Notice of Meeting and Agenda
Polk County Board of Supervisors
6:00 p.m. Tuesday, May 19, 2020
Virtual, Open Meeting via Webex Video Conference or Phone

Webex Virtual Meeting Info:
Meeting Number (access code): 967 164 103
Password: 519BoardMeeting
- Join Online: https://polkw.webex.com
- Join by Phone: 1-408-418-9388

Because of the nature of this virtual meeting, there will not be an option for public comment; however, members of the public who would like to make a written comment prior to the meeting may email their comments to: countyclerk@co.polk.wi.us. You may also mail in comments to the topics, however they may not be received and provided to the Supervisors by the date of the meeting.

The mailing address is: POLK COUNTY GOVERNMENT CENTER
100 POLK PLAZA, STE. 110
BALSAM LAKE, WI 54810

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 April 21, 2020 County Board Meeting
   b. Consideration/corrections to the published minutes from May 1, 2020 County Board Emergency, Special Meeting
   c. Consideration/corrections to the published minutes from May 5, 2020 County Board Special Meeting
8. County Board Chair Report
   a. Supervisor’s Reports from Outside Meetings Attended
9. Administrator’s Report – Administrator Netherland
10. Confirmation of Appointment(s) – Administrator Netherland
11. Proposed Resolutions, Ordinances Offered for Adoption or Enactment at April 21, 2020, meeting:
   a. Resolution 04-20: Resolution Declaring Polk County Wisconsin A Second Amendment Sanctuary County
   b. Resolution 06-20: Resolution In Support Of Mandatory Minimum Sentences And A Three Strikes Law In Wisconsin
   c. Resolution 14-20: Resolution Regarding Act 185 to Defer July Property Tax Payments to October 2020 (Resolution 14-20 to be distributed and added to this agenda packet within a reasonable time prior to the meeting noticed on agenda).
12. Discussion and Possible Action Regarding Memorandum of Understanding (MOU) with Fair Society
13. Discussion and Possible Action Regarding Repayment of Unpaid Real Property Taxes, Interest and Penalties for Tax Delinquent Property – Viresco (formerly Green Whey) Located at 465 Western Blvd, Turtle Lake, WI 54889

**Closed Session**

The Board may convene in closed session on matters noticed under #12 and #13, as follows:

Pursuant to Wisconsin Statute 19.85(1)(e), the Board may convene in closed session for the purposes of considering bargaining strategy between the County and the Fair Society regarding a Memorandum of Understanding. Any action of the Board on such matter will remain closed and or sealed, pursuant to Sections 19.85(1)(e)

Pursuant to Wisconsin Statute Section 19.85(1)(g), the Board may convene in closed session to receive a legal opinion from its attorney concerning a litigation strategy that the Board may adopt concerning anticipated claims and pending litigation.

Following closed session, the Board will convene in open session to make an announcement of actions taken in closed session and to take up for consideration and action matters noticed on this meeting notice.

14. Supervisors Announcements
15. 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.
Chairman Dean Johansen called the April 21, 2020 regular session via Webex video conference of the Polk County Board of Supervisors to order at 5:07 p.m.

Chairman Johansen 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 the Government Center Building in two places, at 9:20 p.m. on Thursday, April 9, 2020. Was distributed to the supervisors and media contacts via email or mail at 9:24 p.m. on Thursday, April 9, 2020. The agenda was also published in the County’s legal paper the week of April 13, 2020 (paper published on 4-16-2020). The Second Amended Agenda and Notice of meeting was posted in the Government Center Building in two places, and on the County website, and was emailed to supervisors and media via email or mail on April 17, 2020 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.

Chairman Johansen recognized the County Clerk for purposes of taking roll call. All fifteen County Board Supervisors and County Board Chairman Johansen were present representing a quorum. Chairman Johansen and Supervisors: Doug Route, Chris Nelson, Tracy LaBlanc, Brian Masters, Jim Edgell, Kim O’Connell, Amy Middleton, Jay Luke, Fran Duncanson, Russ Arcand, John Bonneprise and Joe Demulling were present at the government center. Supervisors: Steve Warndahl and Michael Prichard attended the virtual meeting via Webex.

Chairman Johansen led the County Board in the Pledge of Allegiance.

Chairman Johansen called to the floor for a time of reflection. Supervisor Masters offered a moment of reflection for COVID-19 wellness and positive experience with the new County Board of Supervisors.

Motion (Bonneprise/Edgell) to suspend rules of order for seating arrangements and other non-substantive rule changes. Motion passed by unanimous voice vote.

Chairman Johansen called to the floor consideration and approval of the Agenda with suspended rules of order. Motion (Masters/Route) to adopt the Agenda with suspended rules of order. Chairman Johansen called for a voice vote on the motion to adopt the Agenda as published. Motion carried by unanimous voice vote.
Chairman Johansen called to the floor for approval of the Consent Agenda. **Motion** to adopt the consent agenda with said change carried by unanimous voice vote. Matters adopted under the Consent Agenda: Minutes from February 20, 2020 County Board session adopted as published. Corrected minutes from March 17, 2020 County Board session adopted as published.

Time was given for the County Board Chairperson’s report. No reports were given.

