



## Polk County Board of Supervisors

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

### Minutes of the Regular Meeting Monday, December 18, 2017

Chairman Dean Johansen called the regular December 18, 2017 meeting of the Polk County Board of Supervisors to order at 6:02 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, posted on the County website, and published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 the week of December 11, 2017. In addition, the Office of the County Clerk distributed on December 6, 2017 copies of such notice of meeting and proposed resolutions to supervisors via e-mail and mail in accordance with Article 3, Section 2 of the County Board Rules of Order.

The County Board received verbal opinion of Corporation Counsel Fuge 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. Fourteen County Board Supervisors were present with Russ Arcand absent and excused.

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

Chairman Johansen called for a Time of Reflection. Time of Reflection was received from Supervisor Masters who imparted Christmas greetings and urged all to observe the season of giving with special consideration to those in need.

Chairman Johansen called to the floor consideration and approval of the agenda. **Motion** (Bonneprise/Masters) to adopt the agenda as noticed. Chairman Johansen called for a voice vote on said motion. **Motion** carried by unanimous voice vote.

Chairman Johansen called to the floor for approval of the Consent Agenda. **Motion** (Jepsen/Isakson) to adopt the Consent Agenda as noticed. Chairman Johansen called for a voice vote on the motion to adopt Consent Agenda. **Motion** carried by unanimous voice vote.

Matters adopted under the Consent Agenda: Minutes from November 14, 2017 adopted as published.

Time was given for public comment. Board received public comment.

County Board received article "Call to Order" from County Board Chair. Chairman Johansen called on Corporation Counsel to provide information regarding open meeting laws and negative quorums.

Chairman Johansen proposed changing Board of Supervisor's meeting from January 16, 2018 to February 20, 2018 due to special election on January 16, 2018. **Motion** (Luke/Jepsen) to change meeting from January 16, 2018 to February 20, 2018. Chairman Johansen called for a voice vote on said motion. **Motion** carried by majority voice vote with one opposed (Prichard).

County Board received report on Polk County Housing Authority from Supervisor Edgell.

County Board received written Report of Standing Committees from Administrator Frey.

County Board received Administrator's report from Administrator Frey including update on remodel of East conference room and employee Christmas activities including door decorating contest and ugly sweater contest. Supervisors urged to get expense reports in for year end.

Chairman Johansen called upon Administrator Frey for announcement of appointment of James Kimbllin as Commissioner to the White Ash Lake Rehabilitation District. Chairman Johansen called for a motion to confirm said appointment. **Motion** (Edgell/Olson) to confirm appointment of James Kimbllin as commissioner to White Ash Lake Rehabilitation District . Chairman Johansen called for a voice vote on the motion to confirm said appointment. **Motion** to confirm appointment carried by unanimous voice vote.

Chairman Johansen called for a motion to convene as Committee of the Whole at 6:31 p.m. **Motion** (Demulling/Masters) to convene as Committee of the Whole. Chairman Johansen called for a voice vote on said motion. **Motion** to convene as Committee of the Whole carried by unanimous voice vote.

Chairman Johansen called upon Administrator Frey and Highway Commissioner Emil Norby for status report on Highway Facility project. Seated as Committee of the Whole, the Board received presentation of bid tabulation results and contracts awarded for Bid Package #2B of the Highway Garage Improvement Project from Highway Commissioner Emil Norby. Board received information on change orders that resulted in credits, reducing the cost of the highway project: \$25,352 credit for fuel canopy, and \$3,175 credit for reduction in overhead door size. Change order for sand pending.

Jerry Shea, President of Market & Johnson was introduced to County Board Supervisors.

Chairman Johansen declared a recess at 7:00 p.m. Chairman Johansen called the Board back in session as Committee of the Whole at 7:07 p.m.

Chairman Johansen called upon Administrator Frey, and Tim Anderson, County Planner, to present information on the Polk County Trail Recreational Plan. County Board received copy of Trail Study outline. Timetable for plan development is spring 2019 for motorized trail plan study with completion date of Outdoor Recreation plan slated for December 2019. Board members prioritized 11 criteria to consider when developing trail study/plan.

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

Chairman Johansen 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 Johansen called for a voice vote on the motion. **Motion** carried by unanimous voice vote.

Chairman Johansen declared a recess at 8:20 p.m. Chairman Johansen called the Board back in session at 8:30 p.m.

Chairman Johansen called for a motion to reconvene in legislative session. **Motion** (Bonneprise/Demulling) to reconvene in legislative session. Chairman Johansen called for a voice vote on said motion. **Motion** carried by unanimous voice vote.

Chairman Johansen called to the floor, Resolution No. 78-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period beginning January 1, 2018. Chairman Johansen called for a motion to adopt Resolution No. 78-17. **Motion** (Nelson/Route) to adopt Resolution No. 78-17. Chairman Johansen called for a voice vote to approve the motion to adopt Resolution No. 78-17. **Motion** to adopt Resolution 78-17 carried by unanimous voice vote. Resolution No. 78-17 adopted.

Chairman Johansen called to the floor, Resolution No. 85-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Sergeants Association for Period Beginning January 1, 2018. Chairman Johansen called for a motion to adopt Resolution No. 85-17. **Motion** (Masters/Jepsen) to adopt Resolution No. 85-17. Chairman Johansen called for a voice vote on said motion. **Motion** to adopt Resolution No. 85-17 carried by unanimous voice vote. Resolution No 85-17 adopted.

Chairman Johansen called to the floor, Resolution No. 79-17: Resolution to Award Construction Contracts for Highway Garage – Bid Package #2B. Chairman Johansen called for a motion to adopt Resolution No. 79-17. **Motion** (Jepsen/Demulling) to adopt Resolution No. 79-17. **Motion** (O’Connell/Masters) to amend Resolution No. 79-17 to insert/include table showing contracts awarded to bidders and contract amounts.

Chairman Johansen called for a voice vote to approve the motion to amend Resolution No. 79-17. **Motion** to amend Resolution No. 79-17 to add Bid award information to contractors as per Bid Tabulation sheet carried by unanimous voice vote.

Chairman Johansen called for a voice vote to adopt Resolution No. 79-17 as amended. **Motion** to adopt Resolution No. 79-17 as amended carried by unanimous voice vote. Resolution No. 79-17 adopted as amended.

Chairman Johansen called to the floor, Resolution No. 80-17: Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society. Chairman Johansen called for a motion to adopt Resolution No. 80-17. **Motion** (Demulling/Bonneprise) to adopt Resolution No. 80-17. Chairman Johansen called upon Dale Wood, representative from Fair Society to address board regarding possible fairground grandstand demolition by Fair Society. County Board received letter from Bryan Chance at Wisconsin County Mutual insurance regarding risks involved of demolition. Chairman Johansen called for a roll call vote to approve the motion to adopt Resolution No. 80-17. **Motion** to adopt Resolution No. 80-17 **defeated** on roll call vote with 4 votes for (voting for: Route, Edgell, Bonneprise, Demulling), 9 voting no/against, 1 absent (Arcand) and 1 abstaining (LaBlanc). Resolution No. 80-17 defeated. Upon consensus of the Board, the County will issue an advertisement for bids for the demolition of the grandstand as authorized in Resolution No. 60-17.

Chairman Johansen declared first reading of Resolution No. 81-17: Resolution to Dedicate and Allocate Proceeds of Sale of Tax Delinquent Properties for Redemption of 2017 Promissory Notes. Second reading and consideration of Resolution No. 81-17 will be held at the February 2018 Board of Supervisors meeting.

Chairman Johansen called to the floor, Resolution No. 82-17: Resolution to Authorize Lease of Library/School Building to Wisconsin Indianhead Technical College for Satellite Campus. Chairman Johansen called for a motion to adopt Resolution No. 82-17. **Motion** (Jepsen/Nelson) to adopt Resolution No. 82-17.

**Motion** (Masters/Olson) to amend Resolution No. 82-17 and renumber the same as appropriate, as follows:

Line 20: delete: "notwithstanding provisions in County policy to the contrary"

Line 24 and Line 25: delete: "on terms and conditions of the Lease Agreement, which is attached hereto and incorporated herein".

Add Lines 26 to 29: "BE IT FURTHER RESOLVED that, notwithstanding provisions in County policy, the Polk County Board of Supervisors authorizes and directs the County Administrator to negotiate and to cause to be entered into such lease agreement on terms and conditions as the County Administrator may determine as being in the interest of the County".

Chairman Johansen called for a voice vote to approve the amendment to Resolution No. 82-17. **Motion** carried by unanimous voice vote.

Chairman Johansen called for a voice vote to approve the motion to adopt Resolution No. 82-17 as amended. **Motion** carried by unanimous voice vote. Resolution No. 82-17 adopted as amended.

Chairman Johansen called to the floor, Resolution No. 83-17: Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District. Chairman Johansen called for a motion to adopt Resolution No. 83-17. **Motion** (O’Connell/Edgell) to adopt Resolution No. 83-17. Motion to adopt carried by majority voice vote with one no vote (Olson).

Chairman Johansen called upon Administrator Frey for announcement of appointment of Magnor/Barbo Lake Public Inland Lake Rehabilitation District commissioners. Nominees include: Residents or owners of property located in the district: Brent Norberg, Jered Everts, and Darlene Marks. Chairman Johansen announced the appointment of Tracy LaBlanc as County Board Designee.

**Motion** (O’Connell/Edgell) to confirm the appointments of commissioners and Tracy LaBlanc and to amend Resolution No. 83-17, Lines 78-80 and 82 as follows:

At Line 78, strike “<Insert Name of First Nominee/Appointee>” and Insert “Brent Norberg”,

At Line 79, Strike “<Insert Name of Second Nominee/Appointee” and Insert “Jered Everts”;

At Line 80, Strike “<Insert Name of Third Nominee/Appointee” and Insert “Darlene Marks”; and

At Line 82, Strike “<Insert At-Large Nominee/Appointee>” and Insert “Tracy LaBlanc”.

Chairman Johansen called for a voice vote to approve the motion to confirm said appointments and amend Resolution No. 83-17. **Motion** to confirm appointments and amend Resolution No. 83-17 carried by unanimous voice vote. Resolution No. 83-17 adopted as amended.

Chairman Johansen declared first reading of Resolution No. 84-17: Resolution to Authorize Civil Action for Money Judgment for Collection of Delinquent Taxes – 811 Wisconsin Avenue, Amery, Wisconsin. Second reading and consideration of Resolution No. 84-17 will be held at the February 2018 Board of Supervisors meeting.

Chairman Johansen called to the floor, Ordinance 86-17: Amendment to Non-Metallic Mining Reclamation Ordinance. Chairman Johansen called for a motion to adopt Ordinance No. 86-17. **Motion** (Edgell/Olson) to adopt Ordinance No. 86-17. Chairman Johansen called for a voice vote to approve the motion to adopt Ordinance No. 86-17. **Motion** to adopt Ordinance 86-17 carried by majority voice vote with one no vote (Prichard). Ordinance No. 86-17 adopted.

Chairman Johansen called to the floor, Ordinance 87-17: Ordinance to Enact Amended Polk County Shoreland Protection Zoning Ordinance. Chairman Johansen called for a motion to adopt Ordinance No. 87-17. **Motion** (Olson/Masters) to adopt Ordinance No. 87-17. Chairman

Johansen called for a voice vote to approve the motion to adopt Ordinance No. 87-17. **Motion** to adopt Ordinance 87-17 carried by unanimous voice vote. Ordinance No. 87-17 adopted.

Chairman Johansen called to the floor, Resolution No. 73-17: Resolution Approving the Update of the Natural Hazard Mitigation Plan for Polk County. Chairman Johansen called for a motion to adopt Resolution No. 73-17. **Motion** (Luke/Nelson) to adopt Resolution No. 73-17. Chairman Johansen called for a voice vote to approve the motion to adopt Resolution No. 73-17. **Motion** to adopt Resolution 73-17 carried by unanimous voice vote. Resolution No. 73-17 adopted.

Chairman Johansen called to the floor, Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment Funded by Federal Forfeiture Revenue. Chairman Johansen called for a motion to adopt Resolution No. 77-17. **Motion** (Jepsen/Route) to adopt Resolution No. 77-17. Chairman Johansen called for a voice vote to approve the motion to adopt Resolution No. 77-17. **Motion** to adopt Resolution 77-17 carried by unanimous voice vote. Resolution No. 77-17 adopted.

Chairman Johansen called to the floor, Resolution No. 74-17: Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc. Chairman Johansen called for a motion to adopt Resolution No. 74-17. **Motion** (Demulling/Bonneprise) to adopt Resolution No. 74-17. **Motion** (Olson/Bonneprise) to amend Resolution No. 74-17 to add "County can opt out of lease by October 1<sup>st</sup> of year prior for the sale of land only". Upon receipt of information regarding effect of amendment to lease from Corporation Counsel, Supervisor Bonneprise withdrew his second. The motion to amend was then seconded by Supervisor Nelson. Upon further information provided by Corporation Counsel regarding lease contract, Supervisor Nelson withdrew his second to the motion and Supervisor Olson withdrew his motion to amend. Chairman Johansen declared withdrawn the offered motion to amend. Chairman Johansen called for a voice vote to approve the motion to adopt Resolution No. 74-17. **Motion** to adopt Resolution 74-17 carried by unanimous voice vote. Resolution 74-17 adopted.

Chairman Johansen declared a recess at 9:38 p.m. Chairman Johansen called the Board back in legislative session at 9:44 p.m.

Chairman Johansen called for a motion to go into closed session (9:47 p.m.). **Motion** (Masters/Jepsen) to go into closed session for the purpose of deliberating concerning the employment agreement and performance of the County Administrator pursuant to Wisconsin Statute Sections 19.36(10)(d) and 19.85(1)(c) and (e) and further identified in the agenda. Chairman Johansen called for a voice vote on the motion to go into closed session. **Motion** to go into closed session carried by unanimous voice vote.

Chairman Johansen announced that before convening in closed session that the record reflect that staff members Corporation Counsel Jeff Fuge, and County Clerk Sharon Jorgenson will be present during the closed session.

**\*\*Closed Session\*\*** (9:47 p.m.)  
**\*Open Session\*** (10:30 p.m.)

Board reconvened in open session at 10:30 p.m.

Time was given for Supervisors Reports/Announcements. Board received reports from Supervisors.

Chairman Johansen called for a motion to adjourn. **Motion** (Masters/Bonneprise) to adjourn. Chairman Johansen called for a voice vote on the motion to adjourn. **Motion** to adjourn carried by unanimous voice vote. Chairman Johansen declared meeting adjourned 10:31 p.m.

Respectfully submitted,

Sharon E. Jorgenson, Polk County Clerk

STATE OF WISCONSIN    )  
                                  ) SS  
COUNTY OF POLK        )

I, Sharon E. Jorgenson, County Clerk for Polk County, do hereby certify that the foregoing minutes are a true and correct copy of the County Board Proceedings of the Polk County Board of Supervisor's Session held on December 18, 2017.

  
Sharon E. Jorgenson  
Polk County Clerk



## **POLK COUNTY, WISCONSIN**

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### **Notice of Meeting and Agenda**

### **Polk County Board of Supervisors**

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

**Monday, December 18, 2017**

Regular Business Meeting, 6:00 p.m.

Open Session

#### 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 November 14, 2017, County Board Meeting
8. Public Comments –3 minutes per person –not to exceed 30 minutes total
9. County Board Chair Report
10. Receipt of Reports from County Board Standing Committees
11. Administrator's Report, Dana Frey
  - a. Announcement of appointment to White Ash Lake Rehabilitation District – James Kimbllin
  - b. Announcement of appointment(s) of Commissioner(s) for the Magnor Barbo Lake Public Inland Lake Protection and Rehabilitation District

**\*\*Following the Administrator's Report, the County Board will convene as the Committee of the Whole on matters noticed herein. The Committee of the Whole may receive information, deliberate and provide the County Board with recommendation concerning such noticed Subject matters. The Committee of the Whole may not take final action on such matter. Once the Committee of the Whole adjourns and the County board reconvenes to conduct legislative activity, the County Board may take action on such matters noticed herein and recommended by the Committee of the Whole, only upon two-thirds majority vote of members present to take up and act upon such matters.**

12. Committee of the Whole:
  - a. Status Report and Discussion of Highway Facility Project
  - b. Receipt of information and Discussion Concerning Highway Facility Project & Bids – Bid Package #2B
  - c. Discussion of Resolutions and Ordinances Noticed on the Agenda
  - d. Polk County Trail Recreational Plan

## Polk County Board of Supervisors

### e. Adjournment of Committee of the Whole

Following adjournment of the Committee of the Whole, the County Board will reconvene as a legislative body to take up, consider and act upon the subject matters identified herein, as follows:

13. Reconvene as County Board
14. Motion to Act on Matters Considered and Recommended by the Committee of the Whole, as noticed in number 12, above.
15. Proposed Resolutions and Ordinances Received for First Reading and Referral to Committee (to be considered at the January 16, 2018, County Board meeting unless the County Board authorizes a second reading and vote on final passage at this meeting. This action has been requested for Resolutions/Ordinances marked with an asterisk (\*)).
  - a. \*Resolution No. 78-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period beginning January 1, 2018 – Recommended by Executive Committee and General Government Committee
  - b. \*Resolution No. 85-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Sergeants Association for Period Beginning January 1, 2018 – Recommended by Executive Committee and General Government Committee
  - c. \*Resolution No. 79-17: Resolution to Award Construction Contracts for Highway Garage – Bid Package #2B (Recommended by Executive Committee)
  - d. \*Resolution No. 80-17: Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society (Referred to Environmental Services Committee and General Government Committee)
  - e. Resolution No. 81-17: Resolution to Dedicate and Allocate Proceeds of Sale of Tax Delinquent Properties for Redemption of 2017 Promissory Notes (Referred to General Government Committee)
  - f. Resolution No. 82-17: Resolution to Authorize Lease of Library/School Building to Wisconsin Indianhead Technical College for Satellite Campus (Referred to General Government Committee)
  - g. \*Resolution No. 83-17: Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District – Recommended by Environmental Services Committee
  - h. Resolution No. 84-17: Resolution to Authorize Civil Action for Money Judgment for Collection of Delinquent Taxes – 811 Wisconsin Avenue, Amery, Wisconsin (Referred to General Government Committee)
  - i. \*Ordinance 86-17: Amendment to Non-Metallic Mining Reclamation Ordinance – Recommended by Environmental Services Committee
  - j. \*Ordinance 87-17: Ordinance to Enact Amended Polk County Shoreland Protection Zoning Ordinance – Recommended by Environmental Services Committee

## Polk County Board of Supervisors

16. Proposed Resolution and Ordinances Offered for Adoption or Enactment at December 16, 2017, meeting:

On Recommendation by Public Safety and Highway Committee:

- a. Resolution No. 73-17: Resolution Approving the Update of the Natural Hazard Mitigation Plan for Polk County

On Recommendation by Public Safety and Highway Committee and General Government Committee:

- b. Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment Funded by Federal Forfeiture Revenue

On Recommendation by General Government Committee:

- c. Resolution 74-17: Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc.

17. Performance Evaluation of the County Administrator.

- a. Closed Session: Pursuant to Wisconsin Statute Sections 19.36 (10)(d) and 19.85(1)(c) and (e), the Board may convene in closed session for the purpose of deliberating concerning the employment agreement and performance of the County Administrator. Any action of the Board on such matter will remain closed and or sealed, pursuant to Sections 19.36 (10)(d).

Following said closed session, the Board will reconvene in open session to consider and/act on any matter noticed herein, including reconvening in closed session as herein noticed.

18. Supervisors Announcements

19. 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.***



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

**Minutes of the Regular Meeting**  
**Tuesday, November 14, 2017**

Chairman Dean Johansen called the regular November 14, 2017 meeting of the Polk County Board of Supervisors to order at 6:00 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, posted on the County website, and published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 the week of November 6, 2017. In addition, the Office of the County Clerk distributed on November 2, 2017 copies of such notice of meeting and proposed resolutions to supervisors via e-mail and mail in accordance with Article 3, Section 2 of the County Board Rules of Order. The County Clerk stated that the Amended Agenda was published electronically on the County website, posted in the Government Center Building in two places and distributed to the supervisors and media contacts via email or mail on November 13, 2017.

The County Board received verbal opinion of Corporation Counsel Fuge 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 advised that the amended agenda satisfied the applicable provision of the Wisconsin Open Meetings Law but a motion to suspend Rules of Order would be necessary to adopt an agenda conforming to the amended notice of meeting.

Chairman Johansen recognized the County Clerk for purposes of taking roll call. All fifteen County Board Supervisors were present and a quorum was declared by Chairman Johansen.

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

Chairman Johansen called for a Time of Reflection. No time of Reflection was received.

Chairman Johansen called to the floor for a motion to suspend the Rules of Order for the purpose of adopting an agenda that conforms to the amended notice of meeting issued on

November 13, 2017. **Motion** (Jepsen/Edgell) to suspend the Rules of Order for said purposes. Chairman Johansen called for a voice vote on the motion to suspend the Rules of Order in regard to the Amended Agenda. **Motion** to suspend Rules of Order carried by unanimous voice vote.

Chairman Johansen called to the floor consideration and approval of the agenda that conforms to the Amended notice of meeting issued on November 13, 2017. **Motion** (Bonneprise/Demulling) to adopt an agenda that conformed to said amended notice of meeting.

Chairman Johansen called to the floor for a motion to further amend the agenda by striking from agenda: Resolution No. 67-17: Resolution to Award Construction Contracts for Highway Garage – Bid Package #2. **Motion** (Masters/Jepsen) to amend agenda striking Resolution No. 67-17. Chairman Johansen called for a voice vote on the motion to strike Resolution No. 67-17 from the agenda. **Motion** carried by unanimous voice vote.

Chairman Johansen called for a voice vote on the motion to adopt the amended agenda as further amended. **Motion** carried by unanimous voice vote.

Chairman Johansen called to the floor for approval of the Consent Agenda. **Motion** (Masters/Demulling) to adopt the Consent agenda as published. Chairman Johansen called for a voice vote on the motion to adopt Consent Agenda. **Motion** carried by unanimous voice vote. Minutes from November 3, 2017 adopted as published.

Time was given for public comment. Board received public comment.

County Board received presentation regarding Opioid Litigation from Andrew Phillips representing Von Briesen & Roper Law Firm.

Chairman Johansen presented the County Board Chair report offering a synopsis of contents in the Wisconsin Blue Book & information from a WisTax (Wisconsin Taxpayers Alliance) article regarding road funding.

Chairman Johansen called upon Administrator Frey to present monthly administrator's report. County Board received the written Report of Standing Committees from Administrator Frey and Chair acknowledged receipt of reports from standing committees. Administrator Frey informed Board of pending Trail study and assessment of buildings at Polk County Fairground. County Board received PowerPoint presentation from Administrator Frey on the operating and capital budget for 2018.

Chairman Johansen declared open the Public Hearing on the proposed Operating and Capital Budget for Calendar Year 2018 at 7:08 p.m. Chairman Johansen offered a time for public testimony regarding the 2018 budget. None was offered. Chair Johansen declared the Public Hearing closed (7:10 p.m.).

Chairman Johansen called the Board in recess at 7:10 p.m. Chairman Johansen called the Board back in session at 7:17 p.m.

Chairman Johansen declared Resolution No. 72-17: Authorizing Involvement in Opioid Litigation would be moved from item 21.a. on the agenda for consideration at this time. Chairman Johansen called for a motion from the floor to reconsider Resolution No. 72-17: Authorizing Involvement in Opioid Litigation. **Motion** (Edgell/Luke) to reconsider Resolution No. 72-17. Chairman Johansen called for a roll call vote on the motion to reconsider Resolution No. 72-17: Authorizing Involvement in Opioid Litigation. **Motion** to reconsider resolution defeated by roll call vote of 8 voting against and 7 voting for (voting yes/for: Supervisors Edgell, Jepsen, Luke, Isakson, Bonneprise, Demulling and Johansen). Reconsideration of Resolution 72-17 defeated.

Chairman Johansen called for a motion to convene in closed session. **Motion** (Masters/Olson) to go into closed session for the purpose of receiving a verbal legal opinion from Corporation Counsel regarding pending litigation, Henry v. Polk County Case 2017CV311 involving Resolution No. 59-17 pursuant to Wisconsin Section 19.85(1)(g), and further identified in the agenda. **Motion** to go into closed session carried by unanimous voice vote. Chairman Johansen announced that before convening in closed session that the record reflects that staff members, Corporation Counsel, Jeff Fuge, County Administrator, Dana Frey, Deputy County Administrator, Andrea Jerrick and County Clerk, Sharon Jorgenson will be present during the closed session.

