



POLK COUNTY, WISCONSIN

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***AMENDED* Notice of Meeting and Agenda**

Polk County Board of Supervisors

100 Polk County Plaza, Balsam Lake, Wisconsin
Polk County Government Center - County Board Room

Thursday, February 20, 2020

Regular Business Meeting, 6:00 p.m.

Open Session

Amendments:

¹Matters Added or Revised by Initial Amended Notice of Meeting

Order of Business:

1. Call to Order
2. Receipt of Evidence and Opinion on Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Time of Reflection
6. Approval of Agenda
7. Matters Offered For Adoption on Consent Agenda:
 - a. Consideration/corrections to the published minutes from January 21, 2020 County Board Meeting
8. Public Comments –3 minutes per person –not to exceed 30 minutes total
9. Presentation by Polk County Public Libraries regarding Census and Library Activities
10. County Board Chair Report
 - a. Supervisor’s Reports from Outside Meetings Attended
11. Administrator’s Report – Vince Netherland
12. ¹Confirmation of Appointments
 - a. Aging Advisory Committee – Philip Everhart
 - b. Health and Human Services Board – Rita McKee
13. Resolution 02-20: Resolution in Support of Polk County’s Agreement to Pay Cost Share for the 2020-2022 Municipal Dam Grant Program – Atlas Dam
14. Resolution 03-20: Resolution Extending Moratorium on Swine Concentrated Animal Feeding Operations
15. ¹Discussion regarding Polk County Criminal Justice System
16. ¹Report from Supervisor Larry Jepsen identifying the key events and meetings he attends statewide as a Representative for the Polk County Board that will be reassigned to the new Polk County Board of Supervisors following the 2020 Spring Election.
17. Supervisors Announcements
18. 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. Requests are confidential.



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Minutes of the Regular Meeting of the Board of Supervisors
Tuesday, January 21, 2020

Vice Chairman Luke called the January 21, 2020 regular session of the Polk County Board of Supervisors to order at 7:03 p.m.

Vice Chairman Luke recognized the Clerk for purposes of receiving evidence of proper notice. The Clerk stated that the notice of meeting was properly posted in the Government Center Building, posted on the County website (January 10, 2020), and published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 the week of January 13, 2020. In addition, the Office of the County Clerk distributed on January 10, 2020 copies of such notice of meeting and proposed resolutions to supervisors via e-mail or mail in accordance with Article 3, Section 2 of the County Board Rules of Order.

The County Board received opinion from Corporation Counsel Malone that the initial advance written notice, posted and published as described by the Clerk satisfied the applicable provision of Wisconsin Open Meetings Law and the applicable procedural provisions of the Polk County Board Rules of Order.

Vice Chairman Luke recognized the Clerk for purposes of taking roll call. Eleven County Board Supervisors were present representing a quorum. Chairman Johansen, Supervisor Larsen and Supervisor Bonneprise were absent and excused.

Vice Chairman Luke led the County Board in the Pledge of Allegiance.

Vice Chairman Luke called to the floor for a time of reflection. No time of reflection was offered.

Vice Chairman Luke called to the floor consideration and approval of the Agenda as published. **Motion** (Masters/Arcand) to adopt the Agenda. Vice Chairman Luke called for a voice vote on the motion to adopt the Agenda as published. **Motion** carried by unanimous voice vote.

Vice Chairman Luke announced the appointment of Lisa Ross as County Clerk for the remaining term (to December 31, 2020). Vice Chairman Luke called for a motion to confirm said appointment.

Motion to confirm appointment of Lisa Ross as County Clerk for the remaining term. Vice Chairman Luke called for a voice vote on the motion to confirm said appointment. **Motion** to confirm appointment of Lisa Ross as County Clerk carried by unanimous voice vote.

Vice Chairman Luke called to the floor for approval of the Consent Agenda. **Motion** (Demulling/Jepsen) to adopt the Consent Agenda as noticed. Vice Chairman Luke called for a voice vote on the motion to adopt the Consent Agenda. (Note: Scrivener's error on date for 7.c. should be 2020, not 2019). **Motion** to adopt the consent agenda carried by unanimous voice vote. Matters adopted under the Consent Agenda: Minutes from December 21, 2019 County Board session adopted as published, **Resolution No. 01-20**: Resolution Amending the Polk County Smoke-Free Air Ordinance (Ordinance No. 67-10: Polk County Smoke Free Air Ordinance adopted, and confirmation of Emergency Fire Wardens for Polk County for 2020: Jean Smith, Mike Stoddard, and Ron and Patty Fredericks.

Time was given for public comment. Nine public comments regarding Concentrated Animal Feeding Operations (CAFO's) were received by County Board.

The County Board received a report regarding the upcoming Census from Administrator Vince Netherland. Administrator Netherland has been in communication with Bob Gollnik, representative with the United States Census Bureau. A committee has been created in an effort to identify and assist people in Polk County who are unlikely to fill out Census information. Some of the groups involved in the committee are: Aging and Disability Resource Center (ADRC), Veteran's Services Office (VSO), the Sheriff's Department, Behavioral Health Department, and the Salvation Army.