Time was given for Supervisor’s reports regarding outside meetings attended. No updates were given.

Chairman Johansen called upon Administrator Netherland for the Administrator’s report. The County Board received information regarding meetings attended by the Administrator and updates regarding: Recognition for the Polk County Finance Administration, and updates on COVID-19 Virus and the Incident Command System.

Chairman Johansen asked for a motion to defer the announcements of appointments of outside committees. **Motion** (Maters/Luke) to defer appointments of outside committees carried by unanimous voice vote.

**Organizational Matters:**

Chairman Johansen opened nominations for **County Board Chairperson**.

Nominated was: Chris Nelson. **Motion** (Bonneprise) to close nominations and cast a unanimous ballot for Nelson. Nominations were declared closed. Chairman Johansen called for a voice vote to cast ballot for Supervisor Nelson for County Board Chairperson. **Motion** to close nominations and cast unanimous ballot for Supervisor Nelson for County Board Chairperson carried by unanimous voice vote.

Chairman Nelson opened nominations for **1st Vice Chair**.

Nominated was: John Bonneprise. **Motion** (Arcand) to close nominations and cast a unanimous ballot for Bonneprise. Nominations were declared closed. Chairman Nelson called for a voice vote to cast ballot for Supervisor Bonneprise for First Vice Chairperson. **Motion** to close nominations and cast unanimous ballot for Supervisor Bonneprise for First Vice Chair carried by unanimous voice vote.

Chairman Nelson opened nominations for **2nd Vice Chair**.

Nominated was: Jay Luke. **Motion** (Arcand) to close nominations and cast a unanimous ballot for Luke. Nominations were declared closed. Chairman Nelson called for a voice vote to cast ballot for Supervisor Luke for Second Vice Chairperson. **Motion** to close nominations and cast unanimous ballot for Supervisor Luke for Second Vice Chair carried by unanimous voice vote.
Chairman Nelson declared Board in session convening as Committee of the Whole at 5:35 p.m.

Committee of the Whole engaged in discussion of revisions to Polk County Board of Supervisors Rules of Order Ordinance (No. 43-18).

Committee of the Whole engaged in discussion regarding recommendations concerning committee duties, responsibilities and assigned functions.

Committee of the Whole engaged in discussion of resolutions/ordinances noticed on the agenda.

Chairman Nelson called for a motion to adjourn Committee of the Whole session and reconvene in legislative session of the Board. **Motion** (O’Connell/Bonneprise) to adjourn Committee of the Whole session. Chairman Nelson called for a voice vote on the motion. **Motion** carried by unanimous voice vote. Committee of the Whole adjourned 6:15 p.m.

Chairman Nelson called the Board back into legislative session at 6:15 p.m.

Chairmen Nelson called upon Environmental Services Division Director, Bob Kazmierski for discussion regarding Organizational Matters for the Board Term 2020-2022.

**Motion** (Arcand/Prichard) to create an ad hoc committee to discuss Revisions to the Polk County Board of Supervisors Rules of Order Ordinance 43-18 and to adjourn this portion of the organizational meeting until that date certain. Motion passed by unanimous roll call vote.

Ad hoc committee complied of Administrator Netherland, Corporation Counsel Malone, Chairman Nelson, Supervisor Route, and Supervisor Bonneprise.

Chairman Nelson called for a 10 minute recess at 6:30 p.m. Chairman Nelson called Board back into open session at 6:43 p.m.

Chairman Nelson asked supervisors to state if they would like to reduce the number of Standing Committees they are on and if any Supervisors want to switch to a committee that has a current vacancy from a Committee they serve on and who is interested in the vacant seat(s) on standing committees. The following Appointments were made to the standing committees:

**Executive Committee Appointments:**

**Environmental Services Committee Appointments:**
Supervisors: O’Connell, Olson, Edgell, LaBlanc, Route.

**General Government Committee Appointments:**
Supervisors: Masters, Arcand, Nelson, Prichard, Duncanson.
Health & Human Services Board Appointments:
Supervisors: Bonneprise, Demulling, Edgell, Middleton, Duncanson

Public Safety & Public Works Committee Appointments:
Supervisors: Luke, Bonneprise, Demulling, Route, Warndahl

Chairman Nelson called to the floor, Ordinance No. 08-20: To Enact Amended Polk County Shoreland Protection Zoning Ordinance. Chairman Nelson called for a motion to adopt Ordinance No. 32-18. Motion (O’Connell/Masters) to adopt Ordinance No. 08-20. Chairman Nelson called upon Zoning Administrator, Jason Kjeseth, for information regarding Ordinance No. 08-20. The board engaged in discussion.

Chairman Nelson called for a voice vote to approve the motion to adopt Ordinance No. 08-20. Motion to adopt Ordinance No. 08-20 carried by unanimous voice vote. Ordinance No. 08-20: To Enact Amended Polk County Shoreland Protection Zoning Ordinance adopted.

Chairman Nelson relinquished the gavel to Vice Chairman Bonneprise for the purpose of comment and vote on Resolution 07-20: Resolution Directing The County Administrator To Investigate Options For Saving The Clam Falls Dam. Vice Chairman Bonneprise called to the floor, Resolution 07-20: Resolution Directing The County Administrator To Investigate Options For Saving The Clam Falls Dam. Vice Chairman Bonneprise called for a motion to adopt Resolution No. 07-20. Motion (Luke/Olson) to adopt Resolution No. 07-20. The board engaged in discussion. Supervisor Masters called for the question and a roll call vote.

