

**Environmental Services Committee
Administrator's Report to Committee
November 14, 2018**

Stormwater and Erosion Control Ordinance

Land and Water Resources has drafted an updated Stormwater and Erosion Control Ordinance. The revision is needed to incorporate revised state code provisions. Applicable provisions will go beyond the minimum requirements of NR151, but which are allowed by virtue of the Lake St. Croix Total Maximum Daily Load (TMDL) plan. The biggest change from the current ordinance is that the proposed revision no longer regulates agricultural buildings. DNR has deferred their review to our Corporation Counsel. At this time the ordinance is still under review by that office.

Sales of Tax Deed Properties

The current sale opened on October 29, 2018 and will close on November 19, 2018. A summary of the sale will be placed on the November 28, 2018 meeting agenda.

The committee had previously considered the tax deeded parcels formerly known as the Woodley/Old Country Dam. Staff has contacted a certified appraiser to obtain figures for the contemplated sale. The committee will revisit authorization of the sale when the report on appraisal is received.

**Village of Luck Proposal for Cost Sharing for Rebuild of
South Shore Drive and Butternut Dam**

Within the Village of Luck, the road, bridge and culvert of South Shore Drive at the outlet of Big Butternut Lake to Butternut Creek require reconstruction. The Village has requested the County to partner in the project. A rolling rock dam is situated downstream of the culvert. WDNR records indicate Polk County as the apparent owner. The proposal of the Village seeks an intergovernmental agreement in which the Village and the County share in construction costs and in the ongoing cost and responsibility to maintain the dam. The anticipated cost of the project is \$250,000, with professional service fees. The cost to maintain the new structure is unknown.

DNR has informed the County that road, bridge and culvert construction could go forward without involvement of the dam. After discussions with the County, the Village has submitted to the DNR a project plan which includes removal and replacement of the dam. Through informal discussions with County staff this past summer, the Village garnered the understanding that the County was agreeable to the joint project. The Administrator and Corporation Counsel provided clarification to correct the understanding. As of November 5, 2018, the DNR informed the County that it was continuing review of the Village's proposed plan of a joint project.

The Village had informed the County that it would go ahead with bidding the construction irrespective of the position of the County. The Village had released requests for bids. At the General Government Committee meeting on November 7, 2018, the Village informed the County that the Village opened bids and that the project is awaiting the County's signature on the permit needed to alter and replace the rolling rock dam.

It remains unclear whether the record supports the DNR's contention that the County owns the dam. WDNR presumes by its records that the County is owner of the dam. DNR representatives take position that the County had acknowledged ownership in 2011/2012 by placing signs, responding to water level complaints. Correspondence from the County indicates that the County monitored water levels at that time. A title search conducted on request of the County concluded that owner of the dam is not able to be determined. On November 5, 2018, the DNR recommended that it may be beneficial to determine if the County in fact owns it before the County files a formal application/acknowledgement for the dam reconstruction.

The County has indicated its willingness to sign off on the application for the DNR permit. Issuance would allow the Village to begin construction and replace the dam on behalf of the County irrespective of a future agreement. The County has asked WDNR to forward to the Administrator paperwork needed for application and issuance of the permit. On recommendation of the General Government Committee, the County is considering its options including a complete transfer of the dam to the Village. The Corporation Counsel will review the application for the permit to assess whether signing the permit would waive the County's option to contest ownership.

Assuming ownership will be clarified, the remaining issues of construction cost and responsibility of dual management or complete transfer of the dam to the Village would need to be addressed.

Status of Trail Plan Approval Process - Stower Seven Lakes Trail Plan and Cattail Trail Plan

Parks, Recreation and Trails staff have forwarded the County Board approved plans to WDNR for review and further processing within WDNR for approval. On November 5, 2018, WDNR made a request to the County for additional information concerning the plans and planning process in order to continue the review and approval process. The Parks, Recreation and Trails Department is working through the request.

On October 23, 2018, WISDOT issued a letter to Polk County providing information concerning moneys used to develop the Stower Seven Lakes State Trail as a non-motorized trail through the non-motorized Transportation Enhancement Program of WISDOT. WISDOT advised the County that a change in the designated use of the Stower Seven Lakes Trail to motorized use would require approval by the Federal Highway Administration (FHWA) for the change or the County would have to pay back \$599,246.19 in federal funding. WISDOT informed the County of the process to seek an exception from the FHWA pay-back. Parks, Recreation and Trails has referred the letter to Corporation Counsel who

has opened a dialog WISDOT representatives to provide clarification as the County works through the FHWA approval and exception process.

Development of Revised Outdoor Recreation Plan

Park, Recreation and Trail staff in collaboration with the County Planner have undertaken the revision of the Outdoor Recreation Plan. The project is in the planning stages with Parks Recreation and Trail staff developing a project plan that outlines the process, stakeholders, resource needs and timeline for this objective.

Lime Quarry Business Plan

The County has pulled together internal financial and operational data and local market data and forwarded the same to CliftonLarsonAllen with a request to undertake an operational and financial evaluation of the Lime Quarry. CliftonLarsonAllen is preparing a service plan for that evaluation and has identified mid- December to release a preliminary evaluation report. Presentation of the evaluation report is anticipated for January 2019 committee meetings.

Review of Land Use Ordinances

The Environmental Services Committee has requested the Administrator to look into the cost to outsource the review and revision of land use ordinances. The Administrator has looked into estimates with two law firms and has pulled data from St. Croix County's initiative to conduct a comprehensive revision of its zoning ordinances.

Each of the law firms of VonBriesen and Weld, Riley, Prenn and Ricci informed the County that they would charge costs on an hourly basis, short of putting together an agreement to undertake revision as a project. By way of example, VonBriesen had invoiced the County \$6,500 for services in reviewing the subdivision ordinance earlier this year.

St. Croix County's initiative is less helpful in estimating costs of outsourcing review of the land use ordinances. The St. Croix County initiative is a grant funded initiative to develop the county's regulatory infrastructure in a way to promote community and economic growth that is likely to be seen due to the completion of the MN Highway 36 bridge. The grants are administered through federal and state transportation agencies and St Croix County's contract with its selected professional service consultant is for the sum of \$280,000 for the entire initiative.

This matter remains in development. Staff are pulling together copies of contracts and requests for proposals recently issued by counties, cities and villages on similar projects. The Administrator is meeting with staff of Land Information and Land and Water Resources to consider a revision to all land use and zoning ordinances in to code form and the development and issuance of a request for proposals for professional services.

Request and Recommendation to Change Name of Clear Lake-Clayton Trail

The County has received a request of the Polk County Snowmobile Council has to change the name of the Clear Lake-Clayton Trail to the Saw Mill Trail. The renaming of the trail is sought to honor the trail's place during Wisconsin's logging history. The segment of railroad that now makes up the trail was one of the most productive rail road segment during the White Pine Era between 1836 and 1910.