\*Closed Session 7:27 p.m. \* Minutes separate and under seal\*

Chairman Johansen declared County Board back in open session at 7:47 p.m. Chairman Johansen announced to the public that the County Board authorized Corporation Counsel to defend the County in the legal action (Henry v. Polk County 17CV311) and therefore, Item 21.b. Resolution No. 59-17: Resolution Affirming Polk County as Sponsor and Managing Coordinator of Stower Seven Lakes State trail is struck from the agenda.

Chairman Johansen called for a motion to convene as Committee of the Whole at 7:49 p.m. **Motion** (Masters/LaBlanc) to convene as Committee of the Whole. Chairman Johansen called for a voice vote on the motion to convene as Committee of the Whole. **Motion** carried by unanimous voice vote.

Board received presentation from Andrea Jerrick, Deputy Administrator regarding status report of Highway Facility Project. Board received bid tabulation results and presentation of remaining construction bids for Bid Package #2 from Randy LaFaive, Construction Manager representative from Market & Johnson. Board received information regarding presence and remediation of clay at the building site. Change order process and procedures were clarified.

Chairman Johansen called for a motion to adjourn Committee of the Whole session. **Motion** (Masters/Jepsen) to adjourn Committee of the Whole session. Chairman Johansen called for a voice vote on the motion to adjourn Committee of the Whole session and reconvene in legislative session of the Board. **Motion** to adjourn Committee of the Whole session (8:43 p.m.) carried by unanimous voice vote.

Chairman Johansen declared the County Board back in legislative session.

Chairman Johansen called the Board in recess at 8:43 p.m. Chairman called the meeting back in legislative session at 8:51 p.m.

Chairman Johansen called to the floor first reading of the following resolutions:

Resolution No. 73-17: Resolution Approving the Update of the Natural Hazard Mitigation Plan for Polk County (Referred to Public and Safety Highway Committee). Chairman Johansen called upon Kathy Poirier, Director of Emergency Management to present information on the Natural Hazard Mitigation Plan. County Board received information from Kathy Poirier regarding the hazard mitigation plan. Some items in the plan qualify for grant funding that is applied for.

Resolution No. 74-17: Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc .

Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment Funded by Federal Forfeiture Revenue.

Chairman Johansen declared Resolutions 73-17, 74-17 and 77-17 passed first reading and will be referred to appropriate committee for consideration and recommendation. Second reading of the above referenced resolutions are scheduled for the December 19, 2017 County Board meeting.

Chairman Johansen called for a procedural motion to have second reading and vote on final passage for Resolution No. 76-17. **Motion** (Prichard/Bonneprise) to move to the floor for second reading and consideration for adoption Resolution No. 76-17: Resolution Concerning Pheasants Forever Acquisition of Lands Located in the Town of Alden – Knowles-Nelson Stewardship Program Funds. Chairman Johansen called for a voice vote on the motion. **Motion** carried by unanimous voice vote. Resolution No. 76-17 adopted.

Chairman Johansen called to the floor, Ordinance No. 58-17: Amending Ordinance to Declare the County Of Polk Self-Organized (County Board Compensation for Term 2018-2020) Chairman Johansen called for a motion to adopt Resolution 58-17. **Motion** (Olson/Nelson) to adopt Resolution No. 58-17.

**Motion** (Olson/Nelson) to amend Ordinance No. 58-17 to strike lines 17 through 19 and replace with: Maximum total of 52 meetings, mileage, 12 motels, with Wisconsin Counties Association annual conference exempt from the meeting total. Chairman Johansen called for a Roll Call vote on the amendment. **Motion** to Amend Ordinance No. 58-17 defeated by roll call vote with

7 voting yes and 8 voting no (voting no: Supervisors LaBlanc, Jepsen, Luke, Isakson, Arcand, Bonneprise, Demulling, and Chair Johansen).

**Motion** (Nelson/Olson) to amend Ordinance No. 58-17 to strike lines 17 through 19 and replace with: Maximum total of 62 meetings, mileage, 12 motels, with Wisconsin Counties Association annual conference exempt from the meeting total. Chairman Johansen called for a roll call vote on the amendment. **Motion** to amend Ordinance No. 58-17 passed by roll call vote with 8 voting yes and 7 voting no (Voting No: Supervisors LaBlanc, Jepsen, Luke, Isakson, Arcand, Bonneprise, Demulling).

Chairman Johansen called for a roll call vote to adopt Ordinance No. 58-17 as amended. **Motion** to adopt Ordinance 58-17 as amended carried by roll call vote with 8 voting yes and 7 voting no (voting no: Supervisors LaBlanc, Jepsen, Luke, Isakson, Arcand, Bonneprise, and Demulling). Ordinance No. 58-17 adopted as amended.

Chairman Johansen called to the floor for a motion regarding Board compensation. **Motion** (Edgell/LaBlanc) to keep County Board compensation at the same rates of \$100 per diem (\$75 ADRC) for 2018 to 2020 term, lodging at State of Wisconsin rates, and mileage as established by federal guidelines. Chairman Johansen called for a roll call vote to approve the motion regarding Board compensation. **Motion** to keep County Board compensation at the same rates for 2018 to 2020 term carried by roll call vote with 13 voting yes and 2 voting no (Voting no: Supervisors Olson and Arcand). Board Compensation for 2018 to 2020 term will remain the same.

Chairman Johansen called to the floor, Resolution No. 75-17: Resolution to Adopt the Polk County Operating and Capital Budget for the Calendar Year 2018 and to Set the 2018 Tax Levy. Chairman Johansen called for a motion to adopt Resolution 75-17. **Motion** (Jepsen/Arcand) to adopt Resolution No. 75-17.

**Motion** (Masters/Olson) to amend Resolution No. 75-17 starting at line 5, as follows:

On Page 5, after line 39, insert a new paragraph to read:

BE IT FURTHER RESOLVED that, notwithstanding any appropriation to any nonprofit in this resolution and any indirect funding through subsidized costs for space utilization, the county administrator may not allocate funding to any nonprofit or renew any lease for space utilization pending a finding that this appropriation or lease complies with Wisconsin Statutes, with such finding reported to the County Board.

Chairman Johansen called for a voice vote to approve the motion to amend Resolution No. 75-17. **Motion** to amend Resolution 75-17 carried by unanimous voice vote.

**Motion** (O'Connell/Isakson) to further amend Resolution No. 75-17 by Administration Technical Amendment 1 and 2 as follows:

Administration Technical Amendment 1: Revenues: Increase State of Wisconsin Shared Revenues \$6,387 and decrease levy support \$6,387  
Administration Technical Amendment 2:  
Contingency Fund – Revenues: Increase levy \$6,387

Chairman Johansen called for a voice vote to approve the motion to amend Resolution No. 75-17 with Administration Technical Amendments 1 and 2. **Motion** to further amend Resolution No. 75-17 carried by unanimous voice vote.

**Motion** (Masters/Olson) to further amend Resolution No. 75-17 to remove \$15,000 from fair budget from building maintenance and repair. Chairman Johansen called for a roll call vote on the amendment to Resolution No. 75-17 to remove \$15,000 offered to fairgrounds. **Motion** to amend defeated by roll call vote of 13 no and 2 yes (Voting yes: Supervisors Olson and Masters).

**Motion** (Masters/Olson) to further amend Resolution No. 75-17 to reduce Museum budget by \$3000. Chairman Johansen called for a voice vote on the amendment to reduce Museum budget by \$3000. **Motion** to amend Resolution No. 75-17 to reduce Museum budget defeated by majority voice vote.

**Motion** (Masters/Olson) to further amend Resolution No. 75-17 to eliminate \$4000 from budget for WestCap. Chairman Johansen called for a voice vote on the amendment to eliminate \$4000 from budget for WestCap. **Motion** to further amend Resolution No. 75-17 to eliminate \$4000 from budget for WestCap defeated by majority voice vote.

Chairman Johansen called for a voice vote on the motion to adopt Resolution No. 75-17 as amended. **Motion** to adopt Resolution No. 75-17 as amended carried by voice vote with majority voice vote with one voting no (Supervisor Masters). Resolution No. 75-17 adopted as amended.

Time was given for Supervisors Reports and announcements. Board received reports from Supervisors.

Chairman Johansen called for a motion to adjourn. **Motion** (Bonneprise/Demulling) to adjourn. Chairman Johansen called for a voice vote on the motion to adjourn. **Motion** to adjourn carried by unanimous voice vote. Chairman Johansen declared meeting adjourned 10:03 p.m.

Respectfully submitted,

Sharon E. Jorgenson, Polk County Clerk

## Committee Reports

December 18, 2017 County Board Meeting

### **PUBLIC SAFETY AND HIGHWAY**

Supervisor Luke, for the Public Safety and Highway Committee, to which was referred:

- **Resolution No. 73-17: Resolution Approving the Update of the Natural Hazard Mitigation Plan for Polk County** reports the same back with the recommendation that it be adopted.
- **Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment Funded by Federal Forfeiture Revenue** reports the same back with the recommendation that it be adopted.

### **ENVIRONMENTAL SERVICES**

Supervisor O'Connell, for the Environmental Services Committee, to which was referred:

- **Resolution No. 83-17: Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District** reports the same back with the recommendation that it be adopted.
- **Ordinance 86-17: Amendment to Non-Metallic Mining Reclamation Ordinance** reports the same back with the recommendation that it be adopted.
- **Ordinance 87-17: Ordinance to Enact Amended Polk County Shoreland Protection Zoning Ordinance** reports the same back with the recommendation that it be adopted.

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### **EXECUTIVE COMMITTEE**

Supervisor Johansen, for the Executive Committee, to which was referred **Resolution No. 79-17: Resolution to Award Construction Contracts for Highway Garage – Bid Package #2B** reports the same back with the recommendation that it be adopted

### **GENERAL GOVERNMENT COMMITTEE**

Supervisor Masters, for the General Government Committee, to which was referred:

- **Resolution No. 80-17: Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society** reports the same back with the recommendation that it not be adopted.

- **Resolution No. 81-17: Resolution to Dedicate and Allocate Proceeds of Sale of Tax Delinquent Properties for Redemption of 2017 Promissory Notes** reports the same back without recommendation.
  - **Resolution No. 78-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period beginning January 1, 2018** reports the same back with the recommendation that it be adopted.
  - **Resolution No. 85-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Sergeants Association for Period Beginning January 1, 2018 Revenue** reports the same back with the recommendation that it be adopted.
  - **Resolution No. 82-17: Resolution to Authorize Lease of Library/School Building to Wisconsin Indianhead Technical College for Satellite Campus Revenue** reports the same back with the recommendation that it be amended (see separate amendment) and, once amended, be adopted.
  - **Resolution No. 84-17: Resolution to Authorize Civil Action for Money Judgment for Collection of Delinquent Taxes – 811 Wisconsin Avenue, Amery, Wisconsin** reports the same back with the recommendation that it not be adopted.
  - **Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment Funded by Federal Forfeiture Revenue** reports the same back with the recommendation that it be adopted.
  - **Resolution 74-17: Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc.** reports the same back with the recommendation that it be adopted.
-

## Trail Study Outline

### Governing legislation:

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs County staff as delegated by the County Administrator to implement a planning process that develops the proposed master land use and trail management plan and includes public participation; Wisconsin Department coordination, consultation, environmental assessment and review and approval; recommendation of the Environmental Services Committee; and approval of the County Board. (Resolution 43-17, adopted July 18<sup>th</sup>, 2017)

### Issues to be defined by County Board:

1. Scope
  - a. Include other trails, e.g. current snowmobile, Ice Age, or
  - b. Just limit to big four trails (Cattail, Clear Lake, Stower 7, Gandy)
2. Alternatives
  - a. Status quo (do nothing): Note that ALL alternatives are assessed as incremental changes from the status quo
  - b. Differential treatment of trails
    - i. None
    - ii. Cattail only
    - iii. Stower 7 only
    - iv. Clear Lake only
    - v. Combination
    - vi. Separate plan for each
  - c. Use options:
    - i. No motorized
    - ii. Snowmobile only
      1. With/without frozen ground ATV
    - iii. All motorized
    - iv. Dual/parallel trails
3. Criteria (all in comparison with the status quo)
  - a. Cost to county (increase/decrease)
  - b. Economic benefit
  - c. Consistency with adjoining counties' trail systems (affects Gandy Dancer and Cattail)
  - d. Internal consistency among trails
  - e. Environmental impact
  - f. General public opinion (survey)
  - g. Adjacent landowners opinion (survey)
  - h. City/village/town recommendations
  - i. Availability of alternatives (parallel trails)
  - j. Level of use (estimated person/days)
  - k. Other (specify)

4. Timetable
  - a. December County Board
    - i. Agreement on criteria and alternatives
  - b. December – March
    - i. Conduct surveys
    - ii. Assemble data
  - c. April 2018
    - i. Draft report for comment
  - d. May 2018
    - i. Final report
    - ii. ES Committee meeting
  - e. May/June 2018
    - i. Public hearings
  - f. July
    - i. Committee recommendation
  - g. August
    - i. County Board decision

**Other issues:**

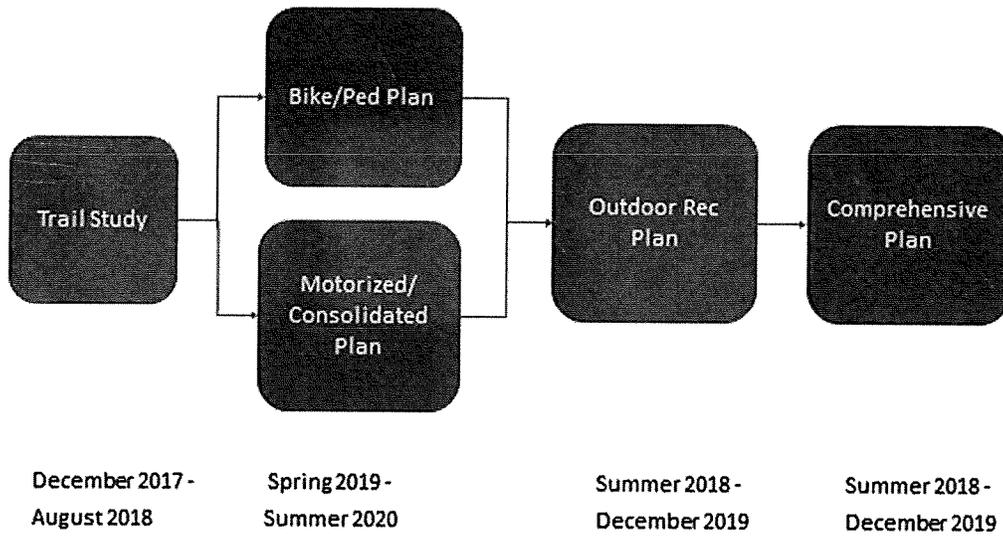
**Public participation**

Provided for by initial public survey(s), online posting of plan drafts and overall structure and accompanying comment process, and public comment period.

**WDNR coordination, consultation, environmental assessment and review and approval**

Provided for through periodic meetings (first held on November 17<sup>th</sup>), frequent communication and open sharing of information. We have been advised that although our process is not required to follow NR44, it would be in our interests to do so as possible.

### Plan Development and Revision Timetable



Resolution No. 78-17

Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period Beginning January 1, 2018

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

Ladies and Gentlemen:

1 WHEREAS, the General Government Committee is authorized to negotiate labor agreements on  
2 behalf of Polk County; and

3 WHEREAS, the General Government Committee has negotiated the labor agreements with the  
4 Wisconsin Professional Police Association – Field Services Association Local 201, for the period  
5 beginning January 1, 2018; and

6 WHEREAS, the language changes and general compensation adjustments for the sworn deputy  
7 employee group represented through said labor association reached through such negotiation are  
8 detailed in the attachments to this resolution.

9 NOW, THEREFORE, BE IT RESOLVED the Polk County Board of Supervisors ratifies the  
10 language changes and general compensation adjustments for the sworn deputy employee group  
11 represented by Wisconsin Professional Police Association – Field Services Association Local 201, as  
12 attached hereto and incorporated herein.

13 BE IT FURTHER RESOLVED the Polk County Board of Supervisors authorizes the Employee  
14 Relations Director to make a final review of contract language and make technical corrections as  
15 necessary prior to signature in order for such contracts to be implemented.

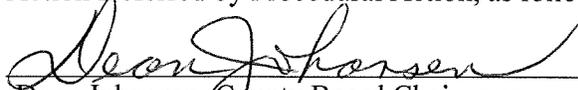
Funding Source/ Funding Amount:	2018 Budget Appropriations to Sheriff's Department
Date Reviewed as to Appropriations:	2018 Budget Process
Committee Recommendation as To Appropriation: <i>Recommended</i>	General Government Committee <i>[Signature]</i>
Effective Date:	Upon Passage
Date Submitted To County Board	December 18, 2017
Submitted By: <i>[Signature]</i>	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <i>[Signature]</i> Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <i>[Signature]</i> Jeffrey B. Fuge, Corporation Counsel

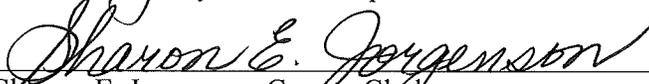
Acknowledgement of County Board Action

At its special business meeting on the 18<sup>th</sup> of December 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 78-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period Beginning January 1, 2018, as follows:

- Enacted by simple majority of all members, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

  
\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest:   
\_\_\_\_\_  
Sharon E. Jorgenson, County Clerk



**POLK COUNTY'S  
TENTATIVE SETTLEMENT WITH THE  
WISCONSIN PROFESSIONAL POLICE ASSOCIATION  
(LAW ENFORCEMENT EMPLOYEE RELATIONS)  
ON BEHALF OF THE  
POLK COUNTY SHERIFF'S DEPARTMENT  
FIELD SERVICES ASSOCIATION  
LOCAL #201**

September 14, 2017

**1. RECOGNITION**

This Agreement is entered into by and between the County of Polk, Wisconsin, hereinafter referred to as the County, and the Polk County Sheriff's Department Field Services Association, hereinafter referred to as the Association.

The County recognizes the Association as the exclusive bargaining representative for all full time employees in the Sheriff's Department, excluding the Chief Deputy, ~~and Administrative Lieutenant Captain, and Field Services Sergeants~~ for the purpose of negotiating in relation to wages, hours and conditions of employment.

*\*Language change recognizing Sergeant's placement into a separate chapter*

**2. ARTICLE 5 – SICK LEAVE**

A. Section 3 Maximum Accumulation

The maximum amount of sick leave an employee can accumulate and keep and carryover is as follows:

~~300 days for employees hired on or before December 31, 1985~~

135 days for employees hired on or after January 1, 1986 to December 31, 1995

120 days for employees hired on or after January 1, 1996.

.....

*\*(Clean up – no longer have anyone employed under this provision)*

**3. ARTICLE 11 – WISCONSIN RETIREMENT**

A. The County, ~~following six months of successful employment,~~ agrees to pay the employee's contribution to the Wisconsin Retirement Fund Plan in the full amount for those employees hired prior to July 1, 2011. Employees hired effective July 1, 2011 and thereafter shall be responsible for payment of the employee share of the Wisconsin Retirement Fund Plan contribution rate. Deputies shall be covered under the Wisconsin Retirement Fund Plan for Protective Classification with Social Security. ~~Employees successfully completing their first~~

~~six months of employment shall be reimbursed for their employee contributions paid during the first six months of employment.~~

*\*(Clean up to language that is contrary to WI law)*

**4. ARTICLE 12 – HOLIDAYS**

- A. All employees covered by the terms of this Agreement shall receive the following named holidays with pay at their regular rate of pay: New Year's Day, Presidents Day, Easter Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Labor Day, Veterans Day, Presidents Day, and Christmas Day, Easter Day, and Columbus Day.

*\*(Clean up to place holidays in correct sequence)*

**5. ARTICLE 14 – HEALTH INSURANCE**

- A. Section 1. Employer Contribution

- (1) Amend paragraph as follows:

The County shall pay eighty percent (80%) of the single health insurance premium and an amount not to exceed eighty percent (80%) of the family health insurance premium. ~~The County shall pay eighty three percent (83%) of the single health insurance premium and an amount not to exceed eighty three percent (83%) of the family health insurance premium for those pPlan participants successfully completing the requirements provided for by the Wellness Program as is established annually by the County Board for all other County health plan offerings shall receive a \$55 per month discount on health insurance premiums.~~ Part-time employees entitled to health insurance benefits as are set forth in Article 14 will receive full insurance benefits, but premiums will be prorated on the amount of time worked during the month previous to the actual month of payment on the portion of the contributions made by the County.

*\*(This language provides for a definitive figure for purposes of applying the wellness credit towards health insurance – mirrors the current amount offered to all other benefit-eligible County employees.)*

**6. ARTICLE 17 – MISCELLANEOUS PROVISIONS**

- A. Section 2. Uniform Allowance

The uniform allowance schedule for Patrol Deputies shall be as follows:

First Year	\$775.00
Second and Subsequent Years	\$675.00

Beginning January 1<sup>st</sup>, 2006, the following schedule will be observed:

First Year	\$775.00
Second and Subsequent Years	\$675.00

.....  
*\*(Clean up – provision no longer applies)*

**7. ARTICLE 26 – SENIORITY**

A. Section 4. Promotion

If an employee is promoted to the position of Sergeant and in the event the employee fails the supervisory trial period, or if the employee desires, of employee's own volition during the supervisory trial period, the employee shall revert to the previous held position with all attendant rights as if there had been no interruption. The trial period is nine (9) months.

*\*(New language recognizing promotion/return rights with Sergeants in a separate chapter)*

**8. ARTICLE 27 – DURATION**

A. Two year agreement.

**9. APPENDIX A**

A. 2.5% across the board adjustment effective January 1 of each year.

B. ~~Deputies and Sergeants~~ who are assigned to work a 5-2 schedule rotation shall receive a sixty cents (\$.60) per hour rate differential for all hours worked. Deputies who are assigned to investigation shall receive an additional forty-cent (\$0.40) per hour rate differential for all hours worked.

C. Any retroactive pay increases granted under this agreement shall not apply to employees who have severed employment after the effective date of the increase.

Resolution No. 85-17

Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association - Field Services Sergeants Association for Period Beginning January 1, 2018

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

Ladies and Gentlemen:

- 1 WHEREAS, the General Government Committee is authorized to negotiate labor agreements on  
2 behalf of Polk County; and
- 3 WHEREAS, the General Government Committee has negotiated the labor agreements with the  
4 Wisconsin Professional Police Association – Field Services Sergeants Association, for the period  
5 beginning January 1, 2018; and
- 6 WHEREAS, the language changes and general compensation adjustments for the sworn deputy  
7 employee group represented through said labor association reached through such negotiation are  
8 detailed in the attachments to this resolution.
- 9 NOW, THEREFORE, BE IT RESOLVED the Polk County Board of Supervisors ratifies the  
10 language changes and general compensation adjustments for the sworn deputy employee group  
11 represented by Wisconsin Professional Police Association – Field Services Sergeants Association  
12 201, as attached hereto and incorporated herein.
- 13 BE IT FURTHER RESOLVED the Polk County Board of Supervisors authorizes the Employee  
14 Relations Director to make a final review of contract language and make technical corrections as  
15 necessary prior to signature in order for such contracts to be implemented.

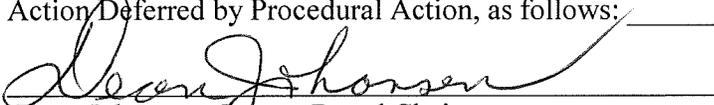
Funding Source/ Funding Amount:	2018 Budget Appropriations to Sheriff's Department
Date Reviewed as to Appropriations:	2018 Budget Process
Committee Recommendation as To Appropriation: <i>Recommended</i>	General Government Committee <i>[Signature]</i>
Effective Date:	Upon Passage
Date Submitted To County Board	December 18, 2017
Submitted By: <i>[Signature]</i>	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  <i>[Signature]</i> Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its special business meeting on the 18<sup>th</sup> of December 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 85-17: Resolution to Ratify Labor Agreement with Wisconsin Professional Police Association – Field Services Association Local 201 for Period Beginning January 1, 2018, as follows:

- Enacted by simple majority of all members, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

  
\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest:   
\_\_\_\_\_  
Sharon E. Jorgenson, County Clerk



POLK COUNTY'S  
TENTATIVE SETTLEMENT WITH THE  
WISCONSIN PROFESSIONAL POLICE ASSOCIATION  
(LAW ENFORCEMENT EMPLOYEE RELATIONS)  
ON BEHALF OF THE  
POLK COUNTY SHERIFF'S DEPARTMENT  
FIELD SERVICES SERGEANTS ASSOCIATION

**\*\*Recognition of "Me Too" parity for contractual language negotiated with Deputy Association Local #201;  
separation of contracts and movement of Sergeants to independent labor unit**

November 9, 2017

1. RECOGNITION

This Agreement is entered into by and between the County of Polk, Wisconsin, hereinafter referred to as the County, and the Polk County Sheriff's Department Field Services Sergeants Association, hereinafter referred to as the Association.