Vice Chairman Bonneprise called for a roll call vote to adopt Resolution No. 07-20. Motion to adopt Resolution No. 07-20 carried by majority vote of 11 in favor and 3 opposed (opposed: Masters, Arcand, and Prichard-absent). Resolution 07-20: Resolution Directing the County Administrator to Investigate Options for Saving the Clam Falls Dam adopted.

Vice Chair Bonneprise relinquished the gavel to Chairman Nelson.

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

Chairman Nelson called for a motion to adjourn. Motion (Demulling/Route) to adjourn. Chairman Nelson called for a voice vote on the motion to adjourn. Motion to adjourn carried by unanimous voice vote. Chairman Nelson declared meeting adjourned 7:38 p.m.

Next Meeting: 6:00 p.m., Tuesday, May 5, 2020

Respectfully submitted,

Lisa R. Ross, Polk County Clerk
Chairman Nelson called the May 1, 2020 special session via Webex video conference of the Polk County Board of Supervisors to order at 3:07 p.m.

Chairman Nelson recognized the County Clerk for purposes of receiving evidence of proper notice. The County Clerk stated that the notice of special meeting was properly posted in two places in the Government Center Building and posted on the County website at 2:45 p.m. on April 30, 2020. In addition, the Office of the County Clerk distributed on April 30, 2020 copies of such notice of meeting and proposed resolution to supervisors and media via e-mail in accordance with Article 3, Section 2 of the County Board Rules of Order.

The County Board received verbal opinion of 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. Corporation Counsel added that the packet attachments, including Resolution No. 12-20 were sent out to supervisors and media at least two hours prior to the meeting in accordance with WI Statute 19.84(3).

Chairman Nelson recognized the County Clerk for purposes of taking roll call. Fourteen County Board Supervisors and County Board Chairman Nelson were present representing a quorum. Chairman Nelson and Supervisors: Doug Route, Chris Nelson, Tracy LaBlanc, Brian Masters, Jim Edgell, Kim O’Connell, Amy Middleton, Jay Luke, Fran Duncanson, Russ Arcand, John Bonneprise, Steve Warndahl and Joe Demulling were present at the government center. Supervisors: Michael Prichard attended the virtual meeting via phone. Absent and excused was Supervisor Olson.

Chairman Nelson declared the presence of a quorum.

Chairman Nelson called upon Supervisor Bonneprise to address the Board regarding a new process of delivery for the Pledge of Allegiance during County Board Meetings. To honor and acknowledge Veterans the County Board will offer the opportunity for Veterans to lead the County Board in the Pledge of Allegiance at County Board meetings. Any Veterans interested in leading the County Board in the Pledge of Allegiance during upcoming meetings should contact Supervisor, John Bonneprise. Supervisor Bonneprise introduced, then called upon Veteran and County Board Supervisor, Joe Demulling, who the led the County Board in the Pledge of Allegiance.
Chairman Nelson called to the floor a motion to suspend the Rules of Order to allow for changes in seating arrangements, and to address matters on this Agenda that have not yet been to a committee in the matters of: Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted from Governor Evers’ Safer-At-Home Orders. Motion (Masters/Warndahl) to suspend the Rules of Order to allow for changes in seating arrangements and to address matters on this Agenda that have not yet been to a committee. Chairman Nelson called for a roll call vote. Motion failed for lack of a two-thirds majority with 8 in favor and 6 opposed. (Opposed: Prichard, O’Connell, Middleton, Luke, Duncanson, and Demulling).

Chairman Nelson called on Corporation Counsel Malone for legal opinion of parliamentary procedure following the failed motion. Corporation Counsel stated that Resolution No. 12-20 may be discussed during the Committee of the Whole however the board may not take action on the resolution outside of the Committee of the Whole. Supervisor O’Connell asked for legal opinion on whether a motion can be made following the Committee of the Whole prior to Agenda Item #9. Corporation Counsel Malone stated that if a motion to suspend the Rules of Order was passed following the Committee of the Whole, at agenda item #9 the Board may take action on Resolution No. 12-20.

Motion (O’Connell/Arcand) to suspend the Rules of Order to allow for changes in seating arrangement. Motion carried by unanimous voice vote.

Motion (Masters/Route) to convene into the Committee of the Whole. Chairman Nelson called for a voice vote. Motion carried unanimously.

Chairman Nelson called to the floor consideration and approval of the Agenda conforming to Notice of Special Meeting. Motion (Bonneprise/Demulling) to adopt the Agenda. Chairman Nelson called for a voice vote on the motion to adopt the Agenda as noticed. Motion carried by unanimous voice vote.

Chairman Nelson declared Board in session convening as Committee of the Whole at 3:20 p.m.

Committee of the Whole viewed a youtube video suggested by Chair Nelson regarding COVID-19 https://www.youtube.com/watch?v=_5DXs8xxaMU. The Board engaged in discussion of Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted From Governor Evers’ Safer-At-Home Orders.