Administrator Netherland addressed the board with the Administrator's Report. Update regarding the new Environmental Services Director, Bob Kazmierski. Report regarding needed Software and Cyber Security updates in the Information Technology (I.T.) Department. Report regarding Wold Architect & Engineers who have been contracted to perform a county functional needs assessment of the county buildings; they expect to have analysis results in April. Report regarding the staffing needs and the interim plan for staffing in the County Clerk office. Administrator Netherland also provided an update to the board regarding the 2019 report from the county's liability insurance company reflecting a total of five claims under \$3,000.

Time was given for the County Board Chairperson's report. Vice Chair Luke provided information from Chairman Johansen regarding welcoming the appointment of Lisa Ross as County Clerk.

Time was given for Supervisor's reports regarding outside meetings attended. Supervisors Nelson, and Jepsen gave updates on outside meetings attended. Comments received by Supervisor Nelson regarding the transparency for reasons of cancellations of board and committee meetings.

Vice Chairman Luke called to the floor discussion regarding whether to hold the February County Board of Supervisors meeting.

Vice Chairman Luke called for discussion regarding the possible cancellation of the February Board meeting. County Board engaged in discussion regarding the February meeting. **Motion** (Jepsen/Demulling) to hold the February County Board of Supervisors meeting. Supervisor Arcand called for a point of order regarding the motion. **Motion** (Jepsen/Luke) to withdraw the motion to hold the February County Board meeting. Administrator Netherland provided an update to the committee regarding the Spring Primary Election date of February 18 being held on the same day as the county board meeting. **Motion** (Masters/Olson) to reschedule February Board of Supervisors meeting from 6pm on Tuesday, February 18 to 6pm on Thursday, February 20. Vice Chairman Luke called for a voice vote on the motion to reschedule the February County Board Meeting. **Motion** to reschedule February Board of Supervisors meeting from 6pm on Tuesday, February 18 to 6pm on Thursday, February 20 carried by unanimous voice vote. The next County Board meeting will be held at 6:00 p.m. on Thursday, February 20, 2020.

Time was given for Supervisors announcements. No announcements were received.

Vice Chairman Luke called for a motion to adjourn. **Motion** (Masters/Demulling) to adjourn. Vice Chairman Luke called for a voice vote on the motion to adjourn. **Motion** to adjourn carried by unanimous voice vote. Vice Chairman Luke declared meeting adjourned 8:05 p.m.

Respectfully submitted,

Lisa R. Ross, Polk County Clerk

Resolution in Support of Polk County's Agreement to Pay Cost Share for the 2020-2022
Municipal Dam Grant Program-Atlas Dam

**TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY
BOARD OF THE COUNTY OF POLK:**

Ladies and Gentlemen:

1 WHEREAS, as the owner of the Atlas Feed Mill dam, Polk County is responsible for the safe
2 operation and maintenance of the dam.

3

4 WHEREAS, the Atlas Feed Mill Dam is a large, significant hazard dam based on a Dam
5 Failure Analysis approved by the WIDNR in 1994.

6

7 WHEREAS, an Emergency Action Plan and Inspection, Operation and Maintenance Plan
8 was approved by the WIDNR in 2014. The Atlas Feed Dam was last inspected in 2019.

9

10 WHEREAS, The Wisconsin Department of Natural Resources (WIDNR) evaluated the
11 current inspection and dam failure analysis prepared by the Polk County engineer. The
12 WIDNR sent Polk County a letter of concurrence outlining necessary repairs and a
13 timeline for completion by 2022.

14

15 WHEREAS, the repairs outlined in the letter of concurrence from the WIDNR are dated as
16 such: Concrete 01/01/2022, Staff Gage 06/01/2020, and Embankment 01/01/2012.

17

18 WHEREAS, the WIDNR administers a grant to assist with costs associated with repair or
19 removal of dams. The Municipal Dam Grant runs on a two year cycle and if awarded will
20 cost share 50 percent (50%) of the project costs.

21

22 WHEREAS, the grant application deadline is February 28, 2020. If the grant is not applied
23 for in 2020, the County will forfeit cost sharing opportunities provide by the grant.

24

25 WHEREAS, Polk County owns the Atlas Feed Mill dam and requests financial assistance
26 under s.31.385 and s. 227.11 Wis. Stats., and ch. NR 335, Wis. Adm. Code, for the purpose
27 of dam repair.

28

29 WHEREAS, the state share for such a project may not exceed 50 percent (50%) of the first
30 \$400,000.00 of total eligible project costs nor 25 percent (25%) of the next \$800,00.00 of
31 total eligible project costs;

32

33 WHEREAS, the estimated project costs according to SEH Engineering are roughly
34 \$100,000.00 and the estimated cost to Polk County will be \$50,000.00.

35

36 NOW, THEREFORE, BE IT RESOLVED, that Polk County Board of Supervisors approves
37 the application to the WIDNR for Municipal Dam Grant and agrees to pay share of the

38 eligible costs which is equal to the total project cost minus the state share should this grant be
39 awarded in 2021 .