The County recognizes the Association as the exclusive bargaining representative for all full time Field Services Sergeant employees in the Sheriff's Department, excluding the Chief Deputy, ~~and Administrative Lieutenant-Captain, and Field Services Deputies~~ for the purpose of negotiating in relation to wages, hours and conditions of employment.

*\*Language change recognizing Sergeant's placement into a separate chapter*

2. ARTICLE 5 – SICK LEAVE

A. Section 3 Maximum Accumulation

The maximum amount of sick leave an employee can accumulate and keep and carryover is as follows:

~~300 days for employees hired on or before December 31, 1985~~

135 days for employees hired on or after January 1, 1986 to December 31, 1995

120 days for employees hired on or after January 1, 1996.

.....

*\*(Clean up – no longer have anyone employed under this provision)*

3. ARTICLE 11 – WISCONSIN RETIREMENT

A. The County, ~~following six months of successful employment,~~ agrees to pay the employee's contribution to the Wisconsin Retirement Fund Plan in the full amount for those employees hired prior to July 1, 2011. Employees hired effective July 1, 2011 and thereafter shall be

**Resolution 85-17 Attachment**

responsible for payment of the employee share of the Wisconsin Retirement Fund Plan contribution rate. Deputies shall be covered under the Wisconsin Retirement Fund Plan for Protective Classification with Social Security. ~~Employees successfully completing their first six months of employment shall be reimbursed for their employee contributions paid during the first six months of employment.~~

*\*(Clean up to language that is contrary to WI law)*

**4. ARTICLE 12 – HOLIDAYS**

- A. All employees covered by the terms of this Agreement shall receive the following named holidays with pay at their regular rate of pay: New Year's Day, Presidents Day, Easter Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, ~~Labor Day, Veterans Day, Presidents Day, and~~ Christmas Day, ~~Easter Day, and Columbus Day.~~

*\*(Clean up to place holidays in correct sequence)*

**5. ARTICLE 14 – HEALTH INSURANCE**

- A. Section 1. Employer Contribution

- (1) Amend paragraph as follows:

The County shall pay eighty percent (80%) of the single health insurance premium and an amount not to exceed eighty percent (80%) of the family health insurance premium. ~~The County shall pay eighty three percent (83%) of the single health insurance premium and an amount not to exceed eighty three percent (83%) of the family health insurance premium for those pPlan participants successfully completing the requirements provided for by the Wellness Program as is established annually by the County Board for all other County health plan offerings shall receive a \$55 per month discount on health insurance premiums.~~ Part-time employees entitled to health insurance benefits as are set forth in Article 14 will receive full insurance benefits, but premiums will be prorated on the amount of time worked during the month previous to the actual month of payment on the portion of the contributions made by the County.

*\*(This language provides for a definitive figure for purposes of applying the wellness credit towards health insurance – mirrors the current amount offered to all other benefit-eligible County employees.)*

**6. ARTICLE 17 – MISCELLANEOUS PROVISIONS**

- A. Section 2. Uniform Allowance

The uniform allowance schedule for Patrol Deputies shall be as follows:

First Year	\$775.00
Second and Subsequent Years	\$675.00

**Resolution 85-17 Attachment**

Beginning January 1<sup>st</sup>, 2006, the following schedule will be observed:

First Year	\$775.00
Second and Subsequent Years	\$675.00

.....

*\*(Clean up – provision no longer applies)*

**7. ARTICLE 26 – SENIORITY**

A. Section 4. Promotion

If an employee is promoted to the position of Sergeant and in the event the employee fails the supervisory trial period, or if the employee desires, of employee's own volition during the supervisory trial period, the employee shall revert to the previous held position with all attendant rights as if there had been no interruption. The trial period is nine (9) months.

*\*(New language recognizing promotion/return rights with Sergeants in a separate chapter)*

**8. ARTICLE 27 – DURATION**

A. Two year agreement.

**9. APPENDIX A**

A. 2.5% across the board adjustment effective January 1 of each year.

B. Sergeant(s) shall receive an additional ~~7.5~~ 10% per hour above current step.

C. ~~Deputies and~~ Sergeants who are assigned to work a 5-2 schedule rotation shall receive a sixty cents (\$.60) per hour rate differential for all hours worked. Sergeants who are assigned to investigation shall receive an additional forty-cent (\$0.40) per hour rate differential for all hours worked.

D. Any retroactive pay increases granted under this agreement shall not apply to employees who have severed employment after the effective date of the increase.

1 Polk County Board of Supervisors  
2 Resolution No. 79-17  
3 Resolution to Award Construction Contracts for Highway Garage – Bid Package #2B

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

5 Ladies and Gentlemen:

6 WHEREAS, in adopting Resolution No. 50-17, the Polk County Board of Supervisors approved and adopted  
7 plans for the construction of the Polk County Highway Garage (Project); and

8 WHEREAS, it is in the interest of the County for the project to move forward in a timely and integrated manner  
9 on multiple divisions of work with the County Board awarding construction contracts to the lowest responsible  
10 bidder for each division of work; and

11 WHEREAS, Bid Package #2B for the construction work of the new facility has been competitively bid, and, on  
12 November 10, 2017, the County and Market & Johnson, construction manager, opened and reviewed bids  
13 received and those accepted as conforming bids were evaluated; and

14 WHEREAS, on December 14, 2017, the Executive Committee considered the bid submissions accepted as  
15 conforming for Bid Package #2B and recommended to the County Board to award those certain construction  
16 contracts for Bid Package #2B to the corresponding lowest responsible bidder identified on the document  
17 entitled Bid Package #2B Awarded Contracts, attached hereto and incorporated herein.

18 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Sections 59.52(29) and 66.0901, the  
19 Polk County Board of Supervisors awards the various construction contracts to the respective lowest  
20 responsible contractor identified on Bid Package #2B Awarded Contracts, attached hereto and incorporated  
21 herein.

22 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the County Administrator, in  
23 coordination with Market & Johnson, to let, negotiate and execute on behalf Polk County those construction  
24 contracts awarded in this resolution.

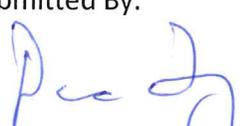
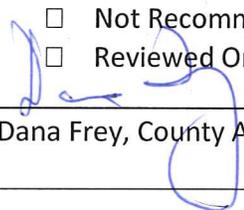
## Bid Package #2B Awarded Contracts

WORK CATEGORY AND NUMBER	SPECIFICATION SECTION(S) PORTION OF WORK	BID AWARD - CONTRACTOR	BID AMOUNT
WC-07B	Weather Barrier	Eau Claire Insulation	\$ 5,950.00
WC-13A	Salt Storage Building	Berghammer Builders, Inc.	\$ 814,000.00
WC-32B	Exterior Concrete	Pember Companies	\$ 69,500.00
**WC-08A	Door - Materials	**Kendell Doors & Hardware	\$ 45,992.00
		TCH	\$ <del>42,453.00</del>

\*\*Work category 08A - Twin Cities Hardware (TCH) withdrew bid; change reflects adjustment to next highest bidder

Resolution No. 79-17

Resolution to Authorize Polk County Highway Garage Public Improvement Project and Award Construction Contracts for Highway Garage – Bid Package #2B

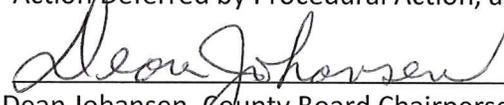
Funding Source/ Funding Amount:	Highway Facility Project Fund/ As stated in Resolution
Date Reviewed as to Appropriations:	Executive Committee – December 7, 2017
Committee Recommendation as To Appropriation:	Passage
Effective Date:	Upon Passage
Date Submitted To County Board	December 18, 2017
Submitted By:	
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

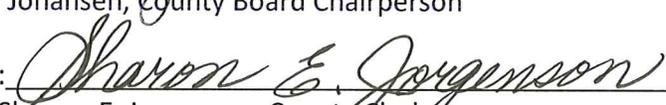
Acknowledgement of County Board Action

At its regular business meeting on the 18<sup>th</sup> of December, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 79-17: Resolution to Authorize Polk County Highway Garage Public Improvement Project and Award Construction Contracts for Highway Garage – Bid Package #2B, as follows:

- Enacted by simple majority of all members, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

  
 Dean Johansen, County Board Chairperson

Attest:   
 Sharon E. Jorgenson, County Clerk



1 Polk County Board of Supervisors

2 Resolution No. 80-17

3 Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society

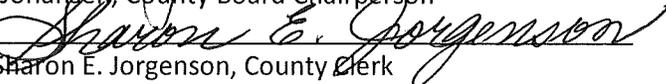
4 Ladies and Gentlemen:

5 WHEREAS, in adopting Resolution No. 60-17, the Polk County Board of Supervisors authorized the  
6 issuance of requests for bids that provided options to salvage materials, as practicable; and

7 WHEREAS, the Polk County Fair Society has requested to demolish the Fairgrounds Grandstand in a  
8 humane manner at no cost to the County, providing labor and materials on a voluntary basis, and upon  
9 the condition that the Fair Society be allowed to retain materials salvaged in the demolition.

10 NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors authorizes the County  
11 Administrator or the designee thereof to negotiate, enter into and administer a contract with the Fair  
12 Society for the demolition of the Fairgrounds Grandstand on a voluntary basis, at no cost to the County,  
13 and on other terms and conditions that are negotiated by the County Administrator as being in the  
14 interest of the County, which shall include, but are not limited to, such terms as are common in a  
15 demolition contract with a commercial contractor.

Polk County Board of Supervisors  
 Resolution No. 80-17  
 Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Date Submitted To County Board	First Reading: December 18, 2017 Second Reading:
Submitted By: <i>Doug Route</i>	<i>John Bonneprise</i>
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input checked="" type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel
Acknowledgement of County Board Action	
<p>At its regular business meeting on the <u>18</u><sup>th</sup> day of <u>December, 2017</u>, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 80-17: Resolution Concerning Demolition of Fairgrounds Grandstand by Polk County Fair Society, as follows:</p> <p> <input type="checkbox"/> By simple majority by a vote of _____ in favor and _____ against.  <input type="checkbox"/> Enacted by unanimous vote.  <input checked="" type="checkbox"/> Defeated by a vote of <u>4</u> in favor and <u>9</u> against. <i>1 absent</i>  <input type="checkbox"/> Defeated by voice vote. <i>1 abstain</i>  <input type="checkbox"/> Action Deferred by Procedural Action, as follows: _____         </p>	
SIGNED BY:  Dean Johansen, County Board Chairperson Attest:  Sharon E. Jorgenson, County Clerk	



1 Polk County Board of Supervisors  
2 Resolution No. 82-17  
3 Resolution to Authorize Lease of Library/School Building to  
4 Wisconsin Indianhead Technical College for Satellite Campus.

5 Ladies and Gentlemen:

6 WHEREAS, in adopting Resolution No. 31-17, the Polk County Board of Supervisors requested  
7 the Wisconsin Indianhead Technical College (WITC) District to actively coordinate with Polk  
8 County to develop and implement a pilot program as a model to bring higher education to rural  
9 communities around the state that have been determined to be under served; and

10 WHEREAS, in response to the request, WITC and the County have had informal discussions  
11 towards leasing space at the Polk County Library/School building for the purpose of establishing  
12 a satellite campus in Balsam Lake; and

13 WHEREAS, WITC has issued a formal request to lease space of the Library/School building  
14 with the tentative plan to offer educational services in Balsam Lake beginning in the Fall of  
15 2018; and

16 WHEREAS, the County and WITC have negotiated a proposed lease agreement and the  
17 Environmental Services Committee and General Government Committee have provided  
18 recommendations in support of such a lease upon terms and conditions approved by the County  
19 Board.

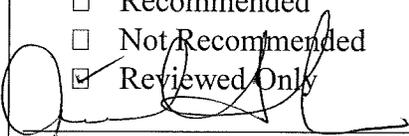
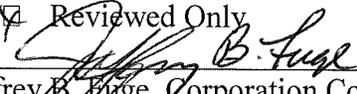
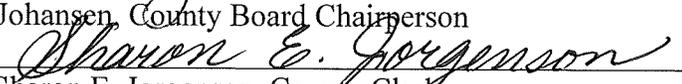
20 NOW, THEREFORE, BE IT RESOLVED, that, the Polk County Board of Supervisors  
21 authorizes and agrees to a space lease of the Library/School Building, located at 400 Polk  
22 County Plaza, Balsam Lake, Wisconsin to Wisconsin Indianhead Technical College (WITC)  
23 District for the public purpose of providing education services.

24 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors delegates  
25 administration of such lease to the Polk County Parks & Forestry, Buildings, & Solid Waste.

26 BE IT FURTHER RESOLVED that, notwithstanding provisions in County policy, the Polk  
27 County Board of Supervisors authorizes and directs the County Administrator to negotiate and to  
28 cause to be entered into such lease agreement on terms and conditions as the County  
29 Administrator may determine as being in the interest of the County.

30 BE IT FURTHER RESOLVED that the Clerk is directed to execute the Lease Agreement on  
31 behalf of Polk County and retain a fully executed original on file.

Polk County Board of Supervisors  
 Resolution No. 82-17  
 Resolution to Authorize Lease of Library/School Building to  
 Wisconsin Indianhead Technical College for Satellite Campus.

Funding Source/ Funding Amount:	
Date Reviewed as to Appropriations:	
Committee Recommendation as To Appropriation: <i>Recommended</i>	<i>Bar Math</i>
Effective Date:	Upon Passage; Lease Effective:
Date Submitted To County Board	First Reading: December 18, 2017 Second Reading:
Submitted By: <i>Chris Nelson PCST-9</i>	
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  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  Jeffrey B. Fuge, Corporation Counsel
Acknowledgement of County Board Action	
At its regular business meeting on the <u>18<sup>th</sup></u> day of <u>December 2017</u> , the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No.82-17: Resolution to Authorize Lease of Library/School Building to Wisconsin Indianhead Technical College for Satellite Campus, as follows:	
<input type="checkbox"/> By simple majority by a vote of _____ in favor and _____ against. <input checked="" type="checkbox"/> Enacted by unanimous vote. <i>voice</i> <input type="checkbox"/> Defeated by a vote of _____ in favor and _____ against. <input type="checkbox"/> Defeated by voice vote. <input type="checkbox"/> Action Deferred by Procedural Action, as follows: _____	
SIGNED BY:  Dean Johansen, County Board Chairperson Attest:  Sharon E. Jorgenson, County Clerk	

Attachments: WITC Letter dated November 16, 2017  
 Lease Agreement

**CERTIFIED COPY OF POLK COUNTY RESOLUTION**

STATE OF WISCONSIN    )  
                                  ) SS  
COUNTY OF POLK        )

I, Sharon E. Jorgenson, County Clerk for Polk County, do hereby certify that the Attached hereto and incorporated herein is a true and correct copy of Resolution No. 82-17: Resolution to Authorize Lease of Library/School Building to Wisconsin Indianhead Technical College for Satellite Campus adopted by the Polk County Board of Supervisors at its regular business meeting held on December 18, 2017.

*Sharon E. Jorgenson*    12/18/17  
Sharon E. Jorgenson, Polk County Clerk    Date



WISCONSIN  
INDIANHEAD  
TECHNICAL  
COLLEGE

AshlandNewRichmondRiceLakeSuperiorHaywardLadysmith

Administrative Office

**John Will**  
President

November 16, 2017

REF NO: 18-05

Atty. Jeffrey B. Fuge  
Polk County Corporation Counsel  
1005 W. Main Street, Suite 100  
Polk County Justice Center  
Balsam Lake, WI 54810

Re: Wisconsin Indianhead Technical College – Proposed Lease

Dear Attorney Fuge:

The purpose of this letter is to express to you, and to the County Board of Polk County, the interest of Wisconsin Indianhead Technical College (“WITC”) in leasing space in a portion of the County-owned building (“Building”) located at 400 Polk County Plaza in Balsam Lake for the purpose of operating a satellite campus to serve the citizens of Polk County and beyond. It is the hope of WITC to offer services in Balsam Lake beginning in the Fall of 2018. In order to so, WITC requires that a lease agreement for the Building between WITC and the County be agreed upon no later than December 31, 2017 to allow adequate time for WITC to remodel the Building for WITC’s use, and to provide sufficient time for WITC to notify the public of the classes that will be offered in Balsam Lake.

Please do not hesitate to contact me with any questions you might have. I look forward to working with you and with the County Board to reach an agreement on a lease, and to expanding the offerings of WITC in Polk County.

Regards,

John E. Will, Ed.D.  
President  
Wisconsin Indianhead Technical College

WITC Administrative Office  
505 Pine Ridge Drive  
Shell Lake WI 54871

715.468.2815  
Fax: 715.468.2819  
TTY: 711  
800.243.WITC

witc.edu  
WITC is an Equal Opportunity/  
Access/Affirmative Action/Veterans/  
Disability Employer and Educator.

1 Polk County Board of Supervisors

2 Resolution 83-17

3 Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public  
4 Inland Lake Protection and Rehabilitation District

5 Ladies and Gentlemen:

6 WHEREAS, pursuant to Section 33.25(1) the County Clerk did receive on June 29, 2017 a  
7 petition requesting the establishment of the Magnor/Barbo Lake Public Inland Lake Protection  
8 and Rehabilitation District; and

9 WHEREAS, after due and sufficient public notice, the Polk County Environmental Services  
10 Committee did, pursuant to Wisconsin Statute Section 33.26(1), on July 26, 2017, conduct a  
11 public hearing on said petition wherein the committee received public testimony in support of  
12 said petition; objections, criticisms or suggestions as to the necessity of the proposed district as  
13 outlined in the petition; and comments to the question of whether the properties within the  
14 proposed district would benefit by the establishment of the proposed district; and

15 WHEREAS, on October 11, 2017, the Environmental Services Committee adopted its report  
16 recommending to the County Board to order by resolution the establishment of the district, set  
17 the district boundaries and confirm the appointment of the initial district board of  
18 commissioners; and

19 WHEREAS, having the assigned delegated function to serve as the land conservation committee,  
20 the Environmental Services Committee has nominated for appointment and confirmation those  
21 persons to be appointed by the County Administrator to serve on the initial district board of  
22 commissioners; and

23 WHEREAS, upon receipt of said nominations, the County Administrator has offered for  
24 confirmation those persons so nominated.

25 THEREFORE, NOW BE IT RESOLVED, that, pursuant to Wisconsin Statute Sections 33.25(1);  
26 33.26(1) and 33.37, the Polk County Board of Supervisors finds, as follows:

27 1. On June 29, 2017, there was filed in the office of Polk County Clerk a petition for the  
28 establishment of a public inland lake protection and rehabilitation district pursuant to  
29 Wisconsin Statute Section 33.25.

30 2. Said petition satisfies the statutory requisites:

31 a. The petition proposed the name of the district of Magnor/Barbo Lake.

32 b. The petition set forth the necessity to establish the proposed district to define the  
33 present and anticipated problems of Magnor and Barbo lakes; to identify their  
causes and to implement remedial measures to deal with such problems; and to

34 undertake activities for the protection of the lake fishery, maintenance of  
35 appropriate lake levels, reduction of sedimentation, control of invasive species  
36 and promote harmonious usage of the lake's surface.

37 c. The petition stated that public health, comfort, convenience, necessity or public  
38 welfare will be promoted by the establishment of the district and that the lands to  
39 be included therein will be benefited by the establishment of the petitioned for  
40 district.

41 d. The petition identified the lands and territory to be in the proposed district and  
42 benefited by the establishment of the proposed district as set forth in Exhibit A-  
43 Legal Description of PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE  
44 REHABILITATION DISTRICT, attached.

45 3. The Polk County Board of Supervisors has jurisdiction over the establishment of the  
46 proposed district.

47 4. The petition is verified by one of the petitioners and accompanied by a map that identifies  
48 the approximate area and the boundaries of the proposed district.

49 5. The proposed district is comprised of 157 parcels.

50 6. The petition is signed by the statutory requisite of persons constituting 51 percent of the  
51 landowners or the owners of 51 percent of the lands within the proposed district. The  
52 petition contains signatures of 83 owners of parcels within the district, 52.9 percent of the  
53 landowners of lands within the district.

54 7. The proposed District as petitioned is necessary for the protection and rehabilitation of  
55 Magnor and Barbo lakes.

56 8. The public health, comfort, convenience, necessity or public welfare will be promoted by  
57 the establishment of the district, and that the properties identified in the petition as the  
58 properties to be included in the district will be benefited by the establishment of the  
59 proposed district through studies that define the present and anticipated problems of  
60 Magnor and Barbo lakes, identify their causes and by the implementation of remedial  
61 measures and activities which protect the fishery, maintain appropriate lake levels, reduce  
62 sedimentation, control invasive species and promote the harmonious usage of the surface  
63 of these lakes.

64 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 33.26(3), the Polk  
65 County Board of Supervisors declares organized the Magnor/Barbo Lake Public Inland Lake  
66 Protection and Rehabilitation District, which shall have the corporate name and be known as  
67 "Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District".

68 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.26(3) and 33.37,  
69 the Polk County Board of Supervisors establishes the boundaries of Magnor/Barbo Lake Public

70 Inland Lake Protection and Rehabilitation District as described in Exhibit A- Legal Description  
 71 of PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE REHABILITATION  
 72 DISTRICT, attached and incorporated in this resolution.

73 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.27 (1), the Polk  
 74 County Board of Supervisors does confirm the appointment of three (3) owners of property within  
 75 the district to serve as commissioners of the initial board of the Magnor/Barbo Lake Public Inland  
 76 Lake Protection and Rehabilitation District until the first annual meeting of said district, as  
 77 follows:

- 78 1. Brent Norberg
- 79 2. Jered Everts
- 80 3. Darlene Marks

81 BE IT FURTHER RESOLVED that Polk County Board of Supervisors confirms the  
 82 appointment of Tracy LaBlanc, to serve as commissioner-at-large of the initial board of the  
 83 Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District until the first annual  
 84 meeting of said district.

85 BE IT FURTHER RESOLVED that the Clerk is directed to cause to be served a certified copy of  
 86 this resolution, the legal description of the district and map of the Magnor/Barbo Lake Public  
 87 Inland Lake Protection and Rehabilitation District with the Wisconsin Department of Natural  
 88 Resources and the Town of Clayton.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Date Submitted To County Board	First Reading: December 18, 2017 Second Reading:
Submitted By:	_____
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  _____ Dana Frey, County Administrator	Review By Corporation Counsel: <input type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  _____ Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 18<sup>th</sup> day of December 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 83-17: Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation, as follows:

- By simple majority by a vote of 13 in favor and 1 against. 1 absent
- Enacted by unanimous vote.
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

Dean Johansen  
Dean Johansen, County Board Chairperson  
Attest: Sharon E. Jorgenson  
Sharon E. Jorgenson, County Clerk



**EXHIBIT A**  
**Legal Description of**  
**PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE REHABILITATION**  
**DISTRICT**

Beginning at the Northeast Corner of Section 28, T33N, R15W, the corner common to Sections 21, 22, 27, and 28 Town 33 North, Range 15 West of the 4<sup>th</sup> Principal Meridian, Town of Clayton, Polk County, Wisconsin; thence south along the East line of Section 28 to the Northeast Corner of Government Lot 4, Section 28; thence west along the North line of Government Lot 4 to the Northwest Corner of Government Lot 4; thence south along the West line of Government Lot 4 to the Southwest Corner of Government Lot 4 on the North line of Government Lot 3, Section 28; thence West along the North line of Government Lot 3 to the Northwest Corner of Government Lot 3; thence south along the West line of Government Lot 3 to the centerline of County Road "J"; thence Easterly along the centerline of County Road "J" to the Westerly right-of-way of US HWY 63; thence continuing on a projection of the centerline of County Road "J" Easterly across US HWY 63 and across the former main track of the North Wisconsin Railway Company railroad right-of-way, also known as the Clear Lake-Clayton County Trail, to the Easterly right-of-way line of said former railroad right-of-way; thence Northeasterly along the Easterly right-of-way line of said Clear Lake-Clayton County Trail through Government Lot 3, Government Lot 2, and Government Lot 1 in Section 27, and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ -NW $\frac{1}{4}$ ) and Government Lot 1 in Section 26 to the intersection of the East line of Government Lot 1, Section 26 and the Southeasterly right-of-way line of the Clear Lake-Clayton County Trail; thence North along the East line of Government Lot 1 Section 26 to the Northeast Corner of Government Lot 1 Section 26 and the Southeast Corner of Government Lot 3 Section 23; thence North along the East line of Government Lot 3 to the Northeast Corner of Government Lot 3; thence West along the North line of Government Lot 3 to the Northwest Corner of Government Lot 3 Section 23 on the East line of Government Lot 3 Section 22; thence North along the East line of Government Lot 3 Section 22 to the East Quarter Corner of Section 22; thence West along the East-West Quarter Line of Section 22 and the North line of Government Lot 3 and Government Lot 2 to the Center of Section 22 and the Northwest Corner of Government Lot 2; thence South along the North-South Quarter Line and the East line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ -SW $\frac{1}{4}$ ) to the Southeast Corner of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ ; thence West along the South line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ -SW $\frac{1}{4}$ ) and the South line of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ -SW $\frac{1}{4}$ ) which is also the North line of Government Lot 1 Section 22 to the Northwest Corner of Government Lot 1 on the West line of Section 22; thence South along the West line of Government Lot 1 to the Northwest Corner of Lot 3 of Certified Survey Map Number 5728, Volume 25, Page 205, Document Number 753924; thence East along the North line of said Lot 3 to the Northeast Corner of said Lot 3; thence south along the East line of said Lot 3 to the Southeast Corner of said Lot 3; thence West along the South line of said Lot 3 to the Southwest Corner of Lot 3 Certified Survey Map Number 5728, Volume 25, Page 205, Document Number 753924, on the West line of Government Lot 1 Section 22; thence south along the West line of Government Lot 1 Section 22 to the Southwest Corner of Section 22 and the Point of Beginning.