Corporation Counsel was asked for legal opinion regarding the purpose and intent of Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted from Governor Evers’ Safer-At-Home Orders. Corp. Counsel Malone stated that because a Public Health Emergency has been declared at both State and County levels local officials are empowered as the statutory authority. The resolution is only the Board’s request on how local officials exercise their discretion. The Resolution cannot require
the Public Health Officer to take or not take action. Resolution No. 12-20 is a lobbying resolution only. The County Board does not have authority over the statutory authority of the Public Health Officer and the Board does not have constitutional authority over the sheriff.

Chairman Nelson called for a motion to adjourn Committee of the Whole session and reconvene in legislative session of the Board. **Motion** (Masters/Demulling) to adjourn Committee of the Whole session. Chairman Nelson called for a voice vote on the motion. **Motion** carried by unanimous voice vote. Committee of the Whole adjourned 4:55 p.m.

Chairman Nelson declared Board back into legislative session at 4:55 p.m.

Chairman Nelson asked for Corporation Counsel’s opinion on proceeding. Corporation Counsel Malone advised that should a motion to suspend the Rules of Order to address matters on this Agenda that have not yet been to a committee be made and passed at this time, the board may take action on Resolution No. 12-20.

**Motion** (Masters/Route) to suspend Rules of Order to bring Resolution No. 12-20 to debate. Chair Nelson called for a roll call vote on said motion. **Motion** carried by roll call vote with 10 voting yes and 4 voting no (Opposed: Prichard, Middleton, Luke and Duncanson).

**Motion** (Masters/O’Connell) to adopt Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted From Governor Ever’s Safer-At-Home Orders. Chairman Nelson opened the floor for discussion regarding said resolution.

**Motion** (Masters) to amend Resolution No. 12-20 to use the language from Rice Lake Wisconsin’s Reopening Plan (copy said plan distributed on the floor) to add some plans and guidelines to reopen business to Resolution No. 12-20. **Motion** failed for lack of a second.

**Motion** (Masters) to amend Resolution No. 12-20 after line 56. To add “Be it further resolved that the Board of Supervisors directs Polk County not to interfere with businesses under the Safer-At-Home Orders if businesses are following such practices including physical distancing and other safety measures.” Supervisor Masters requested legal opinion from Corp Counsel in said Motion. Corporation Counsel Malone stated that the County Board does not have authority to direct county staff to take or not take action, the board may only recommend. If motion passed, it would be contrary to law and unenforceable. Supervisor Masters withdrew motion.

Supervisor Bonneprise called for a roll call vote on the motion. Supervisor Nelson called upon Corporation Counsel for clarification of meaning on voting “yes” on the motion on the floor. Corporation Counsel Malone clarified that the motion on the floor is to adopt Resolution No. 12-20; that “yes” adopts the resolution and as a resolution passed by the County Board it would become County Policy.
Chairman Nelson called for a roll call vote on Motion to adopt Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted From Governor Evers’ Safer-At-Home Orders. Motion to adopt Resolution No. 12-20 carried by roll call vote with 9 voting yes and 5 voting no. Resolution No. 12-20: Resolution Concerning the County’s Response to the Economic Emergency That Has Resulted from Governor Evers’ Safer-At-Home Orders adopted. (Opposed: LaBlanc, Prichard, Middleton, Luke and Duncanson).

Motion (Duncanson/Warndahl) to adjourn. Chairman Nelson called for a voice vote on the motion to adjourn. Motion to adjourn carried by unanimous voice vote. Chairman Nelson declared meeting adjourned 5:15 p.m.

Next Meeting: Added, Special Meeting at 6:00 p.m., Tuesday, March 5, 2020

Respectfully submitted,

Lisa R. Ross, Polk County Clerk
Chairman Nelson called the May 5, 2020 special session via Webex video conference of the Polk County Board of Supervisors to order at 6:00 p.m.

Chairman Nelson recognized the County Clerk for purposes of receiving evidence of proper notice. The County Clerk stated that the Notice and Agenda was posted in the Government Center Building in two places, posted on the County website (April 24, 2020), and published in a legal newspaper the week of April 27, 2020 in accordance with Wisconsin Statute Section 985.02. In addition, on April 24, 2020 the Office of the County Clerk distributed 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 Clerk stated that the Amended Agenda was posted in the Government Center, posted on the County website, and copies of such notice of meeting distributed to the Supervisors and media via email on May 3, 2020.

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.

Chairman Nelson recognized the County Clerk for purposes of taking roll call. Fourteen County Board Supervisors were present representing a quorum. Chairman Nelson and Supervisors: Doug Route, Steve Warndahl, Tracy LaBlanc, Brian Masters, Jim Edgell, Kim O’Connell, Jay Luke, Fran Duncanson, Russ Arcand, John Bonneprise and Joe Demulling were present at the Government Center. Supervisors: Amy Middleton and Michael Prichard attended the virtual meeting via Webex. Supervisor Brad Olson was absent. Chairman Nelson stated Supervisor Brad Olson would be late, and is excused. Supervisor Olson joined the meeting at the Government Center at 6:15 p.m.

Chairman Nelson called upon Supervisor Bonneprise to introduce the Veteran to lead the County Board in the Pledge of Allegiance for tonight’s meeting. County Board Supervisor and, Navy Veteran, Jay Luke, led the County Board in the Pledge of Allegiance.

