafici, Hartung, Jepsen, O'Connell, Bergstrom, Arcand, Cockroft and Wm. Johnson. Voting No: Supr. D. Johansen, Schmidt, H. Johansen, Caspersen, and Nelson. Resolution adopted.

Supervisors Reports were given.

Motion (Masters/D. Johansen) to adjourn. Motion carried by unanimous voice vote. Chairman Johnson declared meeting adjourned 8:00p.m.