Said lands lying entirely in the Town of Clayton, Polk County, Wisconsin.

Polk County Board of Supervisors  
Ordinance No. 86 – 17  
Nonmetallic Mining Reclamation Ordinance

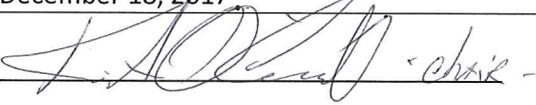
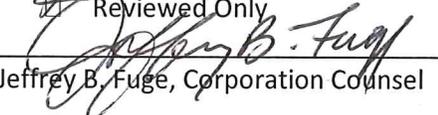
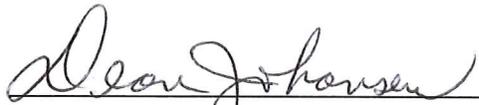
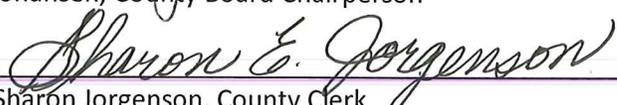
TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF  
POLK:

Ladies and Gentlemen:

NOW THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors, as follows:

1. Ordinance No. 86-17, Nonmetallic Mining Reclamation Ordinance, attached hereto and incorporated herein enacted.
  2. Resolution No. 60-07, Nonmetallic Mining Reclamation Ordinance is repealed and superseded by Ordinance No. 86-17.
-

Polk County Board of Supervisors  
Ordinance No. 86 – 17  
Nonmetallic Mining Reclamation Ordinance

Funding Source/ Funding Amount:	None/Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	December 18, 2017
Submitted on Recommendation By: Environmental Services Committee	 Chair
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  _____	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Reviewed Only   Jeffrey B. Fuge, Corporation Counsel
Dana Frey, County Administrator	
Acknowledgement of County Board Action	
At its regular business meeting on the <u>18<sup>th</sup></u> of December 2017, the Polk County Board of Supervisors enacted Ordinance No. 86-17: Nonmetallic Mining Reclamation Ordinance, as follows:	
<input checked="" type="checkbox"/> Enacted by simple majority of the board of supervisors by a vote of <u>13</u> in favor and <u>2</u> against. ( <u>1 absent</u> ) <input type="checkbox"/> Enacted by unanimous vote.	
SIGNED BY:	 _____ Dean Johansen, County Board Chairperson
Attest:	 _____ Sharon Jorgenson, County Clerk
Certification of Publication	
Ordinance No.86-17: Nonmetallic Mining Reclamation Ordinance was published in the Inter-County Leader on the _____ day of _____, 2017.	
 Dated: <u>12-18-17</u> Sharon Jorgenson, County Clerk	

**CERTIFIED COPY OF POLK COUNTY ORDINANCE**

STATE OF WISCONSIN )

) SS

COUNTY OF POLK )

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance - Nonmetallic Mining Reclamation Ordinance No. 86-17 that was adopted by the Polk County Board of Supervisors on the 18<sup>th</sup> day of December, 2017.

---

*Sharon E. Jorgenson* 12/18/17

Sharon E. Jorgenson

Date

Polk County Clerk

## SUBCHAPTER XXX.XX: NONMETALLIC MINING RECLAMATION ORDINANCE

### **Section 1. Title, Statutory Authority, Restrictions Adopted Under Other Authority, Interpretation, Severability, Purpose and Intent, Applicability, Definitions**

- 1.01. Title. This ordinance shall be known as the Nonmetallic Mining Reclamation Ordinance for the County of Polk.
- 1.02. Statutory Authorization. This ordinance is adopted under authority of Section 295.13 (1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.
- 1.03. Restrictions Adopted Under Other Authority. The purpose of this ordinance is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by Section 295.12 (1) (a), Wisconsin Statutes., and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- 1.04. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by Subchapter I of Chapter 295, Wisconsin Statutes and ch. NR 135, Wisc. Admin. Code. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 135, Wis. Admin. Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of ch. NR 135, Wis. Admin. Code.
- 1.05. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 1.06. Purpose and Intent. The purpose of this ordinance is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Polk County after the effective date of this ordinance, in compliance with ch. NR 135, Wis. Admin. Code and subch. I of ch. 295, stats.
- 1.07. Applicability.
  - a. *Overall Applicability.* The requirements of this ordinance apply to all operators of nonmetallic mining sites within Polk County except as exempted in sub. 1.07.b. of the Polk County Nonmetallic Mining Reclamation Ordinance: and for nonmetallic mining sites located in a city, village or town within Polk County that has adopted an ordinance pursuant to s. 295.14, Stats, and s. NR 135.32 (2), Wis. Admin. Code. This ordinance does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This ordinance applies to nonmetallic mining conducted by or on behalf of a county, municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sub. 3.03.c.
  - b. *Exemptions.* This ordinance does not apply to the following activities:
    1. Nonmetallic mining at a site or that portion of a site this is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under s. 30.19, 30.195 or 30.20, Stats., and complies with ch. NR 340, Wis. Admin. Code.
    2. Excavations subject to the permit and reclamation requirements of s. 30.30 or 30.31, Stats.
    3. Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
    4. Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
    5. Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
    6. Excavations for building construction purposes conducted on the building site.

7. Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.
  8. Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats., or under subch. III of ch. 295, Stats.
  9. Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this ordinance apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
  10. Wisconsin Department of Transportation sites.
    - (a). Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
    - (b). This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
    - (c). If a nonmetallic mining site covered under par. (a) and par. (b) is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
  11. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- 1.08. Definitions. The following definitions apply to the provisions of this ordinance:
- a. *Alternative Requirement* means an alternative to the reclamation standards of this ordinance provided through a written authorization granted by the Polk County LWRD pursuant to sub 3.07.
  - b. *Applicable Reclamation Ordinance* means a nonmetallic mining reclamation ordinance, including this ordinance, that applies to a particular nonmetallic mining site and complies with the requirements of ch. NR 135, Wis. Admin. Code and subch. I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. 1.08.t.3.. If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of ch. NR 135, Wis. Admin. Code.
  - c. *Borrow Site* means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.
  - d. *Contemporaneous Reclamation* means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.
  - e. *Department* means the Wisconsin Department of Natural Resources.
  - f. *Environmental Pollution* has the meaning in s. 295.11 (2), Stats.
  - g. *Financial Assurance* means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in sub. 3.03 and is sufficient to pay for reclamation activities required by this ordinance.
  - h. *Highwall* means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.
  - i. *Landowner* means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

- j. *Licensed Professional Geologist* means a person who is licensed as a professional geologist pursuant to ch. 470, Stats.
- k. *Municipality* means any city, town or village.
- l. *Nonmetallic Mineral* means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
- m. *Nonmetallic Mining* or *Mining* means all of the following:
  - 1. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
  - 2. Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.
- n. *Nonmetallic Mining Reclamation* or *Reclamation* means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this ordinance, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.
- o. *Nonmetallic Mining Refuse* means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.
- p. *Nonmetallic Mining Site* or *Site* mean all contiguous areas of present or proposed mining described in par. 1., subject to the qualifications in par. 2.
  - 1. Nonmetallic mining site means the following:
    - (a). The location where nonmetallic mining is proposed or conducted.
    - (b). Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
    - (c). Areas where nonmetallic mining refuse is deposited.
    - (d). Areas affected by activities such as the construction or improvement of private roads of haulage ways for nonmetallic mining.
    - (e). Areas where grading or regrading is necessary.
    - (f). Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.
  - 2. Nonmetallic mine site does not include any of the following areas:
    - (a). Those portions of sites listed in par. 1. not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
    - (b). Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
    - (c). Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of minerals used for an industrial process unrelated to nonmetallic mining.

- q. *Operator* means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- r. *Person* means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.
- s. *Registered Professional Engineer* means a person who is registered as a professional engineer pursuant to s. 443.04, Stats.
- t. *Regulatory Authority* means one of the following:
  - 1. The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under s. 295.13, Stats., except where a municipality has adopted an applicable reclamation ordinance pursuant to par. 2.
  - 2. The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under s. 295.14, Stats.
  - 3. The department, in cases where a county mining reclamation program is no longer in effect under s. 295.14, Stats., but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.
- u. *Replacement of Topsoil* means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this ordinance.
- v. *Solid Waste* means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by product material, as defined in s. 254.31 (1), Stats.
- w. *Topsoil* means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- x. *Topsoil Substitute Material* means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- y. *Un-reclaimed Acre* or *Un-reclaimed Acres* means those un-reclaimed acres in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 4.07.c. However, the term does not include any areas described in par. 1.
  - 1. Un-reclaimed acre or un-reclaimed acres does not include:
    - (a). Those areas where reclamation has been completed and certified as reclaimed under sub. 4.07.c.
    - (b). Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
    - (c). Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this ordinance but are not yet affected by nonmetallic mining.
    - (d). Areas previously mined but used after August 1, 2001 for non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that used products produced from nonmetallic mining.
    - (e). For purposes of fees under sub. 4.05, those areas within a nonmetallic mining site which Polk County has determined to have been successfully reclaimed on an interim basis in accordance with sub. 4.07.c.

## Section 2. Standards.

- 2.01. Standards. All nonmetallic mining sites subject to this ordinance shall be reclaimed in conformance with the standards contained below.
- a. *General Standards.*
    1. Refuse and other solid wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.
    2. Area Disturbed and Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.
    3. Public Health, Safety and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.
    4. Habitat Restoration. While the land use required by the reclamation plan approved pursuant to this ordinance requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.
    5. Compliance with Environmental Regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.
  - b. *Surface Water and Wetland Protection.* Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in chs. NR 102 through NR 105, Wis. Admin. Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this ordinance. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.
  - c. *Groundwater Protection.*
    1. Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
    2. Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in ch. NR 140, Wis. Admin. Code to be exceeded at a point of standards application defined in that chapter.
  - d. *Top Soil Management.*
    1. Removal. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this ordinance in order to achieve reclamation to the approved post-mining land use. Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.
    2. Volume. The operator shall obtain the volume of the soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this ordinance.
    3. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this ordinance, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which top soil or topsoil substitute material is stockpiled.

- e. *Final Grading and Slopes.*
1. All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to sub. 3.02 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate high walls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.
  2. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under sub. 3.07; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
  3. When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.
- f. *Topsoil Redistribution for Reclamation.* Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this ordinance in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.
- g. *Revegetation and Site Stabilization.* Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this ordinance, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.
- h. *Assessing Completion of Successful Reclamation.*
1. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this ordinance. Criteria to evaluate reclamation success shall be quantifiable.
  2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
    - (a). On-Site inspections by Polk County or its agent;
    - (b). Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
    - (c). A combination of inspections and reports.
  3. In those cases when the post-mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain basement data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
  4. Revegetation success may be determined by:
    - (a). Comparison to an appropriate reference;
    - (b). Comparison to baseline data acquired at the mining site prior to its being affected by mining; or

- (c). Comparison to an approved alternate technical standard.
- 5. Revegetation using a variety of plant indigenous to the area is favored.
- i. *Intermittent Mining*. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to sub. 3.03 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and have not been reclaimed.
- j. *Maintenance*. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this ordinance.

**Section 3. Permitting.**

- 3.01. Nonmetallic Mining Reclamation Permit Application Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in sub. 1.07.a, 1.07.b or 1.08.p.2.
- a. *Required Submittal*. All operators of nonmetallic mining sites shall apply for a reclamation permit from Polk County. All applications for reclamation permits under this section shall be accompanied by the following information:
    1. A brief description of the general location and nature of the nonmetallic mine.
    2. A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
    3. The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
    4. The name, address and telephone number of the person or organization who is the operator.
    5. A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Section 2.
  - b. *Reclamation Permit Application Contents*. The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to Polk County Land and Water Resources Department, 100 Polk County Plaza, Suite 120, Balsam Lake, WI 54810 prior to beginning operations.
    1. The information required by sub. 3.01.a
    2. The plan review and annual fees required by sub. 4.04 and 4.05.
    3. A reclamation plan conforming to sub. 3.02.
    4. A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by sub. 3.03 upon granting of the reclamation permit and before mining begins.
    5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this ordinance.
- 3.02. Reclamation Plan
- a. *Reclamation Plan Required*. All operators who conduct or plan to conduct nonmetallic mining shall submit to Polk County a reclamation plan that meets all of the following requirements and complies with the reclamation standards of Section 2.
  - b. *Site Information*. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:
    1. Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, as determined by existing hydro geologic information. In specific instances, where the existing hydro geologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

2. Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to the approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin Soil Science Extension Agent or other available information resources.
  3. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
  4. Existing topography as shown on contour maps of the site at five (5) feet or less contour intervals.
  5. Location of manmade features on or near the site.
  6. For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.
- c. *Post-Mining Land Use.*
1. The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state or federal laws in effect at the time the plan is submitted.
  2. Land use for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to subch. III of ch. 91, Stats., shall be restored to agricultural use.
- d. *Reclamation Measures.* The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:
1. A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and, if necessary, a site-specific engineering analysis performed by a registered professional engineer as provided by sub. 2.01.e., par. 1. or par. 2.
  2. The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.
  3. A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
  4. A plan or map which shows surface structures, roads and related facilities after the cession of mining.
  5. The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
  6. A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
  7. Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.
  8. A plan and, if necessary, a narrative showing erosion control measure to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.
  9. A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to sub. 4.07.b and 4.07.d and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Section 2 and timing of interim and final reclamation.
  10. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

- e. *Criteria for Successful Reclamation.* The reclamation plan shall contain criteria for assuring successful reclamation in accordance sub. 2.01.h.
  - f. *Certification of Reclamation Plan.* The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.
  - g. *Existing Plans and Approvals.* To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this ordinance.
  - h. *Approval of Reclamation Plan.* Polk County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sub. 3.05.b for mines that apply for a reclamation permit in conformance with sub. 3.01. Conditional approvals of reclamation plans shall be made according to sub. 3.05.e. and denials of reclamation plans shall be made pursuant to sub. 3.06. The operator shall keep a copy of the reclamation plan approved under the subsection at the mine site, or if not practicable, at the operator's nearest place of business.
- 3.03. Financial Assurance.
- a. *Financial Assurance Requirements.* All operators of nonmetallic mining sites in Polk County shall prepare and submit a proof of financial assurance that meets the following requirements:
    1. Notification. The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. 3.03.a.3.
    2. Filing. Following the approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Polk County. The financial assurance shall provide that the operator shall faithfully perform all requirements in ch. NR 135, Wis. Admin. Code, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Polk County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Polk County only if it currently has primary regulatory responsibility.
    3. Amount and Duration of Financial Assurance. The amount of financial assurance shall equal as closely as possible the cost to Polk County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Polk County to assure it equals outstanding reclamation costs. Any financial assurance filed with Polk County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Polk County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to affect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designated to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.
    4. Form and Management. Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Polk County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurances shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Polk County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

5. Multiple Projects. Any operator who obtains a permit from Polk County for two (2) or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Polk County.
6. Multiple Jurisdictions. In cases where more than one regularly authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.
7. Certification of Completion and Release.
  - (a). The operator shall notify the regulatory authority, by filling a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Polk County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Polk County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete, Polk County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.
  - (b). Polk County shall make a determination of whether or not the certification in par. (a) can be made with 60 days that the request in received.
  - (c). Polk County may make a determination under this subsection that:
    - (1) Reclamation is not yet complete;
    - (2) It is not possible to access whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
    - (3) Reclamation is complete in part of the mine; or
    - (4) Reclamation is fully complete.
8. Forfeiture. Financial assurance shall be forfeited if any of the following occur:
  - (a). A permit is revoked under sub. 4.04 and the appeals process has been completed.
  - (b). An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.
9. Cancellation. Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90-day notice to Polk County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Polk County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.
10. Changing Methods of Financial Assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sub. 3.03.a.12. The operator shall give Polk County at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Polk County Land and Water Resources.
11. Bankruptcy Notification. The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy code 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.
12. Adjustment of Financial Assurance. Financial assurance may be adjusted when required by Polk County. Polk County may notify the operator in writing that adjustment is necessary and the reasons for it. Polk County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

13. Net Worth Test.

- (a). Only an operator that meets the definition of ‘company’ in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.
- (b). The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in s. 289.41 (6) (b), (d), (e), (f), (g), (h), and (i), Stats.. shall apply.
- (c). An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.
- (d). Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.
- (e). In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this ordinance.

b. *Private Nonmetallic Mines.* The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sub. 3.01 shall submit the proof of financial assurance required by sub. 3.03.a. as specified in the reclamation permit issued to it under this ordinance.

c. *Public Nonmetallic Mining.* The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

3.04. Public Notice and Right of Hearing.

a. *Reclamation Plan Hearing.* Polk County shall provide public notice and the opportunity for a public informational hearing as set forth below:

1. Public Notice.

- (a). When Polk County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sub. 3.01.
- (b). The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to s. 985.07 (1), Stats., in the official newspaper of Polk County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.
- (c). Copies of the notice shall be forwarded by Polk County to the county or applicable municipal zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

2. *Hearing.* Polk County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

- (a). If it conducts a zoning-related hearing on the nonmetallic mining site, Polk County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. Polk County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this ordinance.
- (b). If there is no opportunity for a zoning-related hearing on the nonmetallic mining site as described in sub. 3.04.a.2.(a), opportunity for public hearing required by this section shall be provided as follows:
  - (1) Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed, may request a public informational hearing. Polk County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. 3.04.a. This public informational hearing shall be held no sooner than 30 days nor no later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation plan only.

- (2) The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.
- b. *Local Transportation-Related Mines.* No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sub. 3.05.c.
- 3.05. Issuance of a Nonmetallic Mining Reclamation Permit.
- a. *Permit Required.* No person may engage in nonmetallic mining or nonmetallic mining reclamation in Polk County without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this ordinance under sub. 1.07.a., 1.07.b., 1.08.p.2.
- b. *Permit Issuance.* Applications for reclamation permits for nonmetallic mining that satisfy sub. 3.01 shall be issued a reclamation permit or otherwise acted on as provided below.
1. Unless denied pursuant to sub. 3.06, Polk County shall approve in writing a request that satisfies the requirements of sub. 3.01 to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.
  2. Polk County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of sub. 3.02. The regulatory authority may issue a reclamation permit subject to conditions in sub. 3.05.e. if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in sub. 3.01. and reclamation plan that meets the requirements in sub. 3.02., unless a public hearing is held pursuant to sub. 3.04. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to sub. 3.05.e if appropriate, or shall deny the permit as provided in sub. 3.06, no later than 60 days after completing the public hearing.
  3. Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of sub. 3.02 and provision by the applicant of financial assurance required under sub. 3.03 and payable to Polk County prior to beginning mining.
- c. *Automatic Permit for Local Transportation-Related Mines*
1. Polk County shall automatically issue an expedited permit under this subsection to any borrow site that:
    - (a). Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;
    - (b). Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or other transportation facility under contract with the municipality.
    - (c). Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;
    - (d). Is not a commercial source;
    - (e). Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;
    - (f). Is not otherwise exempt from the requirements of this ordinance under sub. 1.07.b.10
  2. In this subsection, “municipality” has the meaning defined in s. 299.01 (8), Stats.
  3. Automatic permits shall be issued under the subsection in accordance with the following provisions:
    - (a). The applicant shall notify Polk County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
    - (b). The applicant shall provide evidence to Polk County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
    - (c). Polk County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under sub. 3.02.
    - (d). Polk County shall accept the contractual provisions in lieu of the financial assurance requirements in sub. 3.03.
    - (e). The public notice and hearing provisions of sub. 3.04 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

- (f). Mines permitted under this subsection shall pay an annual fee to Polk County as provided in sub. 4.05, but shall not be subject to the plan review fee or expedited plan review fee provided in sub. 4.04.
  - (g). Polk County shall issue the automatic permit within 7 days of the receipt of a complete application.
  - (h). If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.
  - (i). Notwithstanding sub. 4.03, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.
- d. *Expedited Review.* Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under par. (1) or par. (2) as follow:
1. The operator may submit a request for expedited permit review with payment of the expedited review fee specified in sub. 4.04.b. This request shall state the need for such expedited review and the date by which such expedited review is requested.
  2. The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.
  3. Following receipt of a request under this subsection, Polk County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under par. (1) shall be returned.
  4. Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to sub. 3.04. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.
- e. *Permit Conditions.* Any decision under this section may include conditions as provided below:
1. Polk County may issue a reclamation permit or approve a reclamation plan subject to general or site specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this ordinance. The approvals may not include conditions that are not related to reclamation.
  2. One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to sub. 3.03 prior to beginning mining.
- 3.06. Permit Denial. An application for a nonmetallic mining reclamation permit shall be denied as set forth below:
- a. *Application Denial.* An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in sub. 3.05, if Polk County finds any of the following:
1. The applicant has, after being given an opportunity to make corrections, failed to provide to Polk County an adequate permit application, reclamation plan, financial assurance or any other submittal required by ch. NR 135, Wis. Admin. Code or this ordinance.
  2. The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this ordinance, ch. NR 135, Wis. Admin. Code or subch. I of ch. 295, Stats.
  3. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered, shown a pattern of serious violations of ch. NR 135, Wis. Admin. Code, this ordinance or of federal, state or local environmental laws related to nonmetallic mining reclamation. The following may be considered in making this determination of a pattern of serious violations:
    - (a). Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.
    - (b). Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this ordinance, other reclamation ordinances or ch. NR 135, Wis. Admin. Code

- (c). Forfeitures of financial assurance.
- 4. A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.
- b. *Review of Denial.* A decision to deny an application to issue a reclamation permit may be reviewed under sub. 3.011.
- 3.07. Alternative Requirements.
  - a. *Scope of Alternative Requirements Approvable.* An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in sub. 2.01. Polk County may approve an alternative requirement to the reclamation standard established in this ordinance if the operator demonstrates and Polk County finds that all of the following criteria are met:
    - 1. The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.
    - 2. Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.
    - 3. Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.
  - b. *Procedures.*
    - 1. The operator of a nonmetallic mining site requesting an alternate requirement in sub. 3.07.b shall demonstrate all the criteria in sub. 3.07.a. This shall be submitted in writing to Polk County Land and Water Resources, 100 Polk County Plaza, Suite 120, Balsam Lake, WI 54810.
    - 2. The Polk County Environmental Services Committee shall hold a public hearing concerning the request for alternative requirements within 60 days of the request of the application. The hearing shall be posted as a class 1 notice pursuant to s. 985.07 (1), Stats., in the official newspaper of Polk County; the applicant may appear on his/her behalf to offer testimony. The Polk County Land & Water Resources Department shall provide testimony and it may require an on-site visit by the committee. Opportunity for comments for or against the request will be provided for. The vote of the majority of the quorum shall be necessary to decide any request. Decisions will be made within 90 days of the public hearing.
    - 3. A request for alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.
  - c. *Transmittal of Decision on Request for Alternative Requirement.* The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.
  - d. *Notice to Wisconsin Department of Natural Resources.* Polk County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under sub. 3.07.b on a request for an alternative requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.
- 3.08. Permit Duration. A nonmetallic mining reclamation permit issued under this ordinance shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sub. 4.02 or sub. 5.02.b. If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to sub. 3.09.
- 3.09. Permit Transfer. A nonmetallic mining reclamation permit issued under this ordinance shall be transferred to a new owner or operator upon satisfaction of the following conditions:
  - a. *Required Submittal.* A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Polk County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.
  - b. *Financial Assurance Conditions.* The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Polk County and Polk County makes a written finding that all

conditions of the permit will be compiled with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

- 3.010. Previously Permitted Sites. For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to ch. NR 135, Wis. Admin. Code that becomes subject to reclamation permitting authority of Polk County, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Polk County pursuant to sub. 4.01.a.
- 3.011. Review. Any permitting decision or action made by Polk County under this ordinance may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Polk County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

#### **Section 4. Administration.**

##### **4.01. Permit Modification.**

- a. *By Polk County*. A nonmetallic mining reclamation permit issued under this ordinance may be modified by Polk County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with ch. NR 135, Wis. Admin. Code or this ordinance. Such modification shall be by an order modifying the permit in accordance with sub. 5.02. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with ch. NR 135, Wis. Admin. Code or this ordinance.
- b. *At the Operator's Option*. If operator of any nonmetallic mine that holds a reclamation permit issued under this ordinance desires to modify such permit or reclamation plan approved under this ordinance, it may request such modification by submitting a written application for such modification to Polk County LWRD at 100 Polk Plaza, Suite 120, Balsam Lake, WI 54810. The application for permit or plan modification shall be acted on using the standards and procedures of this ordinance.
- c. *Required by Operator*. The operator of any nonmetallic mine that holds a reclamation permit issued under this ordinance shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this ordinance. Such application for permit modification shall be acted on using the standards and procedures of this ordinance.
- d. *Review*. All actions by Polk County on permit modifications requested or initiated under this section are subject to review under sub. 3.011.