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

Chairman Nelson called upon Administrator Netherland for introduction of virtual presentation by Wisconsin Counties Association (WCA). Deputy Director of Government Affairs, Sarah Diedrick-Kasdorf, with WCA presented slides and information via Webex to the Board regarding the Rules and Responsibilities for County Officials.

Chairman Nelson called for a motion to suspend Rules of Order to allow for change in seating arrangements. **Motion** (O’Connell/Olson) to suspend Rules of Order to allow for change in seating arrangements.
arrangements. Chairman Nelson called for a voice vote the motion. Motion carried by unanimous voice vote.

Chairman Nelson called for a motion to convene as Committee of the Whole at 7:20 p.m. Motion (Masters/Route) to convene as Committee of the Whole. Chairman Nelson called for a voice vote on the motion to convene as Committee of the Whole. Motion carried by unanimous voice vote.

Chairman Nelson declared Board in session convening as Committee of the Whole at 7:20 p.m.

Corporation Counsel Malone summarized the revisions to the Rules of Order as recommended by the Rules Ad Hoc Committee (Ordinance No. 13-20). Committee of the Whole engaged in discussion of revisions to Polk County Board of Supervisors Rules of Order Ordinance.

RULES OF ORDER ORDINANCE REVISION SUMMARY - MAIN POINTS:

**Article 2. Meetings** - Updated to give flexibility to allow meetings to happen through Webex for situations like COVID-19 without having to suspend rules of order.

  - **Section 5.** Provides clarification on how meetings can be scheduled or called: by Chairman, by Administrator or by a majority of Supervisors.
  - **Section 9.** Changes the Seating Arrangements to a random rotation at each meeting.
  - **Section 11.** Public Comment was updated to include to emergent situations where public comment is considered impractical.
  - **Section 12.** Time of Reflection removed from the County Board meeting agenda. Time of Reflection may be offered during Supervisor Announcements.

**Article 3. Ordinances and Resolutions** – Updates to processes regarding how resolutions and other legislative action starts.

  - **Section 1.** Outlines process for staff initiated resolutions and other legislative action.
  - **Section 2.** Outlines the four processes Supervisor’s may use to initiate the resolution/legislative action process.

**Article 6. Election/Removal of Chairperson and Vice Chairpersons** – Process of Removal of Chairperson, or Vice Chairperson added.

**Article 7. Duties of the County Board Chairperson** – Revisions added to:

  - **Section 3.** County Board Chair to appoint Chairperson of the Executive Committee
  - **Section 4.** Clarification of the ex-officio duty of the County Board Chair

**Article 8. County Board Standing Committee System** – Updates include clarifications to:

  - **Section 5.** Environmental Services Committee is contact committee for UW Extension
  - **Section 8.** Public Safety & Public Works Committee is contact committee for Criminal Justice Collaborating Council and Public Safety and Highway Committee name change to Public Safety & Public Works Committee.

Committee of the Whole engaged in discussion regarding recommendations concerning committee duties, responsibilities and assigned functions.

Chairman Nelson called for a motion to adjourn Committee of the Whole session and reconvene in legislative session of the Board. Motion (Duncanson/Warndahl) to adjourn Committee of the Whole session. Chairman Nelson called for a voice vote on the motion. Motion carried by unanimous voice vote. Committee of the Whole adjourned 8:00 p.m.

Chairman Nelson called the May 5, 2020 Special Meeting of the County Board of Supervisors back into legislative session at 8:00 p.m.
Chairman Nelson called for a 10 minute recess at 8:00 p.m.

Chairman Nelson called the meeting back into legislative session at 8:10

Chairman Nelson called for a motion to develop and adopt revisions to the Polk County Board of Supervisors Rules of Order Ordinance. **Motion (Masters/Luke) Develop and Adopt Revisions to the Polk County Board of Supervisors Rules of Order Ordinance.** Chairman Nelson opened the floor up for discussion of and for amendments to the Rules of Order Ordinance.

**Motion (Duncanson/Arcand) to amend Rules of Order Ordinance No. 13-20 to add disclosure of conflict of interest by committee and board members as a standard agenda item on all County Board Agendas and on all standing committee agendas.** Discussion. Corporation Counsel Malone provided legal counsel stating that the ethical obligations for a County Board Supervisor regarding conflicts of interest is codified in Chapter 19 of the Wisconsin Statute which would require any Supervisors with a conflict of interest to raise the topic and to ask the chair for permission to abstain from voting on the topic. Conflicts are statutorily defined. Chairman Nelson called for voice vote on motion. **Motion to add disclosure of conflict of interest by committee and board members as a standard agenda item on all County Board Agendas and on all standing committee agendas carried by majority voice vote.**

**Motion (Arcand/Luke) to include all of the revisions made by the rules ad-hoc committee to the Rules of Order Ordinance as presented to the Board in Ordinance 13-20.** Chairman Nelson called for voice vote on said motion. **Motion carried by unanimous voice vote.**

**Motion (Bonneprise/LaBlanc) to amend Ordinance 13-20 page 5 under Article 6, section 2, line 22 from 10 board members and to require at least 11 board members in order for a Chair or Vice Chair to be removed from a committee or board.** Discussion. Chairman Nelson called for voice vote amendment to change lines 21-23 to read,

> “Any Supervisor may be removed from the position of Chairperson by a two-thirds vote of the full Board. (At least 11 Board members). The Chairperson serves in his or her role at the will of the Board...”