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:
Recommended.

V. Netherland

Vince Netherland
Polk County Administrator

Fiscal Impact Note:

Environmental Services Division is applying for this DNR grant. If awarded, there would be budgeted an estimated \$50,000 as a match to the grant for improvements on the Atlas Dam.

Maggie Wickre

Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malva Malone

Malia Malone, Polk County Corporation Counsel

Legal Impact Note:

This Resolution is a condition precedent for the grant funding and indicates a policy intention on providing the matching funds in future budgets.

Excerpt of Minutes

40 At its regular business meeting on the ____ of _____ 2020, the Polk County
41 Board of Supervisors acted upon Resolution No. ____-20: Resolution
42 _____
43 _____
44 _____

- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Lisa Ross, County Clerk

Executive Summary

The Wisconsin Department of Natural Resources (WIDNR) evaluated the current inspection and dam failure analysis prepared by Scott Geddes, formally Polk County engineer. The WIDNR sent Polk County a letter of concurrence outlining necessary repairs and a timeline for completion. This Resolution demonstrates agreement to pay the county cost share of 50 percent (50%) of the total project costs for the Atlas Feed Mill Dam repair. Applications for this grant are only accepted every two years. If successful in procuring the grant, funding from the State of Wisconsin will be available in 2021. The Municipal Dam grant would be used to fund engineering and construction costs incurred in the repair of the dam. Failure to fix the three deficient items may result in a

mandatory draw down similar to what happened to the Kennedy Dam. The Resolution would increase the likelihood that Polk County would be awarded the grant as it is part of the application materials.

RESOLUTION EXTENDING MORATORIUM ON SWINE CONCENTRATED ANIMAL FEEDING OPERATIONS

WHEREAS, Polk County enacted Resolution 33-19 placing a temporary moratorium on Swine Concentrated Animal Feeding Operations (hereinafter "Swine CAFO");

WHEREAS, one of the purposes of Resolution 33-19 was to allow the County adequate time to research, analyze and synthesize information regarding the potential impacts of Swine CAFO's in Polk County;

WHEREAS, the County, through the Environmental Services Committee and through public meetings has determined that more time is necessary in order to adequately evaluate the potential impacts, especially as it relates to potential water contamination;

WHEREAS, Resolution 33-19 contemplated an extension of the moratorium, if necessary for up to six (6) additional months;

WHEREAS, Resolution 33-19 further required the Administrator to report to the County Board the findings and recommendations on appropriate regulatory approaches the County should consider at least 30 days prior to the end of the moratorium;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of Supervisors authorize the extension of the moratorium for a period not to exceed an addition six (6) months for the purposes set forth herein and pursuant to the procedure below; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors does not authorize any further research on Swine CAFO's as a conditional use within any area subject to the Shoreland Land Use Ordinance and that the potential for a Swine CAFO be limited to the agricultural property within the County that is subject to the Comprehensive Land Use Ordinance in order to maximize the protection of the County's navigable waters; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, the Polk County Board of Supervisors authorizes the Environmental Services Committee to extend the moratorium on a month-by-month basis beyond the original moratorium, but may not authorize an extension beyond the total of a six (6) months; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, the month-to-month extensions contemplated herein shall only continue, within the aforementioned limitations, for a period of time to complete the research and analysis outlined in Resolution 33-19; and

BE IT FURTHER RESOLVED THAT, the Environmental Services Committee in conjunction with staff shall report to the full County Board of the findings and the County Administrator is no longer required to provide the County Board with a 30 day advanced briefing as had been originally contemplated in Resolution 33-19.

BY: Brad Olson

Brad Olson, Supervisor, District #1

Doug Route
Doug Route, Supervisor, District #2

Dean Johansen
Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc
Tracy LaBlanc, Supervisor, District #5

Brian Masters by Jess Cross
Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:
Recommended.

Vince Netherland

Vince Netherland
Polk County Administrator

Fiscal Impact Note:

If awarded, Environmental Services Division would submit an additional funding request for the 2021 budget.

Maggie Wickre
Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malia Malone
Malia Malone, Polk County Corporation Counsel

Legal Impact Note:

Legal Impact Note:

This Resolution extends the moratorium for up to an additional 6 months. Because this is still within a total of one year, it is legally appropriate.

Excerpt of Minutes

54 At its regular business meeting on the ____ of _____ 2020, the Polk County Board of
55 Supervisors acted upon **Resolution No. 03-20: Resolution Extending Moratorium On**
56 **Swine Concentrated Animal Feeding Operations**
57 _____
58 _____

- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chair

Lisa Ross, County Clerk

Executive Summary

This Resolution will extend the Swine CAFO moratorium in Resolution 33-19 in month-to-month intervals, as directed by the Environmental Services Committee. The extension is to allow staff and the Committee to address the issues raised by the public about the potential negative impacts of Swine CAFOs. This Resolution does not have the effect of ultimately prohibiting CAFOs.