##### **4.02. Permit Suspension and Revocation.**

- a. *Grounds*. Polk County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this ordinance if it finds the operator has done any of the following:
  1. Failed to submit a satisfactory reclamation plan within the time frames specified in this ordinance.
  2. Failed to submit or maintain financial assurance as required by this ordinance.
  3. Failed on a repetitive and significant basis to follow the approved reclamation plan.
- b. *Procedures*. If Polk County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sub. 4.02.a, it may issue a special order suspending or revoking such permit as set forth in sub. 5.02.b.
- c. *Consequences*.
  1. *Suspension*. If Polk County makes any of the findings in sub. 4.02.a, it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to sub. 5.02.
  2. *Revocation*. If Polk County makes any of the findings in sub. 4.02.a, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this ordinance to Polk County. Polk County may use forfeited financial assurance to reclaim the site to the extent needed to comply with ch. NR 135, Wis. Admin. Code and the applicable reclamation ordinance.

4.03. Annual Operator Reporting.

- a. *Contents and Deadline.* Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites on a form supplied by Polk County.
  1. Contents. The annual report required by this section shall include all of the following:
    - (a). The name and mailing address of the operator.
    - (b). The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
    - (c). The identification number of the applicable nonmetallic mining permit, if assigned by Polk County.
    - (d). The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.
    - (e). The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
    - (f). A plan, map or diagram accurately showing the acreage described in par. (d) and par. (e).
    - (g). The following certification, signed by the operator: "I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and ch. NR 135, Wis. Admin. Code."
  2. Deadline. The annual report shall cover activities on un-reclaimed acreage for the previous calendar year and be submitted by January 31.
  3. When Reporting May End. Annual reports shall be submitted by an operator for all active and intermittent mining sites to Polk County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sub. 4.07.c or at the time of release of financial assurance pursuant to sub. 3.03.a.7.
- b. *Inspection in Lieu of Report.* Polk County may, at its discretion, obtain the information required in sub. 4.03.a for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Polk County obtains and documents the required information, the annual report need not be submitted by the operator. If Polk County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Polk County shall require the operator to submit the certification required in sub. 4.03.a.1.g.
- c. *Retention of Annual Reports.* Annual reports submitted under sub. 4.03.a or inspection records that replace them under sub. 4.03.b shall be retained by Polk County at the Land and Water Resources office for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources, upon written request or during its inspection or audit activities carried out pursuant to ch. NR 135, Wis. Admin. Code.

4.04. Plan Review Fees.

- a. *Amount and Applicability.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sub. 3.01 shall submit a non-refundable reclamation plan review fee set forth in the Fee Schedule, to the office of the Polk County Land & Water Resources Department. No reclamation plan review fee may be assessed under this section for any local transportation-relating mining receiving an automatic permit under sub. 3.05.c. A separate reclamation plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to sub. 4.01.
- b. *Expedited Reclamation Plan Review Fee.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sub. 3.01 may obtain expedited reclamation plan review by paying a fee as set forth in the Fee Schedule, to the office of the Polk County Land & Water Resources Department. Such fee shall be in addition to that required in sub. 4.04.a.
- c. *Relation to Annual Fee.* Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under sub. 4.05.

4.05. Annual Fees.

a. *Areas Subject to Fees, Procedures, Deadline and Amount.*

1. Operators of all nonmetallic mining sites subject to reclamation permits issued under this ordinance shall pay annual fees to Polk County Land and Water Resources Department, 100 Polk County Plaza, Suite 120, Balsam Lake, WI 54810
  2. Fees paid under this section shall be calculated based on the un-reclaimed acres of a nonmetallic mining site, as defined below:
    - (a). "Un-reclaimed acre" or "Un-reclaimed acres" means those un-reclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 3.03.a.7. However, the term does not include any areas described in par. (b).
    - (b). "Un-reclaimed acre" or "un-reclaimed acres" does not include:
      - (1) Those areas where reclamation has been completed and certified as reclaimed under sub. 3.03.a.7.
      - (2) Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
      - (3) Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.
      - (4) Areas previously mined but used after August 1, 2001 for a non-mining activity, including stockpiling of materials, provided the stock piles are associated with on-site industrial processes, used for an industrial activity unrelated to nonmetallic mining, such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
      - (5) Those areas within a nonmetallic mining site which Polk County has determined to have been successfully reclaimed on an interim basis in accordance with sub. 4.07.b and sub. 4.07.c.
    - (c). Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.
  3. Fees assessed pursuant to this section shall be based on un-reclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under sub. 4.07. Fees shall be paid to Polk County no later than January 31st for the previous year. Polk County shall mail an Annual Report-Fee form to all Polk County operators of nonmetallic mining sites who have been issued a permit by January 1.
  4. If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Polk County pending certification of completed reclamation pursuant to sub. 4.07.c and sub. 3.03.a.7. Upon such certification Polk County shall refund that portion of the annual fee that applies to the reclaimed areas. If Polk County failed to make a determination under sub. 4.07.c and sub. 3.03.a.7 within 60 days of the request, it shall refund the portion of the annual fee that applies to the reclaimed areas.
  5. The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in sub. 4.05.b, the share of Polk County described in sub. 4.05.c, and, if applicable, the reclamation plan review fee described in sub. 4.04.
- b. *Wisconsin Department of Natural Resources Share of Fee.*
1. Fees paid under this section shall, except where provided in par. (2), include a share of for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1.

**TABLE 1:  
Wisconsin Department of Natural Resources' Share of Annual Fees Collected by Polk County**

<u>Mine Size in Un-reclaimed Acres, Rounded to the Nearest Whole Acre</u>	<u>Annual Fee</u>
1 to 5 acres, (does not include mines less than 1 acre)	\$ 35
6 to 10 acres	\$ 70
11 to 15 acres	\$ 105
16 to 25 acres	\$ 140
26 to 50 acres	\$ 160
51 acres or larger	\$ 175

2. For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15, or an amount as modified by the Wisconsin Department of Natural Resources.
3. Polk County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st.

c. *Polk County's Share of Fee.*

1. Fees paid under this section shall also include an annual fee due to Polk County which shall be by Fee Schedule, to be established on an un-reclaimed acre basis, and equal as closely as possible to the county or municipal cost of administering the reclamation program – see s. 295.12 (3) (e) 1., Stats., for details. s. NR 135.39 (4) (b), Wis. Admin. Code further requires that annual fees must equal as closely as possible the county or municipality's expenses to administer the program, including but not limited to the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this ordinance. s. NR 135.39 (4) (b) 1, Wis. Admin. Code also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program.
2. The annual fee collected by Polk County under this subsection for local transportation-related mines issued permits under sub. 3.05.c may not exceed the amounts set by Fee Schedule. The amount listed shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Polk County.

- d. **Reduced Fee for Inactive Mines.** Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year of \$100.00 or as set in the Fee Schedule.

4.06. Regulatory Reporting and Documentation.

- a. *Reporting.* Polk County shall send an annual report to the Wisconsin Department of Natural Resources by March 31st for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program.
  1. The total number of nonmetallic mining reclamation permits in effect.
  2. The number of new permits issued within the jurisdiction of Polk County.
  3. The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
  4. The number of acres being mined or un-reclaimed acres.
  5. The number of acres that have been reclaimed and have had financial assurance released pursuant to sub. 3.03.a.7.

6. The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to sub. 4.07.a and sub. 4.07.b.
  7. The number and nature of alternative requirements granted, permit modifications, violations, public hearing, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.
- b. *Documentation.* Polk County shall, to the best of its ability, maintain the information set forth below and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Polk County's reclamation program pursuant to ch. NR 135, Wis. Admin. Code:
1. Documentation of compliance with ch. NR 135, Wis. Admin. Code and this ordinance.
  2. The procedures employed by Polk County regarding reclamation plan review, and the issuance and modification of permits.
  3. The methods for review of annual reports received from operators.
  4. The method and effectiveness of fee collection.
  5. Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
  6. Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
  7. Responses to citizen complaints.
  8. The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
  9. The maintenance and availability of records.
  10. The number and type of approvals for alternative requirements issued pursuant to sub. 3.07.
  11. The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sub. 3.03.a.7.
  12. Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Polk County to implement its nonmetallic mining reclamation program under this ordinance.
  13. The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
  14. Any other performance criterion necessary to ascertain compliance with ch. NR 135, Wis. Admin. Code.
- 4.07. Completed Reclamation – Reporting, Certification and Effect.
- a. *Reporting.* The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this ordinance and ch. NR 135, Wis. Admin. Code. Polk County Land and Water Resources will supply a Notice of Completion form, to be completed and returned to their office at 100 Polk County Plaza, Suite 120, Balsam Lake, WI 54810.
  - b. *Reporting of Interim Reclamation.* The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this ordinance and ch. NR 135, Wis. Admin. Code. Reporting of interim reclamation shall be done according to the procedures in sub. 4.07.a.
  - c. *Certification of Completed Reclamation.* Polk County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sub. 3.03.a.7.(c). If it is determined that interim or final reclamation is complete, including re-vegetation as specified in a reclamation plan that conforms with sub. 3.02, Polk County shall issue the mine operator a written certificate of completion.
  - d. *Effect of Completed Reclamation.* If reclamation is certified by Polk County as complete under sub. 4.07.c for part or all of a nonmetallic mining site, then:
    1. No fee shall be assessed under sub. 4.05 for the area so certified.
    2. The financial assurance required by sub. 3.03 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

- e. *Effect of Inaction Following Report of Completed Reclamation.* If no written response as required by sub. 4.07.c for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Polk County for it under sub. 4.05 shall be refunded.
- 4.08. Permit Termination. When all final reclamation required by a reclamation plan conforming to sub. 3.02 and required by this ordinance is certified as complete pursuant to sub. 3.03.a.7 and sub. 4.07.c, Polk County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

## **Section 5. Enforcement**

- 5.01. Right of Entry and Inspection. For the purpose of ascertaining compliance with the provisions of subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code, or this ordinance, any authorized officer, agent, employee or representative of Polk County may inspect any nonmetallic mining site subject to this ordinance as provided below:
- a. *Entry Authorization.* No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Polk County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this ordinance, ch. NR 135, Wis. Admin. Code or ch. 295, subch. I, Stats.
  - b. *Entry Conditions.* Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.
- 5.02. Orders and Citations.
- a. *Enforcement Orders.* Polk County may issue orders as set forth in s. 295.19 (1) (a), Stats., to enforce subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by sub. 3.02 and a permit issued under this ordinance. A violation of this ordinance, an order or permit issued pursuant to this ordinance or a reclamation plan required by sub. 3.02 and a permit issued under this ordinance shall be considered a violation of subch. I of ch. 295, Stats. and ch. NR 135, Wis. Admin. Code.
  - b. *Special Orders.* Polk County may issue a special order as set forth in s. 295.19 (1), (b) and (c), Stats. suspending or revoking a nonmetallic mining reclamation permit pursuant to sub. 4.02, or directing an operator to immediately cease an activity regulated under subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code or this ordinance until the necessary plan approval is obtained.
  - c. *Review of Orders.* A person holding a reclamation permit who is subject to an order pursuant to this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.
  - d. *Citations.* Polk County may issue a citation under s. 66.0113, Stats., and Polk County Ordinance No. 60-07 "Amendment to Non-Metallic Reclamation Ordinance" adopted by the County Board July 17, 2007, to collect forfeitures to enforce subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by sub. 3.02 and a permit issued under this ordinance. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
  - e. *Enforcement.* Polk County may submit any order issued under sub. 5.02 to abate violations of this ordinance to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.
    - 1. *Written Order.* When a violation of this ordinance is encountered, the Polk County Land & Water Resources Department shall issue the violator a written order, served personally or by certified mail, return receipt requested. This order shall specify the following:
      - (a). The nature of the violation and the steps needed to abate and/or correct it.
      - (b). The time period in which the violation must be corrected and/or abated shall be stated in the order.

- (c). The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see sub. 5.0.3.c and sub. 5.03.d.
- 2. Noncompliance With Order. If a person does not comply with a written order from the Polk County Land & Water Resources Department, the person may be subject to one or more of the following actions and/or penalties:
  - (a). Commencement of legal action, seeking a court imposed forfeiture and corrective remedy.
  - (b). Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
  - (c). Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Polk County Land & Water Resources Department.
  - (d). The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section or under any other federal, state or local law.
- 5.03. Penalties. Any violation of subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by sub. 3.02 and a permit issued under this ordinance may result in forfeitures as provided in s. 295.19 (3), Stats. as follows:
  - a. *Chapter NR 135.* Any person who violates ch. NR 135, Wis. Admin. Code or an order issued under sub. 5.02 may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under sub. 5.02 is suspended, stayed or enjoined, this penalty does not accrue.
  - b. *Chapter 295.* Except for the violations referred to in par. a, any person who violates subch. I of ch. 295, Stats., ch. NR 135, Wis. Admin. Code, any reclamation plan approved pursuant to this ordinance or an order issued pursuant to sub. 5.02 shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under sub. 5.02 is suspended, stayed or enjoined, this penalty does not accrue.
  - c. *Penalties.*
    - 1. Any person that maintains a violation of this ordinance or resists the enforcement of this ordinance shall be subject to a forfeiture of not less than \$25 and not more than \$1000 for each violation under the Nonmetallic Mining Reclamation Ordinance.
    - 2. In addition to any forfeiture, the person shall also pay court costs and the reasonable costs incurred by Polk County or its designee in correcting or abating violations of this ordinance.
    - 3. Each day of continued violation is a separate offense.
  - d. *Initiation of Legal Action.*
    - 1. Legal action may be initiated against a violator, as requested by the Polk County Land & Water Resources Department. Upon making such determination, the Director/ Designee of the Polk County Land & Water Resources Department shall refer the violation to the Polk County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.
    - 2. Issuance of Citations.
      - (a). Method Pursuant to s. 66.0113 (1) (a), Stats., the County of Polk adopts and authorizes the use of a citation to be issued for violations to this ordinance.
      - (b). Form. The citation shall contain the following:
        - (1) The full name and address of the alleged violator.
        - (2) Deposit permitted amount.
        - (3) The time at which the alleged violator is notified to appear in court.
        - (4) The time and place of the offense.
        - (5) The section of the ordinance violated.
        - (6) A description of the violation.
        - (7) A statement which informs the alleged violator:
          - A. A deposit may be made. Make a check payable to the Clerk of Court and mail or deliver the deposit amount to the court address shown on the citation by the court date.
          - B. If a deposit is made, no appearance in court is necessary unless subsequently summoned.

- C. If a deposit is made and the alleged violator does not appear in court, the Court will either accept the nonappearance as a plea of no contest, find violator guilty and keep the deposit amount as payment for the citation; or if the court declines to accept the deposit, order violator to appear in court by summons or warrant.
  - D. If no cash deposit is made and the alleged violator does not appear in court at time specified, the court may either: issue a warrant, issue a summons to appear in court or find the violator guilty for failing to appear in court and order payment of the forfeiture and costs imposed by the court.
- (8) Such other information as the County deems necessary.
- (c). Schedule of Deposits. Any person who receives a citation shall be subject to the penalty provision under sub. 5.03.c.
  - (d). Who May Issue. The following Polk County officials may issue citations, which are directly related to their official responsibilities.
    - (1) Director of Land & Water Resources Department
    - (2) Designee authorized by the Director
  - (e). Procedure. s. 66.0113 (3), Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
  - (f). Non exclusivity.
    - (1) Adoption of this ordinance does not preclude the Polk County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
    - (2) The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**EFFECTIVE DATE.** This revised Nonmetallic Mining Reclamation Ordinance shall take effect upon passage and publication, but in no event earlier than December 18th, 2017.

Ordinance No. 87-17

1 Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance

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

Ladies and Gentlemen:

2 WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 33-16 on August 16,  
3 2016, entitled as Polk County Shoreland Protection Zoning Ordinance, to regulate the  
4 unincorporated shoreland areas of Polk County under Wisconsin Statute 281.31 and 59.692; and

5 WHEREAS, the Polk County Lake Classification List, adopted April 20, 1999, is incorporated as  
6 Appendix A in said ordinance; and

7 WHEREAS, on November 7, 2017, Supervisor Route & Olson filed pursuant to Wisconsin  
8 Statute Section 59.69(5)(e), a petition to amend Polk County Shoreland Protection Zoning  
9 Ordinance, through the enactment of the proposed Amended Polk County Shoreland Protection  
10 Zoning Ordinance; and

11 WHEREAS, the amendment changes the lake classification of Ward Lake from a class two water  
12 body to a class one water body; and

13 WHEREAS, on December 6, 2017, the Polk County Environmental Services Committee, as the  
14 planning and zoning committee, opened and held a public hearing on the petition to amend the  
15 Polk County Shoreland Protection Zoning Ordinance; and

16 WHEREAS, after considering public input received in the public hearing and incorporating such  
17 public input and recommendations, as appropriate, the Polk County Environmental Services  
18 Committee recommends that the Polk County Board of Supervisors enact as and for the county's  
19 shoreland protection zoning ordinance under Section 59.692 the attached proposed ordinance,  
20 entitled "Amended Polk County Shoreland Protection Zoning Ordinance".

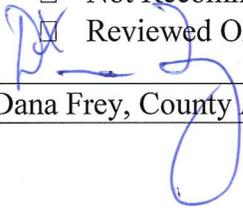
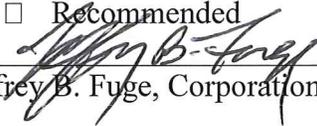
21 NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.692(2)(a), the Polk County  
22 Board of Supervisors ordains as follows:

23 1. The Amended Polk County Shoreland Protection Zoning Ordinance, attached hereto and  
24 incorporated herein, is enacted.

25 2. Pursuant to Wisconsin Statute Section 59.592(5), the provisions of the Amended Polk  
26 County Shoreland Protection Zoning Ordinance shall supersede the shoreland related  
27 provisions of Ordinance 33-16 Polk County Shoreland Protection Zoning Ordinance.

28 3. The Polk County Zoning Administrator is directed to forward the Amended Polk County  
29 Shoreland Protection Zoning Ordinance to the Wisconsin Department of Natural  
30 Resources.

- 31 4. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is  
 32 directed to cause to be published the ordinance enacted herein.
- 33 5. The Amended Polk County Shoreland Protection Zoning Ordinance shall be effective  
 34 upon passage and publication.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage and publication
Dated Submitted To County Board	December 18, 2017
Submitted and Recommendation of the Polk County Environmental Services Committee:  Kim O'Connell, Committee Chair	
Review by County Administrator:	Review By Corporation Counsel
<input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended  Jeffrey B. Fuge, Corporation Counsel

County Board Action	
<p>At its regular business meeting on December 18, 2017 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. <u>87</u>-17:          Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance, by majority vote of the entire membership of a vote of ___ in favor and ___ against. <i>unanimous voice vote.</i></p> <p> Dated: <u>12/18/17</u>          Dean Johansen, County Board Chairperson</p> <p>Attest:  Dated: <u>12-18-17</u>          Sharon Jorgenson, Polk County Clerk</p>	

Certification of Publication
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The above-enacted ordinance, Ordinance No. 87-17: Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance, was published in the Inter-County Leader on the \_\_\_\_\_ day of January, ~~2017~~. 2018

  
Sharon Jorgenson, County Clerk

Dated: 12-18-17

**Polk County Ordinance No. 87-17, Ordinance to Enact Amended Polk County Shoreland  
Protection Zoning Ordinance**

Notice is hereby given that the Polk County Board of Supervisors adopted the ordinance listed above during the Monday, December 18, 2017, regular meeting of the Polk County Board of Supervisors.

**Ordinance No. 87-17 shall be effective on December 27, 2017.**

The purpose of the Polk County Shoreland Protection Zoning Ordinance is to insure the proper management and development within the shoreland areas of all navigable lakes, ponds, flowages, rivers, and streams in the unincorporated areas of Polk County. The intent of these regulations is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning ground for fish and aquatic life; control building sites, placements of structures, and land uses.

Complete copies of Ordinance No. 87-17 may be obtained by contacting the Polk County Clerk office, located at 100 Polk County Plaza, Suite 110, Balsam Lake, Wisconsin or by calling 715-485-9226. The complete documents may also be viewed on line on the Polk County Website at: [www.co.polk.wi.us](http://www.co.polk.wi.us) under the Division of Zoning.



# **POLK COUNTY SHORELAND PROTECTION ZONING ORDINANCE**

**Ordinance No. 87-17**

**Polk County Shoreland Protection Zoning Ordinance**

**Enacted: December 18, 2017; Published: December 27, 2017**

**Effective Date: December 27, 2017**

Polk County Zoning Department  
Polk County Government Center  
100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810  
715-485-9111  
715-485-9246 Fax  
[www.co.polk.wi.us/landinfo/zoning](http://www.co.polk.wi.us/landinfo/zoning)



**POLK COUNTY  
SHORELAND PROTECTION ZONING ORDINANCE  
(Effective: December 27, 2017)**

**The County Board of Supervisors of the County of Polk does ordain as follows:**

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**Article 1. Title**

This ordinance shall be known as the Polk County Shoreland Protection Zoning Ordinance.

**Article 2. Statutory Authorization**

This ordinance is adopted pursuant to the authorization in Sections 59.692 and 281.31, Wisconsin Statutes.

**Article 3. Purpose and Intent**

- A. The purpose of these shoreland regulations is to insure the proper management and development of the shoreland of all navigable lakes, ponds, flowages, rivers and streams in the unincorporated areas of Polk County. The intent of these regulations is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning ground for fish and aquatic life; control building sites, placements of structures, and land uses; and preserve shore cover and natural beauty. For those reasons, development and alterations that may affect the natural function of the shore lands of Polk County shall be controlled and regulated so as to cause no harm. The Shoreland

Protection Zoning Ordinance shall be interpreted in harmony with federal, state, and local laws including, but not limited to, the Polk County Comprehensive Zoning Ordinance, Polk County Nuisance Ordinance, Polk County Flood Plain Ordinance, Polk County Chapter 18 Subdivision Ordinance, and others. Where any provision is inconsistent with applicable federal, state or local laws, rules and regulations, such provision shall be deemed void, but the remainder of this ordinance shall apply and remain in full force and effect. This ordinance shall conform to Chapters 30, 59, and 281 of Wisconsin Statutes Wis. Admin Code Chapter NR 115, and the American Disabilities Act.

- B. To the extent that any of the provisions of this ordinance is interpreted to be more restrictive than the state shoreland standard as provided by NR115.05(1)(a) –(g), said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to comply with Wisconsin Statute Section 59.692(1d) and to allow for lawful issuance of any permit, conditional use permit, as provided by this ordinance and to allow for the enforcement by ordinance of the state shoreland standard.