**Motion carried by unanimous voice vote.**

**Motion (Masters/Route) to move outside agencies: Polk County Economic Development Corp. (EDC), Polk County Museum and Polk County Tourism from the Environmental Services Committee to the General Government Committee.** Discussion. It was determined that this change had already been made by previous Motion by Arcand/Luke to include all of the amended items in the Rules of Order Ordinance 13-20. **Motion withdrawn by Masters.**

Supervisor Prichard noted a scrivener’s error on page 10 line 33 of Ordinance 13-20: Polk County Board of Supervisors Rule of Order Ordinance Amended May of 2020. Under the Environmental Services Committee Contact Committee List, remove item #4. Polk County Museum. (Polk County Museum is correctly listed under the General Government Committee on page 11, line 36).

**Motion (Prichard) to amend Rules of Order Ordinance 13-20 in Article 3, sections 2(a), 2(b), 2(c) and 2(d) on page 2 lines 39 and 44, and page 3 lines 4 and 9, to add verbiage following the word “shall” to read,**
“Corporation Counsel shall deliver copies of the resolution to the County Clerk and to the requesting supervisor to place the resolution on the appropriate Committee’s agenda for consideration after introduction at County Board.”

Chairman Nelson called on Corporation Counsel Malone for legal opinion. Corporation Counsel stated that the verbiage in Supervisor Prichard’s motion is the current procedure that is already in place. The motion could be put to a vote and if passed the amendment could be made however, the amendment would have no actual effect since it is currently being done. Chair Nelson asked for a second on said motion. **Motion** failed for lack of second.

Supervisor O’Connell made recommendation on a formatting change to the new resolution format presented in Appendix A of the Rules of Order Ordinance 13-20. Recommendations to add: standing committee the resolution came from, the vote outcome, and whether committee recommended or did not recommended the resolution. Corporation Counsel Malone stated that as an Appendix to the Rules of Order the document is considered a working document and changes to Resolution format could be made based on recommendations without requiring a motion.

**Motion** (Prichard/O’Connell) to amend Rules of Order Ordinance 13-20 under Article 3, section 2 to add additional sub-section “2a” (page 3, after line 10) to read,

“Any three supervisors may propose a resolution that, after review and approval as to form, by Corporate Counsel shall be placed on an agenda of a standing committee for consideration.”

The board engaged in discussion regarding the motion. Chairman Nelson called upon Corporation Counsel for legal opinion on motion. Corporation Counsel Malone expressed concerns regarding three supervisors proposing resolutions together as that would be a walking quorum and a violation of Wisconsin’s Open Meeting’s Law. Supervisor Luke called the question. Supervisor Arcand called for roll call vote on said motion. **Motion** defeated for lack of majority in favor with 4 in favor and 10 opposed. (Opposed: Olson, Route, Warndahl, LaBlanc, Masters, Edgell, Luke, Duncanson, Bonneprise and Demulling)

**Motion** (Route/Demulling) to move ATV/UTV tourism and usage from the Environmental Services Committee to the Public Safety and Public Works Committee. Discussion. Corp Counsel advised the Board that should this topic be laid on the table and postponed to later date certain the Board could amend the rules on this topic by simple majority because it would continuing part of organizational meeting. If the topic was not laid on the table and the Rules of Order later were addressed later in the year it would require a 2/3 majority. Corporate Counsel Malone expressed concerns regarding the Open Meetings Law stating that although the discussion of duties of standing committees is on the current agenda it this agenda item does not inform the public that there might be a change in the governing committee of the trails issue. Route proposed to amend **Motion** to table discussion on said motion and postpone until a later date certain. Supervisor Demulling in agreement with amended motion.

Chairman Nelson asked if there were any other amendments to the Rules of Order Ordinance 13-20 from the Board. None offered. Chairman Nelson called for voice vote on motion on the floor to adopt revisions and amendments to the Polk County Board of Supervisors Rules of Order Ordinance No. 13-20 Polk County Board of Supervisor’s Rules of Order, as amended. **Motion** carried by unanimous voice vote. **Ordinance 13-20:** Polk County Board of Supervisor’s Rules of Order Ordinance adopted as amended on this date of May 5, 2020.
Chairman Nelson stated that item 7b regarding duties, responsibilities and assigned functions of County Board Standing Committees had already been addressed in the revisions to the Rules of Order.

Chairman Nelson made an announcement to the public to inform anyone interested in serving on a County Standing Committee as a citizen member should contact Supervisor Brian Masters for information.

Chair Nelson called on Supervisor Masters as point person regarding Nomination, Appointment and Confirmation of Supervisors to Non-Standing Committees. Discussion.

Appointments made to Non Standing Committees as follows:

- Aging, Disability Resource Committee (ADRC): Supervisor Demulling will remain on committee with and there are **2 additional vacancies remain**
- Northwest ITBEC (International Trade Business and Economic Development Council) – Terry Hauer from EDC
- Arnell Humane Society: Supervisor Duncanson
- Economic Development Corporation (EDC): Supervisor Masters
- Community Development Block Grant (CDBG) – Supervisor Middleton
- West Central Regional Planning Commission (WCRPC) – Supervisor LaBlanc
- WestCap – Supervisor Luke
- WITC Board Nominating Committee – Chairman Nelson
- Workforce Development County Consortium – Supervisor Duncanson
- Norther Regional Trail Advisory Committee (NoRTAC) – **1 vacancy**
- Local Emergency Planning Committee (LEPC) – Supervisor Bonneprise

Supervisor Masters announced that any Non-Standing Committee vacancies following this meeting will be addressed at the May 14th Executive Committee Meeting at 9:00 a.m.

Chairman Nelson called for a motion to adjourn. **Motion** (Bonneprise/Duncanson) to adjourn. Chairman Nelson called for a voice vote on the motion to adjourn. **Motion** to adjourn carried by unanimous voice vote. Chairman Nelson declared meeting adjourned 9:15 p.m.

Next Meeting: 6:00 p.m., Tuesday, May 19, 2020

Respectfully submitted,

Lisa R. Ross, Polk County Clerk
RESOLUTION DECLARING POLK COUNTY WISCONSIN A SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and under the Constitution of the State of Wisconsin, Article 1, Section 25- "The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose"

WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an Inalienable Right by the People of Polk County, Wisconsin, and;

WHEREAS, the People of Polk County, Wisconsin derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Polk County using all types of firearms allowable under the United States Constitution and the Constitution of the State of Wisconsin, and;

WHEREAS, Polk County Board, being elected to represent the People of Polk County and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Wisconsin, and;

WHEREAS, the Wisconsin House of Representatives and the Wisconsin Senate, being elected by the People of the State of Wisconsin and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Wisconsin, and;

WHEREAS, any legislation considered by the Wisconsin State Legislature that would infringe the Right to Keep and Bear Arms and would ban the possession and use of any firearms, magazines, ammunition or body armor now employed by individual citizens of Polk County for defense of Life, Liberty and Property or would require a firearms owner I.D. card or tax the possession of firearms or ammunition within Polk County, Wisconsin;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of Supervisors hereby declare Polk County to be a Second Amendment Sanctuary County.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors affirms its support of the Sheriff to exercise sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors will not appropriate any funds for any enforcement of unconstitutional laws against the People of Polk County, Wisconsin.

1
BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors do hereby oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unconstitutional and beyond lawful legislative authority.

BY:

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair, Supervisor, District #3

Chris Nelson, Supervisor, District #4

James Edgell, Supervisor, District #5

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

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

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District: #13

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

Joe Demulling, Supervisor, District #15

County Administrator’s Note: Matter of Policy

Vince Netherland
County Administrator

Fiscal Impact Note: No financial impact at this time:

Maggie Wicke
Finance Director

Approved as to Form and Execution:

Malia T. Malone, Corporation Counsel
At its regular business meeting on the ___ of ________, 2020, the Polk County Board of Supervisors acted upon Resolution No. 04-20: Resolution Declaring Polk County Wisconsin A Second Amendment Sanctuary County

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

_____________________________________________________

Insert amendment to resolution according to minutes:

_____________________________________________________

SIGNED BY: ATTEST:

Chris Nelson, County Board Chair Lisa Ross, County Clerk

Executive Summary

This Resolution highlights the inherent Constitutional authority vested in the Sheriff to refrain from enforcing unconstitutional laws.
RESOLUTION IN SUPPORT OF MANDATORY MINIMUM SENTENCES AND
A THREE STRIKES LAW IN WISCONSIN

WHEREAS, Polk County is a beautiful place to work live and play, and;

WHEREAS, the ever increasing supply of methamphetamine coming in from Mexico is
cheaper and more pure than the “meth lab” version from decades ago and is finding its
way into Polk County, and;

WHEREAS, the presence of the methamphetamine supply naturally leads to significant
negative impacts on our community, including but not limited to: an increase on drug
related crime, children being removed from the home because parents are unable to care
for their children, loss in property values, decreased tourism because of the “stigma”
associated with high levels of methamphetamine use, and;

WHEREAS, recidivism is rampant among defendants charged with drug related crimes
and the laws regarding the factors a court must consider when setting a bond or issuing a
sentence have limited the judicial system’s ability to address the increased crime and
recidivism rates, and;

WHEREAS, the prevention of crime has been focused on rehabilitation and not enough
on punishment as a deterrent with some of the recent sentencing reforms in Wisconsin,
and;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of
Supervisors hereby encourage and support the State Legislature’s effort in sentencing
reforms that will supply Judges and Prosecutors with more options and tools at reducing
and deterring crime.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Polk County Board
of Supervisors support any statutory amendment that would implement a three strikes law
that requires mandatory incarceration for criminal convictions after a defendant has
already had two criminal convictions within the 10 years prior.

BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors
supports any statutory amendment that would require mandatory minimum sentences for
certain drug related and other crime that negatively impacts the public health and safety.

BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors commit
to appropriating sufficient funds to handle the increased case-loads, the increased
incarceration rate of the Polk County Jail, and the increased staff time necessary to
handle the collateral impacts of the sentencing reform supported by this Resolution.
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:

Malia Malone
Interim County Administrator

Fiscal Impact Note: No financial impact

Maggie Wickre, Finance Director

Approved as to Form and Execution:

Joseph Loso, Interim Corporation Counsel

Legal Impact Note: Lobbying resolution with no immediate legal impact.

Excerpt of Minutes

At its regular business meeting on the ___ of ________ 2020, the Polk County Board of Supervisors acted upon Resolution No. 06-20: RESOLUTION IN SUPPORT OF
MANDATORY MINIMUM SENTENCES AND A THREE STRIKES LAW IN WISCONSIN

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

________________________________________________________

Insert amendment to resolution according to minutes:

________________________________________________________

SIGNED BY: ATTEST: 

Chris Nelson, County Board Chair Lisa Ross, County Clerk

Executive Summary

This Resolution is a lobbying effort that communicates Polk County's policy stance on the need for crime deterrent sentencing.
Resolution No. 14-20

RESOLUTION AUTHORIZING TAXATION DISTRICTS TO WAIVE INTEREST AND PENALTIES ON PROPERTY TAX PAYMENTS INSTALLMENTS

TO THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin ("COVID-19 Pandemic"); and

WHEREAS, the federal government, state governments, and local governments are working together to contain the further spread of the disease and treat existing cases; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, on March 12, 2020 the Governor of the State of Wisconsin declared a Health Emergency in the State, and Polk County (the "County") declared a state of emergency under authority granted by Wis. Stats. Chap. 323; and

WHEREAS, the federal government has enacted various laws and regulations in response to the COVID-19 Pandemic including, without limitation, the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act; and

WHEREAS, the federal, state, local and individual responses to the COVID-19 Pandemic and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 Pandemic have created economic hardship and uncertainty in the County's business community, households throughout the County and for every County property taxpayer; and

WHEREAS, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, and the various emergency orders and regulations implemented by state and local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 ("Act 185"), which Governor Evers signed on April 16, 2020; and

WHEREAS, Section 105(25) of Act 185 authorizes the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

WHEREAS, a resolution authorizing the above referenced waiver must also establish criteria for determining hardship that would qualify a property tax payer for the waiver; and

WHEREAS, the County's authorization for a taxation district to implement the above referenced waiver is contingent upon a taxation district adopting a resolution in similar form and content as to the County's resolution; and

WHEREAS, this Resolution is intended to (1) serve as the County's enabling resolution for purposes of Section 105(25) of Act 185; (2) authorize any taxation district located in the County to waive interest and
penalties on installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185 provided the taxation district adopts a similar resolution and otherwise satisfies all conditions precedent to waiver contained in Act 185 and this Resolution; and (3) declare that all property taxpayers in the County are experiencing hardship as a result of the economic conditions associated with the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185; and

WHEREAS, while the plain language of Section 105(25) of Act 185 allows for either a general or a "case-by-case" finding of hardship to qualify for the above referenced waiver of interest and penalties, the County intends by this Resolution to authorize a taxation district to waive interest and penalties for all property taxpayers in the County otherwise eligible for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions described in this Resolution, which the Board determines has adversely affected all taxpayers in the County; and

WHEREAS, this Resolution is not intended to be construed as authorizing any sort of "case-by-case" finding of hardship by a taxation district; and

NOW THEREFORE BE IT RESOLVED that pursuant to Section 105(25) of Act 185, the Board hereby finds and authorizes the following:

1. Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185, the Board finds that all property taxpayers are experiencing hardship as that term is used in Section 105(25) of Act 185.

2. A taxation district is authorized to waive interest and penalties for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020. This Resolution authorizes a taxation district to waive interest and penalties as provided in Section 105(25) of Act 185 for all property taxpayers in the taxation district such that if a taxation district authorizes the waiver under Section 105(25) of Act 185, it must offer the waiver to all property taxpayers in the taxation district. Notwithstanding the foregoing, nothing in this Resolution authorizes a taxation district to waive interest and penalties for property taxes payable in 2020 for an installment payment that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.

3. As provided under Section 105(25) of Act 185, the County shall deviate from the settlement procedure set forth in Wis. Stat. § 74.29 and, instead the County shall settle property taxes, interest and penalties collected on or before July 31, 2020, on August 20, 2020, as provided under Wis. Stat. § 74.29(1), and settle the remaining unpaid taxes, interest, and penalties on September 20, 2020. The August 20, 2020, settlement shall be distributed proportionally to the underlying taxing jurisdictions according to payments collected on or before July 31, 2020.

4. Notwithstanding Wis. Stat. § 74.57, the County Treasurer is authorized, but not required, to omit from the tax certificate delivered to the County on September 1, 2020, all parcels of real property for which a taxation district has waived interest and penalties as provided in this Resolution.

5. The County Treasurer should consult with the Wisconsin Department of Revenue, all taxation districts in the County, and Corporation Counsel regarding the implementation of this Resolution and the procedures associated with, or contemplated by, this Resolution.

6. Other County officers are authorized to assist the Treasurer in the interpretation, application and implementation of this Resolution and Section 105(25) of Act 185.

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