#### **Article 4. Definitions**

The following definitions apply to the provisions of this ordinance:

“ACCESSORY BUILDING” see “Building, Accessory”

“ACCESSORY STRUCTURE” see “Structure, Accessory”

“ATTACHED STRUCTURE” means a structure connected to another structure by a common wall or roof.

“BED & BREAKFAST” means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

“BOATHOUSE” means a structure designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat in any manner or form.

“BUILDING” means a structure having a roof supported by columns or walls.

“BUILDING, ACCESSORY” means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 25’ in height beyond the shoreland setback area.

“BUILDING ENVELOPE” means the three dimensional space within which a structure is built.

“BUILDING FOOTPRINT” means the perimeter square footage of enclosed building space

“BUNKHOUSE” means a residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 400 sq. ft. of enclosed dwelling space.

“CAMPGROUND” means any lot or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the lot or tract of land is represented as a campground.

“CAMPING UNIT” means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer/travel trailer, motor home, park model, pick-up truck camping topper or tent

“CONDITIONAL USE” see “Use, Conditional”

“CONSERVATION DESIGN DEVELOPMENT” means a style of development that clusters houses onto smaller lot sizes in order to preserve some feature, function, aspect of the property that is being developed.

“CONTRACTOR’S STORAGE YARD” means the outdoor portion of a lot where construction or service contractor stores and maintains 4 or more pieces of equipment and other materials in an area greater than 250 sq. feet customarily used by the construction or service contractor. This excludes vehicles which require a Class D driver’s license to operate.

“DECK” (Patio) An unenclosed exterior accessory structure that has no roof or sides

“DEVELOPMENT” means any man-made change to real estate, including, but not limited to, the construction of buildings, principal structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

“DIRECT DRAINAGE” means runoff from riparian areas within 300 feet that flow directly into a surface water resource as defined within the ordinance.

“DISTRICT” means lots or sections of Polk County, Wisconsin, for which the regulations for governing the use of land and buildings are uniform.

“DWELLING, SINGLE-FAMILY” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. This includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.

“DWELLING, TWO-FAMILY” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two-families, to the exclusion of all others.

“DWELLING, MULTIPLE-FAMILY” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families.

“ESSENTIAL SERVICES” means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including those uses listed in the Polk County Telecommunications Towers, Antennas, and Related Facilities Ordinance.

“EXCAVATING” means to remove by scooping or digging out.

“EXISTING DEVELOPMENT PATTERN” means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

“EXPANSION, HORIZONTAL” (Addition) means expansion of a principal structure outside of its existing building footprint.

“EXPANSION, VERTICAL” means expansion of a principal structure either up or down, within its existing building footprint and includes full replacement of roofs and basements/foundations.

“FAMILY” means the body of persons who live together in one dwelling unit as a single housekeeping entity.

“FARM ANIMALS” means cattle, hogs, sheep, goats, poultry, horses, ponies and mules, or similar animals raised or kept for agricultural purposes.

“FARM RESIDENCE” means any of the following structures that are located on a farm:

A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

- An owner or operator of the farm.
- A parent or child of an owner or operator of the farm.
- An individual who earns more than 50 percent of his or her gross income from the farm.
- A migrant labor camp that is certified under State Statute 103.92.

“FEEDLOT” means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots.

“FENCE, PRIVACY” means a structure for enclosure or screening that is greater than 4 feet in height and greater than 50% opaque.

“FLOOD PLAIN” means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116.

“FRONTAGE” means all the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

“FRONT YARD” means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

“GENERAL PURPOSE DISTRICT” means district that includes all shorelands subject to regulation under this ordinance and not designated wetland areas on a shoreland zoning map.

“GRADING” means the filling, placing or moving of rock and soil material.

“HANDICAP ACCESS” means any temporary deck extension, walkway, ramp, elevator, or any mechanical device used as a means of movement or access by a handicapped person, which is deemed medically necessary.

“HEIGHT” means the elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.

“HOME BUSINESS” means a gainful occupation operated out of a residence or accessory structure, when such occupation is:

- Conducted solely by a member or members of the resident family
- Entirely within the residence and incidental to the residential use of the premises
- No external alterations that would effect a substantial change in the residential character of the building
- No more than 50 percent of only one floor of the dwelling shall be devoted to such offices
- Not more than 2 persons not members of the resident family may be employed in any such office.

“HOTEL/MOTEL” means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

“HUMAN HABITATION” means the act of occupying a structure as a sleeping place whether intermittently or as a principal residence.

“IMPERVIOUS SURFACES” means surfaces that do not allow the infiltration of water to occur.

“INDUSTRIAL USE” means industrial district or restricted as defined within Polk County Comprehensive Land Use Ordinance.

“INOPERABLE” means not able to perform its normal function.

“IMPERVIOUS SURFACE” means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

“JUNKYARD”/“SALVAGE YARD”/“RECYCLING CENTER” means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or noncommercial purposes including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard/salvage yard/recycling center includes, but is not limited to, an automobile wrecking or dismantling yard or an area where more than one unlicensed or inoperable motor vehicle is kept.

“KENNEL” means the use of land, with related buildings or structures, for the breeding, rearing or boarding of household pets 5 months of age or older.

“LANDSCAPING” means the removal or alteration of topsoil.

“LAND USE RUNOFF RATING” The land use runoff rating is a tool used to determine if mitigation is required and how much mitigation is needed to reduce the effects of development, particularly impervious surfaces, on water quality.

“LARGE OUTDOOR COMMERCIAL EVENT” means an event, regardless of whether it is singular or annual or multiple times per year in which payment is accepted, whether by a fee or by donation, in exchange for a public gathering with entertainment, including, but not limited to: music events, motor vehicle rallies, etc.

“LOT” means a parcel of land occupied or designed to provide space necessary for one principal building and its accessory buildings or uses, including the open spaces required by this ordinance and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

“LOT, CORNER” means a lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or if bounded by a curved street in which case the chord within the limits of the lot lines form an angle of 120 degrees or less.

“LOT LINES” means the lines bounding a lot as herein defined.

“LOT WIDTH” means for the purpose of this ordinance the width of a lot shall be the shortest distance between the sidelines at the setback line.

“MANUFACTURED HOME” means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70), that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the manufactured home structure,

its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances. “MANUFACTURED HOME PARK” (previously Mobile Home Park) means an area or premise on which is provided the required space for the accommodation of manufactured home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts. “MITIGATION” means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities

“MOBILE HOME” means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70) or manufactured or assembled before June 15, 1976, that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.

“MOTEL” see “Hotel/Motel”

“NAVIGABLE” means all lakes, ponds, flowages, rivers and streams in Polk County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources’ publication *Surface Waters Resources of Polk County*, or are shown on the United States Geological Survey Quadrangle Maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to:

1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
2. Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body

“NONCONFORMING STRUCTURE” see “Structure, Nonconforming”

“NONCONFORMING USE” see “Use, Nonconforming”

“NONFARM RESIDENCE” means a single-family or multi-family residence other than a farm residence.

“NON-METALLIC MINING ACTIVITIES” means the excavation, mining or removal of minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of top soil, but not including sod farming. The term shall also include such mineral processing operations as aggregate or ready mix plants, hot mix asphalt plants, mining services, processing of top soil, washing, refining or processing of non-metallic mineral materials, when onsite or on a contiguous property.

“ORDINARY HIGH-WATER MARK” (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

“ORDINARY MAINTENANCE AND REPAIR” means those activities necessary to maintain the structural integrity and current function of the existing structure. Ordinary maintenance and repair may include replacement of windows, doors, siding, insulation, roofing, and roof replacement provided the pitch does not exceed the pitch necessary to match the existing roof.

“OUTLOT” means a lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

“PARENT LOT” means the lot and associated acreage of that lot that existed at the time of the adoption of this ordinance

“PARKING LOT” means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

“PATIO” See “deck”

“PERMIT” means a written form issued by the Zoning Department (See Article 18.B.).

“PERMITTED USE” see “Use, Permitted”

“PREEXISTING USE” means a building, structure, or use, which lawfully existed on the effective date of this ordinance as revised and the use of which has been continued uninterrupted and that does not conform to this ordinance.

“RECONSTRUCTION” means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.

“ROAD” means a public or private thoroughfare which affords a primary means of access to abutting property, and includes streets and highways.

“ROADSIDE STAND” means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premise (or adjoining premise). There shall not be more than one such roadside stand in any single premise.

“SETBACK” means the minimum horizontal distance between lot lines, the platted center line of the road, from Right-Of-Way line, or the ordinary high water mark measured to the closest point of the structure.

“SETBACK LINES” means lines established adjacent to the highways, lakes or streams for the purpose of defining limits within which no building, structure or any part thereof shall be erected or permanently maintained except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way, lake or stream.

“SHORELAND” means area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

“SHORELAND PROTECTION AREA” means a vegetative strip of land 35 feet measured perpendicular from the ordinary high water mark.

“SHORELAND-WETLAND DISTRICT” means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory maps.

“SIGN” means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

“SIGN, FREESTANDING” means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground

“SIGN, OFF PREMISE” means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.

“SIGN, ON PREMISE” means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business.

"Immediate vicinity" means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

“SIGN STRUCTURE” means any structure designed for the support of a sign.

“SIGN, TEMPORARY” means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.

“STORY” means the vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

“STRUCTURAL ALTERATION” means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.

“STRUCTURE” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

“STRUCTURE, ACCESSORY” means a subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including but not limited to: garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.

“STRUCTURE, NONCONFORMING” means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.

“STRUCTURE, PRINCIPAL” (principal building) means a building that is utilized for the primary use of a lot.

“TOURIST OR TRANSIENT” means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

“TOURIST ROOMING HOUSE” means single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2.

“TRANSIENT LODGING” means any bed & breakfast, hotel or motel that requires a license from the State Department of Health and Family Services.

“TRAVEL TRAILER” means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code HFS 178.

“UNDEVELOPED LOT” means a lot that does not have a well and an installed sanitary system, not including a privy.

“UNNECESSARY HARDSHIP” means for area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity

with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.

“USE, CONDITIONAL” means a use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met or designated by the Board of Adjustment and a permit is issued.

“USE, NONCONFORMING” means a building, structure or use of land lawfully existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is located.

“USE, PERMITTED” means a use permitted in a district whereby a building can be constructed, erected, altered or moved and is consistent with the general intent of the district.

“VARIANCE” means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted when the applicant demonstrates unnecessary hardship, physical property limitations, and that the request is not contrary to public interest. Additionally, a variance may only be granted if the action represents the minimum relief necessary to relieve unnecessary burdens and that the spirit of the ordinance is not violated.

“VIEWING CORRIDOR” means an area in which all trees and shrubs may be removed to create a visual view.

“VISION CLEARANCE TRIANGLE” means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection.

“WETLANDS” means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

“YARD” means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

## **Article 5. General Provisions**

- A. Areas to be Regulated - The shorelands area shall be considered as those lands within one thousand (1,000) feet of the OHWM of any navigable lake, pond, or flowage, and those lands within three hundred (300) feet of the OHWM of any navigable river or stream, or to the landward side of the flood plain, whichever is greater.

All land within the shoreland area shall be placed within one of the zoning districts listed in Article 6.A. Uses within the shorelands shall conform to requirements of those respective districts and in addition, each use and property shall be subject to the requirements of this Ordinance.

- B. Greater Restrictions - The provisions of the shorelands and wetlands regulations supersede all the provisions of any county zoning ordinance adopted under Chapter 59, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than Chapter 59, Wisconsin Statutes, applies and is more restrictive than this Ordinance, the more restrictive provision of said ordinance shall continue in full force and effect only to the extent of the greater restrictions that are applicable, but not otherwise. In addition:

1. Shorelands and wetlands regulations shall not require approval or be subject to disapproval by any town or town board.
  2. If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
  3. The shorelands regulations are not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- C. Height Restrictions –The height regulations of the underlying zoning districts shall apply as well as a maximum of 35 feet in height for any structure within the shoreland setback area, whichever is more restrictive. All height restrictions apply as measured from the lowest exposed grade to the highest point of the structure.
- D. The use of phosphate fertilizers within shoreland areas is prohibited.
- E. Septic systems shall comply with the applicable federal, state, and local laws, including other county ordinances.
- F. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

#### **Article 6. Shoreland Zoning District Boundaries**

- A. The shorelands of Polk County are hereby divided into the following Districts:
1. Shoreland-Wetland District
  2. General Purpose District
- B. The following maps have been adopted and made part of this ordinance and are on file in the office of the Polk County Zoning Administrator:
1. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
  2. Lake Classification List
  3. County Identified Shoreland and Wetland Maps

#### **Article 7. Shoreland-Wetland District**

- A. Designation – The Shoreland-Wetland district includes all shorelands subject to regulation under Article 5.A, which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory on the Department of Natural Resources Surface Water Data Viewer that have been adopted and made a part of this ordinance under Article 6.B.
- B. Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between the Shoreland-Wetland District shown on the Wisconsin Wetland Inventory and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the

appropriate field office of the Department of Natural Resources to determine if the shoreland-wetland district, as mapped, is in error. If the Department of Natural Resources staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetlands, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district.

In order to correct wetland-mapping errors shown on the official map, the Zoning Administrator shall complete a map amendment in a timely manner.

- C. Purpose and Importance - The purpose of the Shoreland-Wetland District is: to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible.
- D. Allowed Uses – Allowed uses within the Shoreland-Wetland Zoning District are specifically enumerated in this paragraph. The following uses enumerated shall be allowed, subject to the regulations of this ordinance and the applicable provisions of Federal, State and local laws. The following uses are allowed within the Shoreland-Wetland District:
1. Allowed- The following uses are allowed and do not need a permit, so long as the use involves no filling, flooding, draining, dredging, ditching, tiling, excavating or grading:
    - (a) Hiking, fishing, trapping, hunting, swimming, boating and fish farming.
    - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
    - (c) The pasturing of livestock and the construction and maintenance of fences.
    - (d) The practice of silviculture, including the planting, thinning and harvesting of timber.
    - (e) The cultivation of agricultural crops.
    - (f) The construction and maintenance of duck blinds
  2. The following uses do not require the issuance of a land use permit and may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:
    - (a) Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
    - (b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
    - (c) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
    - (d) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges
  3. The issuance of a land use permit is required before the following uses may be commenced:
    - (a) The construction and maintenance of roads which are necessary to conduct

silvicultural activities or are necessary for agricultural cultivation provided that:

- (1) The road cannot, as a practical matter, be located outside the wetland; and,
  - (2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
    - (A) The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities; and,
    - (B) Road construction activities are carried out in the immediate area of the roadbed only; and,
    - (C) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot, as a practical matter, be located outside the wetland, provided that:
- (1) Any such building does not exceed 500 square feet in floor area; and,
  - (2) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.
- (c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
- (1) Any private recreation or wildlife habitat area is used exclusively for that purpose.
  - (2) No filling or excavation is done except for limited filling and excavation necessary for the construction of boat access sites which cannot, as a practical matter, be located outside the wetland.
  - (3) Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, provided that:
- (1) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland; and
  - (2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
- (e) The construction and maintenance of railroad lines provided that:
- (1) The railroad lines cannot, as a practical matter, be located outside the wetland;

and

- (2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
  - (f) The construction and maintenance of piers and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling, or excavating is done.
- E. Prohibited Uses - Any use not specifically enumerated in Article 7.D, is prohibited, unless the wetland or portion of the wetland is rezoned by an amendment of this ordinance in accordance with the requirements of Section 59.69 (5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code and Article 7.F. of this Ordinance.
- F. Rezoning of Maps and amendments of text in the Shoreland-Wetland District - The following procedures shall be required for rezoning of lands within the Shoreland-Wetland District:
1. For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department of Natural Resources shall be provided with the following:
    - (a) A copy of every petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland area.
    - (b) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
    - (c) A copy of the County Zoning Department's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
    - (d) Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
  2. A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
    - (a) Storm and flood water storage capacity;
    - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
    - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable water;
    - (d) Shoreline protection against soil erosion;
    - (e) Fish spawning, brooding, nursery or feeding grounds;
    - (f) Wildlife habitat; or,
    - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

3. If the Department of Natural Resources has notified the County Zoning Department that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Article 7.F.2, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take affect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Section 59.692(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Section 59.692(6) is completed or otherwise terminated."

## **Article 8. General Purpose District**

- A. Designation - This district includes all shorelands subject to regulations under Article 5, which are not designated as wetland areas on the shoreland zoning maps in Article 6.
- B. Purpose - The General Purpose District shall be used to allow a wide range of uses, subject to the general provisions of this ordinance which are designed to further the maintenance of safe and healthful conditions, protect spawning grounds, fish and aquatic life; and preserve shore cover and natural beauty.
- C. Allowed Uses – All allowed and sanctioned uses that increase the impervious surfaces that are within 300 feet of the OHWM and have direct drainage to a water resource are required to comply with Article 14.

The following uses are allowed within the General Purpose District:

1. Any use allowed under Article 7.
2. Single-family dwelling for owner occupancy, rent or lease.
3. Accessory buildings, incidental to the primary use of the property provided that:
  - (a) No more than two (2) accessory buildings, including a boathouse, shall be allowed on a lot within 300 feet of the OHWM.
4. Boathouses- The roof of a boathouse may be used as a deck if the boathouse has a flat roof with no side walls or screens. Boathouses shall meet the following requirements:
  - (a) The maximum dimension is: 14' in width by 26' in depth. The width dimension runs parallel to the water.
  - (b) Open handrails under 3 ½ feet tall that meet the Department of Safety and Professional Services standards may be constructed on the roof of the boathouse.
  - (c) The roof must pitch away from the lake.
  - (d) Designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat.
  - (e) Shall not extend below the OHWM.
  - (f) Structure cannot contain any plumbing
  - (g) Must be at least 10 feet landward of the OHWM.
  - (h) Must be located within the allowed access and viewing corridor.
  - (i) Boathouses shall be a single story with a 14' maximum sidewall height.
5. A single (one per lot) bunkhouse will be permitted with the following conditions:

- (a) The bunkhouse shall not exceed 50% of the square footage of the accessory structure with a maximum of 400 square-foot floor area. The 50% square footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 sq. ft. of floor area in total.
- (b) All of the setback requirements for an accessory structure are met.
- (c) Leasing, rental or use as a residence is strictly prohibited.
- (d) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized systems
- (e) Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e. a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.
- (f) A separate sanitary system for a bunkhouse is prohibited
- (g) The bunkhouse shall be built to Uniform Dwelling Code compliance. A copy of the completed and passed final inspection of the bunkhouse by the Town's Building Inspector is due to the zoning office within 2 years of obtaining the land use permit, as proof that this condition has been satisfied.
- (h) Plumbing, if installed, conforms to the Polk County Sanitary Code.
- (i) Height of the structure is limited to 25 feet
- (j) Maximum of 1 bathroom allowed per bunkhouse
- (k) Cannot be split from original property
- (l) Cooking facilities are prohibited
- (m) Cannot be built on an Outlot
- (n) Cannot be the first building on a lot
- (o) An affidavit is recorded in the Register of Deeds outlining use restrictions.
- (p) Boathouses cannot become bunkhouses
- (q) Only allowed in zoning districts where single-family residential uses are allowed
- (r) Must meet minimum lot size requirements at time of lot creation
- (s) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in Article 15 of this ordinance. For the purposes of this ordinance, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface.
- (t) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of this ordinance is prohibited by ordinances referenced in Article 3 and such use is not a nonconforming use as defined in Wisconsin Statute. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.

6. General agricultural buildings, provided that:

- (a) Non-farm residences shall not be located within 300 feet of any feedlot or structure housing farm animals.
- (b) Farm buildings housing animals, barnyards, feedlots and animal waste disposal facilities shall be located at least 100 feet from any navigable water and shall be so located and constructed that there will be no drainage either directly or indirectly from such facilities into any navigable water.

7. Home occupations, including professional offices, incidental to the residential use of the

property, provided that no more than 50 percent of the one floor shall be devoted to such offices contained within the dwelling or accessory building.

- (a) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident family is employed.
  - (b) Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises: provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building and that not more than two persons not members of the resident family may be employed in non-professional capacities in any such office.
8. Snowmobile-bridges have received written approval from the Department of Natural Resources.
  9. Travel Trailers-
    - (a) A travel trailer will not be allowed on any lot without a principal structure for more than fourteen days in any sixty consecutive days unless c or d applies below.
    - (b) One travel trailer may be placed on a piece of property by the owner of the property for storage purposes only, if a principal structure exists.
    - (c) A temporary permit may be issued if the property owner has installed a state approved septic system and well and the Zoning Administrator has issued a permit to begin constructing a dwelling within one year. Travel trailers must meet the setback requirements of Article 11.
    - (d) An annual, seasonal permit may be obtained from the zoning office which would allow for the utilization of the travel trailer on the subject property from May 15<sup>th</sup> through September 15<sup>th</sup> annually. In order to obtain the above seasonal permit, the following requirements apply:
      - (1) Must have an approved sanitary system installed by a Wisconsin licensed plumber (privies are not an allowed system)
      - (2) Must meet all setbacks on property for an accessory structure
      - (3) Must be removed once season is over
  10. Structures including, school bus stop shelters, deer stands, dog houses, tree houses and ice-fishing shacks shall not be deemed an accessory structure or use, do not require permits unless size limitations are exceeded, shall conform to the setbacks, and cannot be used for storage. Size limitations reference is in Article 11.G.
  11. Any other structures that are customarily associated with a dwelling.
  12. All agricultural activities that follow Best Management Practices as adopted by the Environmental Services Committee acting under Wisconsin Statute 92.06, Federal, State, and Local rules and ordinances.
  13. Signs allowed in a residential zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

- D. Changes in use that require a land use permit- These uses require a permit from the zoning office prior to these uses being an allowed use.
1. Tourist Rooming House provided they meet the following conditions:
    - (a) No RVs, campers, tents or other means of overnight stay allowed.
    - (b) All sleeping accommodations must be within the dwelling unit.
    - (c) All parking must be contained on the property.
    - (d) Applicant must obtain all proper licensing.
    - (e) Applicant must have 24-hour contact number available to the public.
    - (f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
  2. Bed and Breakfast
    - (a) No RVs, campers, tents or other means of overnight stay allowed.
    - (b) All sleeping accommodations must be within the dwelling unit.
    - (c) All parking must be contained on the property.
    - (d) Applicant must obtain all proper licensing.
    - (e) Applicant must have 24-hour contact number available to the public.
    - (f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
  3. A Bunkhouse with the conditions in Article 8.C. 5 at a minimum
- E. Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.
1. Hotels, transient lodging, including 2 or more single family dwellings for rent or lease, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries
  2. Institutions of a philanthropic or educational nature.
  3. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter HFS 175, Wisconsin Administrative Code and campgrounds shall conform to Chapter HFS 178 Wisconsin Administrative Code.
  4. Businesses customarily found in recreational areas.
  5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building, indoor archery range, storage units, and licensed daycare centers.
  6. Mobile home parks, provided that:
    - (a) The minimum size of mobile home parks shall be 5 acres.
    - (b) The maximum number of mobile homes shall be 8 per acre.
    - (c) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
    - (d) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.

- (e) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
- (f) The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
- (g) No mobile home site shall be rented for a period of less than 30 days.
- (h) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
- (i) There shall be 2 surfaced automobile parking spaces for each mobile home.
- (j) Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing plant material capable of reaching 15 feet or more, and so arranged that, within 10 years, there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.
- (k) The mobile home park site shall meet all applicable town and county subdivision regulations.
- (l) Any mobile home site shall not have individual onsite soil absorption sewage disposal system unless it meets the minimum lot size specification as stated in Article 11.

7. Travel trailer parks provided that:

- (a) The minimum size of the travel trailer park shall be 5 acres.
- (b) The maximum number of travel trailers shall be 15 per acre.
- (c) Minimum dimensions of a travel trailer site shall be 25 feet by 40 feet.
- (d) Each travel trailer site is separated from other travel trailer sites by a yard not less than 15 feet wide.
- (e) There shall be 1½ automobile parking space for each trailer site.
- (f) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other exterior lot lines.
- (g) The park shall conform to the requirements of Chapter HFS 178, Wisconsin Administrative Code.
- (h) The screening provisions for mobile home parks shall be met.
- (i) The travel trailer park site shall meet all applicable town and county subdivision regulations.

8. Nonmetallic mining - The extracting of the material consisting of, but not limited to, stone, clay, peat, and topsoil.

9. Industrial Use:

- (a) Light and general manufacturing including, but not limited to:
  - Metal, glass, plastic and wood assembly, fabrication and manufacturing
  - Electronics assembly, fabrication and manufacturing
  - Clothing
  - Bottling facilities
- (b) General warehousing and storage directly connected with the uses listed above provided they are not a nuisance
- (c) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above Industrial uses.

F. Prohibited Uses - Any use not specifically enumerated in Article C and D above is

prohibited.

**Article 9. Classification of Waters**

- A. Navigable waters in Polk County are classified according to criteria established in the Polk County Lakes Classification System, which was adopted by the Polk County Board of Supervisors on April 20, 1999 and is hereby incorporated herein and made part of this ordinance in Appendix A.
- B. Polk County waters are classified into three (3) classes.
- C. Class 1 waters are those that are least vulnerable; Class 2 waters are those that are moderately vulnerable and includes all rivers and streams; and Class 3 waters are those that are most vulnerable and includes all lakes that are twenty (20) acres or less in size, and all unnamed lakes not appearing on the DNR publication entitled: *Surface Water Resources of Polk County*. The Zoning Administrator shall make available a copy upon demand.
- D. Any named lake inadvertently omitted from the DNR's *Surface Water Resources of Polk County* will be classified according to available information or Class 3 until information is available.

**Article 10. Reclassification of Waters**

Waters may be reclassified by amendment of the Polk County Waters Lakes Classification System under Article 10 of this ordinance. A petitioner for reclassification shall provide evidence related to each of the criteria described below and identify the waterway or specific portion of a waterway, which is the subject of the request. To avoid fragmentation of watersheds by numerous management strategies and to preserve administrative efficiency, a contiguous portion of a waterway, which is less than 0.5 mile in length, may not be reclassified. The following criteria shall be the sole basis for the County Board decision on the petition: The criteria specified in the Polk County Waters Classification System.

**Article 11. Lot Requirements, Setbacks, & Minimum Shoreland Lot Dimensional Requirements**

**A. Preexisting Lots of Record**

Any owner must obtain a permit prior to improving an existing lot. The Zoning Administrator shall not issue a permit unless the subject property meets Shoreland and side yard setbacks in Article 11.C and the lot area and dimensions as follows:

**1. Dimensions of Building Sites for Lots Recorded Prior June 1, 1967:**

- (a) Lots not served by a public sanitary sewer:
  - (1) Minimum lot area .....10,000 sq. feet
  - (2) Minimum lot width.....65 feet
  - (3) Minimum Average Lot Width ..... 65 feet
- (b) Lots served by public sanitary sewer:
  - (1) Minimum lot area.....7,500 sq. feet
  - (2) Minimum lot width .....50 feet
  - (3) Minimum average lot width...50 feet

2. Dimensions of Building Sites after June 1, 1967 but Before Passage of This Amendment:

- (a) Lots not served by a public sanitary sewer:
  - (1) Minimum lot area.....20,000 sq. feet
  - (2) Minimum lot width .....90 feet
  - (3) Minimum average lot width...100 feet
- (b) Lots served by public sanitary sewer:
  - (1) Minimum lot area.....10,000 sq. feet
  - (2) Minimum lot width .....60 feet
  - (3) Minimum average lot width...65 feet

3. Dimensions of Building Sites after July 1, 1996 but Before the Passage of This Amendment:

- (a) Lots not served by a public sanitary sewer:
  - (1) Minimum lot area.....43,560 sq. feet
  - (2) Minimum lot width .....100 feet
- (b) Lots served by public sanitary sewer:
  - (1) Minimum lot area.....20,000 sq. feet
  - (2) Minimum lot width .....90 feet

B. Other Substandard Lots

Except for lots which meet the requirements of Article 11.B.1 below, a building permit for the improvement of a lot having lesser dimensions than those stated in Article 11.C. Table 1 shall be issued only if a variance is granted by the board of adjustment.

- 1. ‘Substandard lots’ A legally created lot or parcel that met the minimum area and minimum average width requirements when created but does not meet current lot size requirements, may be used as a building site if all the following apply:
  - (a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
  - (b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
  - (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.
- 2. ‘Planned Unit Development’ A non-riparian lot may be created which does not meet the requirements of Article 11.C. Table 1 if the county has approved a recorded plat or certified survey map including that lot within a planned unit development, if the planned unit development contains as least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty.

C. All New Developed Lots and Construction Allowed After July 14, 2015 That Have Riparian Access Must Conform To Table 1.

Table 1. Site Dimensions				
	Class 1	Class 2	Class 3	Rivers/Streams
Lot Size**	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*
Lot Width (Minimum Average)	100 ft. 65ft.*	100 ft. 65ft.*	100 ft. 65ft.*	100 ft. 65ft.*
Shoreline (OHWM) Setback	75 ft.	75ft.	75 ft.	75 ft.
Shoreline Vegetation Protection Area Landward from OHWM	35 ft	35 ft	35 ft	35 ft
Side Yard Setback to a Principal Structure	10 ft	15 ft	25 ft	15 ft
Side Yard Setback to an Accessory Structure	5 ft	10 ft	25 ft	10 ft
Rear Setback for a Dwelling	25 ft	25 ft	25 ft	25 ft
Rear Setback for Accessory Structure	10 ft	10 ft	10 ft	10 ft
Setback Averaging	<ol style="list-style-type: none"> <li>1. Distance from proposed building site: 250' or less from main building to main building</li> <li>2. Number of buildings needed: 2, one on each side</li> <li>3. Setback is the average of the principal structures on adjoining lots</li> <li>4. Minimum setback: 35'</li> </ol>			
Increased Principal Structure Setback	<p>Where there are existing principal structures in <u>both</u> directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:</p> <ol style="list-style-type: none"> <li>1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.</li> <li>2. Both of the existing principal structures are located within 200' of the proposed principal structure.</li> <li>3. Both of the existing principal structures are located greater than 75' from the ordinary high water mark.</li> <li>4. Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high water mark.</li> <li>5. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.</li> </ol>			
If setback averaging does not apply, then setback reduction formula does apply	<p>If a 30 foot deep building site cannot be achieved as a result of required roadway, rear yard, and shoreline setbacks, then:</p> <p>Step 1: Reduce roadway setback by up to 50% with township approval.</p> <p>Step 2: Reduce shoreline setback by up to 33%.</p> <p>Step 3: Mitigation.</p>			

\*Minimum lot size and average width for lots served by a public sewer system.

\*\*New lots are also subject to the requirements of the Polk County Subdivision Ordinance

1. The county shall review, pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:
  - (a) Hazards to the health, safety or welfare of future residents.
  - (b) Proper relationship to adjoining areas.
  - (c) Public access to navigable waters, as required by law.
  - (d) Adequate storm water drainage facilities.
  - (e) Conformity to state law and administrative code provisions.

D. Private Access Outlots

1. After the effective date of this ordinance, no new access lots shall be allowed to be created.
2. Any existing lot created to provide lake access prior to the effective date of this ordinance shall meet the following requirements:
  - (a) Such access strip must be a minimum of 50 feet in width for its entire depth.
  - (b) No private access strip may serve more than five single-family dwellings or five backlots.
  - (c) No camping or RV parking is allowed on such access strip.
  - (d) No structures are allowed on such access strip.
  - (e) Private access strips must be at least 1,000 feet apart.

E. For all properties located within the Shoreland Zoning District, the following setback requirements shall apply:

1. The setback from any state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right of way, whichever is greater.
2. The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the right of way, whichever is greater.
3. The setback from any town road, public street, or highway shall be 63 feet from the centerline of the road or 30 feet from the right of way, whichever is greater or as required by the Polk County Subdivision Ordinance.
4. The setback from any private road shall be 35 feet from the centerline of the road.
5. All buildings and structures shall be set back from the OHWM of navigable waters as required by the table of dimensional standards in Article 11.C. Table 1. Such setback shall be measured as the shortest horizontal distance from the structure to the OHWM.
6. The following structures are exempt from shoreline, drainage way, and wetland setback requirements:
  - (a) Shoreline protection structures permitted by the Department of Natural Resources;
  - (b) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
  - (c) Pedestrian walkways, stairways, and railings essential to access the shore due to steep slopes or wet soils and which comply with Article 12. Such stairways or walkways may be no more than five (5) feet in width and landings may not exceed 50 square

- feet;
- (d) Erosion control projects designed to remedy significant, existing erosion that cannot otherwise be controlled provided the project is received prior to project start and approved by the Land and Water Resource Department.
  - (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
  - (f) Open structures listed in 59.69(1v) or Article 13.
- 8. Boathouses shall be set back at least ten (10) feet from the ordinary high water mark of non-navigable streams and drainage ways.
  - 9. All buildings and structures except for those permitted to be within wetland areas shall be setback at least 25 feet from the boundary of mapped wetlands.
- F. For nonconforming principal structures located within the applicable setback areas, the following will apply:
- 1. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.
  - 2. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure or is limited by another provision of this ordinance.
  - 3. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or is limited by another provision of this ordinance.
  - 4. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Any expansion of the structure beyond the existing footprint must comply with the provisions of this ordinance.
  - 5. Nonconforming principal structures: The following shall apply to preexisting principal structures:
    - (a) Lateral expansion within the setback area provided the following requirements are met:
      - (1) The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
      - (2) The existing principal structure is at least 35 feet from the OHWM

- (3)Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion can be closer to the OHWM than the closest point of the existing principal structure.
- (4)Limitations on land disturbing activities in Article 16 are observed.
- (5)The mitigation requirements of Article 15 are received, approved, and implemented.
- (6)All other provisions of the shoreland ordinance shall be met.

(b) Expansion beyond the setback area provided the following requirements are met:

- (1)May be expanded horizontally, landward, or vertically provided the expanded area meets the building setback requirements under Article 11.C. Table 1 and all other provisions of this ordinance.

(c) Relocation of a principal structure provided the following requirements are met:

- (1)The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2)The existing principal structure is at least 35 feet from the OHWM
- (3)No portion of the relocated structure will be closer to the OHWM than the closest point of the existing principal structure.
- (4)The county determines that no other location is available on the property to build a principal structure of the same square footage as the structure proposed for relocation that will result in compliance with the shoreland setback under Article 11.C. Table 1. Determination of acceptable location may include the following: soils, steep slopes, setback compliance. Setback compliance shall be in this order: shoreland, roadway, side yard, rear yard, vegetation considerations are not allowed.
- (5)Limitations on land disturbing activities in Article 16 are observed.
- (6)The mitigation requirements of Article 15 are received, approved, and implemented.
- (7) All other provisions of the shoreland ordinance shall be met.

G. Size Limitations –School bus shelters and tree houses that have a footprint greater than 64 sq. ft. or a height greater than 11 feet and doghouses that have a footprint greater than 16 sq. ft or a height greater than 6 feet shall require a permit.

H. Boathouses - Maintenance and repair of preexisting boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Chapter 30.121(3) Stats.

I. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

J. Conditional Use Permit- A conditional use permit to develop a reduced lot size and width may be granted when subdividing an existing riparian lot that was created prior to the effective date of this ordinance provided:

- 1. The existing lot has enough frontage to provide that one new lot meet the minimum lot dimension as to frontage and acreage for its Lake Classification, and any new lot created

must be at least 75% of the minimum dimensions as to width and acreage for its Lake Classification;

2. The landowner applies for a conditional use permit. The Board of Adjustment shall hold a public hearing on a request for a conditional use permit. A Class 2 notice shall be published for the hearing. Additionally, notice shall be mailed to the town(s) and Lake District (if applicable) in which the proposed subdivision is located, any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners. The Land Records Director shall be responsible for providing all notices. The applicant shall pay a hearing fee before the hearing is scheduled;
3. The Board of Adjustment shall make a decision of the application for conditional use permit within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the members of the Board of Adjustment. The original decision shall be filed in the Land Records Director's office. A copy of the decision shall be mailed to the landowner, the town(s), lake districts, and municipalities;
4. Any persons that are affected by the decision on the application of conditional use permit may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Section 59.694(10), Wisconsin Statutes, apply to this action.

#### **Article 12. Shoreland Protection Area**

- A. The shoreland protection area of all lots shall conform to Admin Code NR115.05 (1)(c) regarding vegetation removal to protect natural scenic beauty, fish and wildlife habitat, and water quality. Developed lots can be maintained in their present condition without removal of trees and shrubs within the shoreland protection area. Accordingly:
  1. In the vegetated strip of land 35 feet wide measured perpendicular from the ordinary high water mark, no more than 35ft in every 100ft measured parallel to the shore, on any lot shall allow removal of all trees and shrubs for a viewing corridor. A viewing corridor requires a land use permit from the Polk County Zoning Office.
  2. In the shoreland areas more than 35 feet wide inland, trees and shrubbery cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.
  3. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
  4. Viewing corridor may be split on a property but the total width of all of the corridors cannot total more than the maximum width allowed
  5. Viewing Corridors are measured perpendicular to the water on an angle and pedestrian access may meander within corridor, however they must not exceed the maximum width.
  6. Viewing corridors are allowed to run contiguously for the entire maximum width allowed.
- B. Allowed uses by permit or Conditional Use Permit in a shoreland protection area.
  1. Placement of a pier, wharf, temporary boat shelter or boatlift shall be confined to waters

- immediately adjacent the viewing corridor described in Article 12.A.1. unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
2. One developed pedestrian access to the shoreline may be provided if:
    - (a) It is located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions;
    - (b) It is located and constructed so as to avoid erosion;
    - (c) It is located and constructed so as to maintain screening of development from view from the water;
    - (d) It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
    - (e) It is no more than five (5) feet wide with landings of 50 square feet or less; and,
    - (f) It is constructed of materials that blend with the natural ground cover in the vicinity of the pathway.
  3. An elevated walkway or powered lift may be added to a developed access if:
    - (a) It is the minimum construction essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
    - (b) It complies with the standards for location and construction of such pathways;
    - (c) Construction plans are approved by the Zoning Office; and
    - (d) Stairways on 20% or greater slopes are constructed to minimize erosion.
  4. Shoreline protection activities authorized by a state permit with erosion control measures approved by the County Land and Water Resources Department must be designed to remedy significant, existing erosion problems.
  5. Removal of dead and diseased trees that are a safety hazard, which endanger structures, and the removal of noxious vegetation which possess a threat to health or safety (i.e., poison ivy), provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
  6. Roadways are constructed adjacent to permitted stream crossings.
  7. Public and private water craft constructed launching sites are authorized only by the following standards and are authorized as a conditional use permit provided the following are maintained:
    - (a) Construction allowed on slopes of less than 20%.
    - (b) There is no general public access otherwise available to the waterway.
    - (c) Launching sites on residential property shall not be paved.
    - (d) Access sites shall be located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
    - (e) A State Chapter 30 permit shall be obtained for all construction and also be required when areas of 10,000 square feet are disturbed above the OHWM and must be obtained prior to said county application, and;
    - (f) Vegetation removal and land disturbing activities minimized and runoff diverted or controlled so that erosion within the access corridor is avoided.
  8. Fish and wildlife habitat management projects included in a Department of Natural

Resources approved management plan.

9. Commercial timber harvest is allowed and exempt from permit requirements of Article 12.A-B, if one or both of the following conditions is satisfied:
  - (a) Such activity complies with appropriate practices specified in Wisconsin’s *Forestry Best Management Practices for Water Quality* published by the Department of Natural Resources or a plan approved by the County Forest Committee.
  - (b) Such activities are conducted on public lands and conform to Federal, State, and County management plans. Respective master plans are deemed to meet the intent of this Ordinance by established riparian protection standards through aesthetic management zones and appropriate management practices to maintain water quality and wildlife habitat.
10. Agricultural cultivation is allowed exemption from the provisions of this Section related to the vegetation protection area and land disturbing activities if such activity complies with Federal, State, and local laws or ordinances.

**C. Vegetation Removal Penalties**

1. In addition to any other penalties, the penalty for removing vegetation in violation of this Ordinance shall include replacement of vegetation with native vegetation at the property owner’s expense according to the following schedule:

<b>Tree Replacement Schedule</b>	
<b>DBH of Existing Tree Removed</b>	<b>Number of Replacement Trees (2" DBH)</b>
< 6 inches	1
Between 6 - 12 inches	2
Between 12 - 18 inches	3
Between 18 - 24 inches	4
Between 24 - 30 inches	5
Between 30 - 36 inches	6
> 36 inches	The equivalent of 2" DBH trees or greater needed per 6" DBH of the removed trees.

*DBH = Diameter Breast height*

**Article 13. Open Structures in Shoreland Setback Area**

- A. As required by Section 59.692(1v), Wis. Stats., the construction or placement of certain structures within the shoreland setback area shall be granted special zoning permission. An Administrative Land Use Permit will be issued for the structure for record keeping purposes. Structures will be allowed if all of the following conditions are met:
  1. The structure has no sides or has open or screened sides. The structure shall not be attached to any other structure unless the side of such structure at the point of attachment is open or screened;
  2. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark;

3. The total floor area of all structures in the shoreland setback area on the property will not exceed 200 square feet. This calculation shall include the area of any deck, patio, the portion of any pier landward of the OHWM, and any other structure, but boathouses and allowed structures necessary for water access shall be excluded;
4. The side yard setback shall be a minimum of 10 feet;
5. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

**Article 14. Impervious Surface**

- A. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel entirely within 300 feet of the ordinary high–water mark of any navigable waterway.
1. Calculation of impervious surface- Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the lot by the total surface area of that portion of the lot that is within three hundred (300) feet of the ordinary high-water mark, and multiplied by one hundred (100). If an Outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the Outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface. Treated impervious surfaces described below shall be excluded from the calculation of impervious surface on the lot or parcel.
  2. Treated impervious surfaces- Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations:
    - (a) The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
    - (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
    - (c) The treatment system, treatment device or internally drained area must be properly maintained; otherwise the impervious surface is no longer exempt from the impervious surface calculations.
  3. Impervious surface standards- ANY development within 300ft of the ordinary high water mark of a navigable waterbody is permitted up to 15% impervious surface on the lot. Impervious surfaces from 15-30% on the lot are permitted, provided that mitigation is completed and a mitigation agreement is recorded in the Register of Deeds. The maximum amount of impervious surface allowed on a lot is 30%. Mitigation options are listed in Article 15.
  4. Existing impervious surfaces exceeding 30%- For existing impervious surfaces that were lawfully placed when constructed but exceeds 30% impervious surface the property owner may do any of the following:
    - (a) Maintenance and repair of all impervious surfaces;

- (b) Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;
- (c) Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements.

**Article 15. Mitigation**

A. The following sections of the ordinance are subject to the mitigation requirements listed here, and the options listed in this article shall be used to satisfy the mitigation requirements of the shoreland overlay section of the ordinance, including: Article 11.F.4(a) lateral expansion of a nonconforming structure, Article 11.F.4(c) relocation of a nonconforming structure, and when the impervious surface standards in Article 14.A.3 are exceeded. These properties shall mitigate to ensure that no additional runoff is discharged to the water body. A single option or a combination of options shall be selected by the land owner to satisfy the mitigation requirements with review by the Zoning Department to ensure the appropriate amount of mitigation is installed.

1. Mitigation options:

- (a) Install and/or maintain a full shoreland buffer with allowed viewing corridor
- (b) Removal or replacement of nonconforming structures and/or other impervious surfaces of equal or greater square footage
  - (1) Non-conforming structures get an additional bonus of 1.25 square feet per 1 square foot removed.
    - I. Example: A property owner needs to remove 500 sq. ft. of impervious surface in order to add a 500 sq. ft. addition to their house. If the impervious surface that the property owner wanted to remove was a non-conforming structure, then they would only need 400 sq. ft. to qualify.

(c) Pre equals Post Calculation:

The property owner can utilize the Land Use Runoff Rating as a mitigation calculator to determine the pre development (prior to proposed improvements) and the post development (after proposed improvements) runoff ratings based on the land cover, existing impervious surfaces, and soil types. The post-development runoff amount must be less than or equal to the pre-development runoff of the lot. The difference in the two values is the amount of runoff that needs to be mitigated. Options to equalize these values may include, but are not limited to: Vegetative Plantings, Rain gardens, Impoundments, including but not limited to, infiltration pits and rainwater harvesting.

- (1) Land Use Runoff Rating – A rating number is determined for the entire lot within 300 feet of the ordinary high water mark for Lake Classes 1, 2, 3 and rivers. To calculate the runoff rating the landowner/agent must complete the following steps:

- I. Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.
  - II. Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.
  - III. Multiply each land use percentages by the HST number, and add the products of all the land uses resulting in the land use rating applied to the lot.
  - IV. Point Credits:
    - a. One point credit will be applied for the lots with public sewage and a 1.5 point credit for landowners who establish continuous vegetative cover starting from the OHWM and continuing landward.
    - b. Other practices or measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near shore aquatic habitat, upland wildlife habitat and natural and scenic beauty. (i.e. practices found in Wisconsin Field Office Technical Guide or NRCS Technical Standards)
2. Additional mitigation requirements
- a. Mitigation plans, including existing mitigation options, must be recorded by an affidavit in the Register of Deeds.
  - b. Mitigation plans will have two calendar years to be installed. If mitigation options are not installed and established within two years of issuance of a permit, then citations shall be issued and a new permit could be required.
  - c. For each mitigation plan, dated photo documentation of the mitigation area during and/or after the mitigation installation, as appropriate to show compliance, must be submitted as part of the application. Mitigation must be maintained and is subject to periodic compliance checks.

**Article 16. Filling, Grading, and Ditching**

- A. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit may be allowed in the Shoreland-Wetland Zoning District Area provided that:
1. Such activities are implemented in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
  2. All applicable federal, state, and local permits are obtained.
  3. An erosion control plan shall be required and reviewed by the Land Information Department.
- B. Except as provided in Article 16.A, a filling and grading plan and permit is required before filling or grading of any area which is within 300 feet of the ordinary high water mark of a navigable water and which has surface drainage toward the water and on which such activities will occur:
1. On areas having slopes of 20% or more.
  2. Areas of 1,000 square feet or more on slopes of 12% to 20%.

3. Areas of 2,000 square feet or more on slopes of 12% or less.
  4. A landscaping permit may be required for any disturbance under the thresholds listed in 1-3 above.
- C. Excavating for dwellings and sanitary systems in addition to soil conservation practices including, but not limited to, terraces, runoff diversions, and grassed waterways which are used for sediment retardation shall not require a permit provided:
1. Soil conservation practices that are planned and supervised by the Land and Water Resources Department are implemented. Soil conservation practices examples include, but are not limited to, terraces, runoff diversions, and grassed waterways, which are designed to retard sediment or control animal waste runoff.
  2. Excavation for dwellings and sanitary systems are exempted from a permit under Article 16.B. if the excavation plan has been approved by the Zoning Office prior to construction. A landscaping permit shall be required unless a land use permit for the structure or state sanitary permit has been issued.
- D. Filling and grading plans shall be submitted to, reviewed and approved by the Land Information Department for activities in Article 16.B. In order to determine if a filling and grading permit may be granted, a site plan is required and must contain the following information:
1. Location of buildings on the property
  2. Property lines
  3. Location of surface waters
  4. Slope
  5. North Arrow
  6. Legend
  7. Location of the filling and grading activities on the property
  8. Property owner name and address
  9. Erosion control practices implemented and locations on the property
  10. Revegetation/stabilization plan
  11. Site plan shall be at a scale of 1 inch represents 10 feet

#### **Article 17. Off-Street Parking and Loading**

- A. Loading Space - All commercial uses shall provide sufficient maneuvering, loading, and parking space on the premises for pick-up, delivery and service vehicles necessary for normal operations.
- B. Off-Street Parking - Each parking space shall be 200 square feet in area. Each use shall provide the following minimum off-street parking spaces:
1. Dwellings - one space for each dwelling unit.
  2. Restaurants, taverns and similar establishments - one space for each 50 square feet of floor space devoted to patrons. Drive-in eating stands offering car service - five spaces for each person employed to serve customers.
  3. Motels and tourist cabins - one space per unit.
  4. Retail businesses and service establishments--one space for each 200 square feet of floor area.
  5. Warehouses - one space for each two employees on the premises at a maximum

employment on the main shift.

**Article 18. Administrative Provisions**

A. Zoning Administrator - The Zoning Department staff shall have the following duties and powers and the Land & Water Resources Department staff shall assist in the same:

1. Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
2. Issue permits and inspect properties for compliance with this ordinance.
3. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Must have permission to access any premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties set forth in this ordinance.
5. Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
6. Investigate and report all violations of this ordinance to the Environmental Services Committee.

B. Zoning Permits - The following applies to the issuance and revocation of permits:

1. When Required - Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any said activity or development, structural alteration, or repair, as defined in Article 8, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.
2. Application - An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:
  - (a) Name and address of applicant and property owner.
  - (b) Legal description of the property and type of proposed use.
  - (c) A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
  - (d) Whether or not a private water or septic system is to be installed.
3. Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

C. Revocation - Where the conditions of a zoning permit, conditional use permit or a variance are violated, the same are deemed revoked.

D. Board of Adjustment –Subject to confirmation of the County Board, The County

Administrator shall appoint a Board of Adjustment under Section 59.694, Wisconsin Statutes, consisting of 5 members, with no less than 1 of the members being a riparian landowner. The County Board shall adopt rules for the conduct of the business of the Board of Adjustment as required by Section 59.694 (3), Wisconsin Statutes.

1. Powers and Duties - The Board of Adjustment shall have the following powers and duties:
  - (a) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694 Wisconsin Statutes.
  - (b) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
2. It may authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, and a literal enforcement of the ordinance will result in unnecessary hardship.
  - (a) In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of property, which is prohibited in that zoning district by this ordinance.
3. Conditional Use Permits - the following shall apply to conditional use permits:
  - (a) Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Board of Adjustment.
  - (b) Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Board of Adjustment shall evaluate the effect of the proposed use upon the following criteria:
    - (1) The maintenance of safe and healthful conditions.
    - (2) The prevention and control of water pollution including sedimentation.
    - (3) Existing topographic and drainage features and vegetative cover on the site.
    - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
    - (5) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
    - (6) The location of the site with respect to existing and future access roads.
    - (7) The need of the proposed use for a shoreland location.
    - (8) Its compatibility with uses on adjacent land.
    - (9) The amount of septic waste to be generated and the adequacy of the proposed disposal system.
    - (10) Location factors that:
      - I. Domestic uses shall be generally preferred;
      - II. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and

III. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

(c) Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

- (1) A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

(d). Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners within 300 feet of the site under consideration. The Board of Adjustment shall state in writing the grounds for refusing a conditional use permit.

(e) Recording - When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.

(f) Revocation - Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department

(g) Expiration - Conditional use permits for construction, alteration or removal of structures shall expire twelve months from their date of issuance if no building activity has begun within such time.

4. Appeals to the Board of Adjustment - Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county

affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from when the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appeal was made.

5. Hearing Appeals - The following procedures shall be taken in hearing any appeals:
  - (a) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of hearing and the matters to come before the Board, and shall provide notices to the parties within 300 feet of the site under consideration and the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
  - (b) A decision regarding the appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources within 10 days after the decision is issued.
  - (c) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or persecution or grant the application.
  - (d) At the public hearing, any party may appear in person or by agent or by attorney.
  - (e) All decisions may be reviewed by a court of competent jurisdiction.
- E. Fees - The Environmental Services Committee may, by motion, adopt fees for the following:
  1. Land Use Permits.
  2. Erosion Control Plan reviews.
  3. Storm water Management Plan review.
  4. Public Hearings.
  5. Legal Notice Publications.
  6. Conditional Use Permits.
  7. Appeals to the Board of Adjustment
  8. Amendments of Ordinance on Petition

#### **Article 19. Changes and Amendments**

- A. The County Board may from time to time alter, supplement, or change the boundaries of use, districts, and the regulations contained in this Ordinance in accordance with the requirements of Chapter 59.69(5)(e), Wisconsin Statutes, and Article 7 where applicable.
- B. Amendments to this Ordinance may be made on petition of any interested party as provided in Chapter 59.69(5)(e), Wisconsin Statutes.
- C. In the instance that a petition for an ordinance amendment is filed by a member of the county board or by the agency designated by the board to consider county zoning matters, the

petitioner shall be exempt from the fee required to propose such amendment.

- D. Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency. A copy of each petition shall be provided to the appropriate district office of the Department of Natural Resources within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing.
- E. A copy of the County Board's decision on each proposed amendment shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.

#### **Article 20. Enforcement and Penalties**

- A. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred (\$200.00) dollars nor more than one-thousand (\$1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).
- B. There shall be a penalty fee of five-hundred (\$500.00) dollars added to the regular fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this Ordinance.
- C. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the building permit is taking place.

**Effective Date:** This Polk County Shoreland Protection Zoning Ordinance shall take effect upon passage and publication, effective on the 27<sup>th</sup> day of December, 2017.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Alabama (Long)	3	17 36 18	98	Moderate	Low
Andrus (Little Round)	2	31 36 15	25	Low	Low
Antler (Pine)	3	12 35 17	101	Moderate	Low
Apple River Flowage	1	9 33 16	639	Low	Moderate
Aspen	3	15 37 17	11		
Badger	3	5 33 17	20		
Baker	3	1 37 16	22	High	Low
Baker	3	34 37 16	13		
Balsam	1	2 34 17	2,054	Low	Moderate
Barbo	3	27 33 15	44	Moderate	Low
Barneys	3	28 34 18	6		
Bass	3	31 36 15	138	Moderate	Low
Bass	3	23 36 19	78	Moderate	Low
Bass	3	21 34 15	19		
Basswood (Bass)	3	9 33 17	22	Moderate	Low
Bear	3*	6 33 17	155		
Bear Trap	1	25 33 17	241	Low	High
Beautiful	3	23 34 16	30	Moderate	Low
Beede	3	25 35 19	3		
Big	1	36 33 18	259	Low	High
Big Blake (Beautiful)	1	27 35 16	217	Low	Moderate
Big Butternut	1	27 36 17	378	Low	High
Big Round	1	13 35 16	1,015	Low	Moderate
Black	3	2 37 17	11		
Black Brook Flowage	1	18 32 16	98	Low	High
Blom (Bloom)	2	4 37 17	208	Low	Low
Bone	3	27 32 16	30	High	Low
Bone	1	20 35 16	1,781	Low	High
Briar	3	1 37 16	13		
Bridget (Mud)	2	33 34 17	95	Low	Low
Brusher	3	30 34 16	67	Moderate	Low
Bullhead	3	16 36 18	7		
Camelia	3	24 33 15	60	Moderate	Low
Camp Douglas	3	19 35 17	10		
Camp	3	24 34 16	17		
Cedar	1	34 32 18	1,107	Low	High
Center (Big)	3	19 35 18	65	Moderate	Low
Chain Lakes	3	25 35 15	8		
Chelstrom	3*	19 34 15	50		
Church Pine (Pine)	1	1 32 18	107	Low	High
Clam Falls Flowage	2	13 37 16	127	Low	Low
Clara	2	24 35 16	56	Low	Low
Clarey (Twin)	3	18 35 18	34	Moderate	Low
Clauson	3	32 36 18	11		
Clear	3	18 32 15	30	Moderate	Low
Clover Lakes	3	29 34 16	17		
Coon	3	27 37 17	54	Moderate	Low

3\* -- Information not available – Class 3 until information becomes available.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Crescent (Pickerel)	3	25 36 16	19		
Crooked	3	35 37 16	12		
Dace (Mud)	3	11 35 15	11		
Dahl	3	28 36 16	32	High	Low
Deedon Lake	3*	30 34 15	35		
Deer	1	29 34 17	807	Low	High
Deer	3	15 35 19	3		
Deer	3	23 36 15	16		
Denny	3	15 37 15	12		
Depot	3	27 36 16	3		
Diamond	3	3 37 17	126	High	Low
Dinger	3	30 37 15	16		
Duck	3	25 33 18	20		
East (Volga)	3	18 34 16	73	Moderate	Low
East (Lotus)	2	21 33 18	246	Low	Low
East	3	33 35 17	15		
Elbow	3*	6 37 16	233		
Elkins	3	4 34 17	38	High	Low
Ellofson	3	21 36 18	9		
Ember	3	22 36 15	13		
Evergreen (Deer)	3	26 36 19	16		
Fern	3	1 37 17	17		
Folsom	3	2 33 19	18		
Footes	3	6 35 15	55	Moderate	Low
Forsythe	3	11 36 18	30	Moderate	Low
Fountain	2	21 37 17	24	Low	Low
Freedom Lakes	2	2 36 18	106	Low	Low
French	3	7 32 15	15		
Gabrielson (Gabelson)	3	5 36 18	38	Moderate	Low
Garfield (Big Horseshoe)	3	20 33 17	120	Moderate	Low
Gibson	3	34 34 16	43	Moderate	Low
Gilbert	3	15 33 15	14		
Glovers	3	33 35 15	18		
Godfrey	3	28 37 16	23	Moderate	Low
Goose	3*	27 33 17	41		
Gorres	3	14 33 16	10		
Grandquist	3	12 36 19	7		
Grass	3*	22 34 15	21		
Grass	3	5 37 17	56	Moderate	Low
Greeley	3	26 33 15	17		
Grenquist	3	35 36 15	58	Moderate	Low
Grimhs	3	6 37 17	31	Moderate	Low
Grouse	3	23 36 15	23	High	Low
Half Moon	1	25 35 17	579	Low	Moderate
Hamble Lakes (E & W Twin)	3	14 35 19	15		
Hatchet	3	29 37 17	17		
Hawthorn	3	20 37 16	12		

3\* -- Information not available – Class 3 until information becomes available.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Hay	3	7 35 15	2		
Herby (Lanesdale, Twin)	3	19 36 18	69	Moderate	Low
Hickory	3	15 37 17	18		
Highland	3	24 35 15	11		
Hoover	3	14 35 19	4		
Horse	1	27 33 18	228	Low	Moderate
Horseshoe (Jensen)	3	6 35 18	35	Moderate	Low
Horseshoe	1	13 34 15	377	Low	Moderate
Ice	3	16 37 16	20		
Ice House	3	18 32 15	6		
Island	3*	30 32 16	32		
Island	3	5 32 18	20		
Jim	3*	14 33 16	30		
Joe	3	14 33 17	20		
Joel Flowage	3	33 34 15	65	Moderate	Low
Johansen (Johnson)	3	28 36 16	32	High	Low
Johnson	3	26 36 15	38	High	Low
Kenny	3	13 35 17	6		
King (Pine)	3	5 32 16	49	High	Low
Kinney	3	36 33 17	19		
Knapp Flowage	3	8 37 16	35	Moderate	Low
Knife	3	14 35 19	7		
Lake Evelyn	3	1 35 16	3		
Lake Kenabee	3	6 33 16	29	Moderate	Low
Lake O'The Dalles (Thaxter)	3	36 34 19	23	High	Low
Lamont	3	30 36 15	96	Moderate	Low
Land	3	30 37 17	10		
Largon	1	10 36 15	129	Low	Moderate
Larsen	3*	6 32 17	21		
Laurel	3	4 34 17	14		
Lee	3	12 32 18	8		
Lees	3	12 35 18	5		
Legoo	3	26 35 19	2		
Lincoln	3	34 33 16	11		
Little Bass	3	16 34 17	21	Moderate	Low
Little Blake	1	26 35 16	85	Low	Moderate
Little Butternut	1	32 36 17	189	Low	Moderate
Little Horseshoe	3	22 34 15	54	Moderate	Low
Little Horseshoe	3*	24 33 18	30		
Little Horseshoe	3	6 35 18	8		
Little Largon	3	11 36 15	19		
Little Mirror (Pickerel)	3	28 36 18	33	Moderate	Low
Little Pine	3	13 36 16	61	Moderate	Low
Little Round	3	35 34 18	4		
Little Round	2	9 34 15	67	Low	Low
Little Ward	3	23 36 16	18		
Lone Pine	3	6 36 18	17		

3\* -- Information not available – Class 3 until information becomes available.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Long (Helbig)	2	25 35 15	65	Moderate	Moderate
Long	3	27 32 16	20		
Long	1	7 34 17	272	Moderate	High
Loon	3	9 35 15	7		
Long Trade	1	4 36 18	153	Low	Moderate
Lost	2	15 35 16	60	Low	Low
Lost	3	24 35 17	10		
Loveless (Bass)	1	17 34 17	141	Low	High
Lower	3	15 33 19	18		
Lower Pine	1	23 32 18	90	Low	High
Lykens	3	22 34 17	19		
Mackie	3	7 36 15	34	Moderate	Low
Magnor (Richardson)	1	22 33 15	224	Low	High
Mallard	3	36 36 17	9		
Manitou	3	12 35 19	17		
Mansen	3	8 32 17	18		
Margaret	3	1 36 16	43	Moderate	Low
Marlpit Spring	3	26 33 18	5		
Marsh	3	2 36 16	4		
Marsh	3	27 33 15	13		
Martell (Martel)	3	2 35 15	39	High	Low
McKeith	3	31 36 18	72	Moderate	Low
McKenzie	2	13 36 16	60	Low	Low
Meadow (Bog)	3	11 35 19	7		
Mill Pond (Balsam)	1	10 34 17	21	Low	Moderate
Miller Camp	3	2 35 15	12		
Moccasin (Long)	2	20 36 16	55	Moderate	Moderate
Mud	3	26 33 15	7		
Mud	3*	16 34 15	24		
Mud (Deronda)	3	26 33 17	19		
Mud	3	35 33 18	43	Moderate	Low
Mud	3	1 34 15	55	Moderate	Low
Mud	3	18 34 16	10		
Mud	3	14 36 15	15		
Mullins	3	36 36 16	7		
Murdock	3*	35 36 17	30		
Nimon (Nieman)	3	24 36 19	17		
None (Horseshoe, Garfield)	3	29 33 17	7		
North Fish (Fish)	3	27 32 17	56	Moderate	Low
North Pipe	2	10 35 15	55	Moderate	Moderate
North Twin	1	29 33 16	135	Low	High
North White Ash	1	2 34 16	119	Low	High
Omer	3*	22 33 16	22		
Omer Springs (Markee)	3	32 34 16	1		
Orr	3	11 36 19	25	Moderate	Low
Osceola	3	6 33 19	38	Moderate	Low
Ox	3*	10 33 17	27		

3\* -- Information not available – Class 3 until information becomes available.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Palmer	3	7 33 15	15		
Park	3*	20 33 16	30		
Parker	3	14 34 17	10		
Paulsen (Alden)	1	18 32 17	26	Moderate	High
Paulson	3	33 33 15	26	High	Low
Peaslee	3	15 33 19	23	Moderate	Low
Phillips	3	34 35 15	5		
Pike	2	29 33 16	159	Moderate	Moderate
Pine Island	3	13 36 19	16		
Pine (Larch)	3	15 33 17	46	High	Low
Pine (Middle Pine)	3	23 32 18	82	Moderate	Low
Pine	3	24 36 16	153	Moderate	Low
Pipe	1	15 35 15	270	Low	Moderate
Pleasant	3*	5 32 18	40		
Pogo (Big)	3	33 36 16	14		
Poplar	1	4 33 18	125	Low	High
Rhinstad	3	25 36 16	9		
Rice	2	11 32 18	98	Low	Low
Rice	3	17 37 17	20		
Rice	3	11 35 19	4		
Rice (Cattail)	3	11 33 19	57	Moderate	Low
Rice (Glenton)	3	21 35 17	128	Moderate	Low
Rock	3	4 34 18	6		
Roger	3	14 36 19	17		
Round	3	36 34 18	10		
Round (Cushing)	3	31 36 18	39	Moderate	Low
Round (Dwight)	1	26 33 18	67	Low	Moderate
Round (Heath)	3	23 35 15	23	Moderate	Low
Sand	1	2 33 18	187	Low	Moderate
Sandhill (Sand)	2	34 36 18	44	Moderate	Moderate
Sedge	3	19 36 15	20		
Shiloh	3	28 34 16	19		
Shiloh Flowage	3	28 34 16	19		
Silver	3	15 34 15	28	Moderate	Low
Simpson	3	26 36 19	5		
Skinaway	3*	25 34 15	37		
Smith	3	21 34 15	12		
Smith	3	16 32 17	20		
Snake	3	3 34 15	14		
Snake	3	15 32 16	1		
Snowshoe	3	25 36 15	13		
Somers	2	27 37 16	101	Low	Low
South Fish	3*	27 32 17	75		
South Twin	1	32 33 16	74	Low	Moderate
Spring	3	35 36 18	9		
Spur (Little Pine)	3	10 35 17	54	Moderate	Low
Square	3	9 34 16	35	Moderate	Low

3\* -- Information not available – Class 3 until information becomes available.

## Appendix A - Polk County Lake Classification

Effective: 12/27/2017

Lake	Class	Sec/Town/Range	Acres	Vulnerability	Development
Staples	3*	25 35 15	305		
Straight	2	13 36 17	107	Low	Low
Summerfield	3*	29 33 16	25		
Sugarbush Lake	3	4 34 15	20		
Surprise	3	15 32 18	14		
Swede	2	13 32 18	68	Moderate	Moderate
T Lake	3	18 35 18	11		
Tarbert (Tabor, Twin)	3	20 36 18	42	Moderate	Low
Toby Spring	3	21 34 17	1		
Townline	3*	24 34 16	160		
Trident (Pine, King)	3	6 32 16	43	High	Low
Tula	3	2 36 16	15		
Tuttle	3	30 35 18	27	High	Low
Twenty Ninth	3	32 35 17	29	Moderate	Low
Twin	3	18 35 18	10		
Twin Lakes	3	25 34 16	43		
Vincent	3	9 35 16	70	High	Low
Wallin	3	21 36 18	8		
Wapogasset	1	26 33 17	1,186	Low	High
Ward	1	14 36 16	91	Moderate	Moderate
Weiss	3	16 37 16	9		
White Ash	1	11 34 16	153	Low	High
Wild Goose	2	13 34 17	182	Moderate	Moderate
Wind (Round)	1	1 32 18	38	Moderate	High
Wintergreen	3	23 36 15	32	Moderate	Low
Wolf	2	13 36 19	72	Low	Low
Woodsman (Mud)	3	18 36 18	31	Moderate	Low
Young	3	29 37 17	30	Moderate	Low

Zoning\Forms\LakeClassificationEffective2017-12-27

Resolution No. 73-17

Resolution Approving the Update of the Natural Hazard Mitigation Plan For Polk County

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

Ladies and Gentlemen:

WHEREAS, hazard mitigation planning is the process of developing a set of actions designed to reduce or eliminate long-term risk to people and property from hazards and their effects; and,

WHEREAS, Polk County Emergency Management provides emergency management planning, coordination, response, and recovery support on behalf of all communities of Polk County; and,

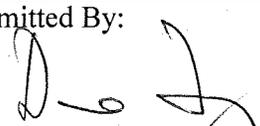
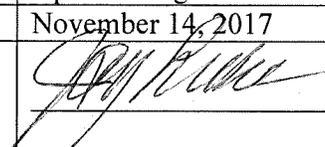
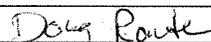
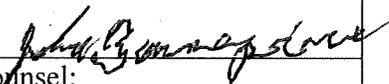
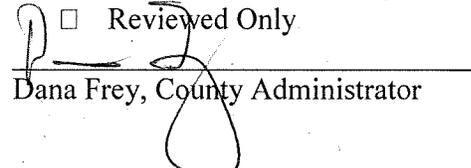
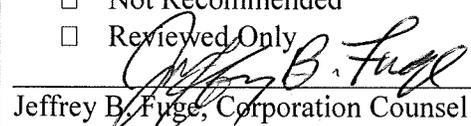
WHEREAS, Polk County has worked through a diverse, ad hoc project steering committee and in cooperation with West Central Wisconsin Regional Planning Commission to update the *Polk County Natural Hazards Mitigation Plan*, to assess the magnitude of hazard risks, and to develop strategies for minimizing or reducing hazard risks; and,

WHEREAS, Polk County towns, villages, and cities participated in the planning process through a presentation to the Polk County unit of the Town's Association, a town hazard assessment survey, the review of the draft strategies, various meetings, and other communication; and,

WHEREAS, the planning meetings for this effort were open to the public and a public informational meeting on the draft plan was conducted on June 27, 2017; and,

WHEREAS, adoption of the Plan by the County Board will continue to make the County and its unincorporated towns eligible for federal grant dollars for hazard mitigation projects;

NOW, THEREFORE BE IT RESOLVED, the Polk County Board adopts the *Polk County Natural Hazards Mitigation Plan 2017-2022* as the official all hazards mitigation plan for the County with the intent of implementing the plan recommendations as funding and resources allow.

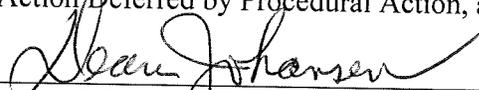
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	November 14, 2017
Submitted By:	   
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only
 Dana Frey, County Administrator	 Jeffrey B. Fudge, Corporation Counsel

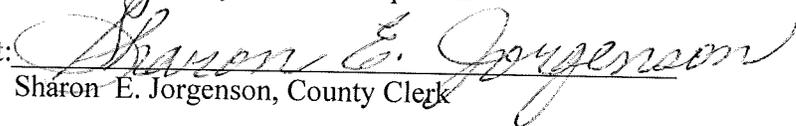
Acknowledgement of County Board Action

At its special business meeting on the 18<sup>th</sup> of December 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 73-17: Resolution Approving the Update of The Natural Hazard Mitigation Plan For Polk County, as follows:

- Enacted by simple majority of all members, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

  
\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest:   
\_\_\_\_\_  
Sharon E. Jorgenson, County Clerk

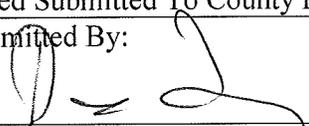
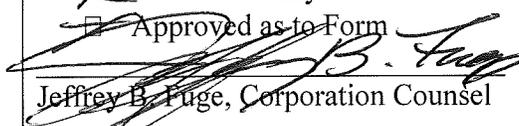
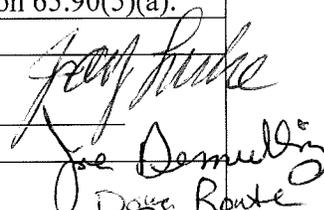
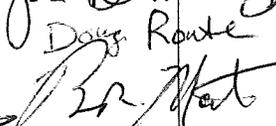
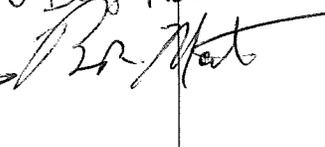


Resolution No. 77 -17  
 Resolution to Amend 2017 Budget to Incorporate  
 Purchase of Search and Rescue Drone and Force to Force Training Equipment funded by  
 Federal Forfeiture Revenue

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

Ladies and Gentlemen:

- 1 WHEREAS, events occur after the adoption of the annual budget that affect various program  
 2 activities and their appropriations for a given budget year, and
- 3 WHEREAS, Resolution No. 35-17 approved the carry-forward fund for the 2017 Law Enforcement  
 4 Budget of Restricted General Fund Balances for federal forfeiture funds in the amount of \$22,449.
- 5 WHEREAS, it is in the interest of the County for the County Board to consider an amendment to the  
 6 2017 departmental budget of the Sheriff's Department to authorize and appropriate sufficient funds  
 7 for two capital purchases of a Search and Rescue Drone for \$15,000 and Force to Force Training  
 8 Equipment 9,800 in the Federal Forfeiture Expense Account, for a total capital expenditure cost of  
 9 \$24,800.
- 10 WHEREAS, the 2017 Restricted Federal Forfeiture Revenue is \$7,609 of which \$2,351 will be  
 11 appropriated to cover the excess revenue needed to supplement the carryover of \$22,449.
- 12 NOW, THEREFORE, BE IT RESOLVED, pursuant to §65.90(5)(a), the Polk County Board of  
 13 Supervisors amends the 2017 departmental budget of the Sheriff's Department with an additional  
 14 sum of \$2,351, said sum appropriated and allocated from 2017 Restricted Federal Forfeiture  
 15 Revenue for the purpose of expenditure towards the purchase of a Search and Rescue Drone in an  
 16 amount not to exceed \$15,000 and Force to Force Training Equipment in an amount not to exceed  
 17 \$9,800.

Funding Source/ Funding Amount:	Allocation of \$2,351 from 2017 Restricted Federal Forfeiture Revenue; Authorized expenditure \$24,000.
Effective Date:	Upon Two-Thirds Majority Passage and Publication pursuant to Wisconsin Statute Section 65.90(5)(a).
Dated Submitted To County Board	November 14, 2017
Submitted By:	 Dana Frey, County Administrator
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only	Review By Corporation Counsel: <input checked="" type="checkbox"/> Reviewed Only <input type="checkbox"/> Approved as to Form  Jeffrey B. Fuge, Corporation Counsel
Dana Frey, County Administrator	  
Acknowledgement of County Board Action	

Mark As Appropriate:

*December 18*

At its regular business meeting on ~~November 14~~, 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 77-17: Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment funded by Federal Forfeiture Revenue, as follows:

- Adopted by two-thirds majority of the supervisors of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Adopted by unanimous vote *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

*Dean Johansen*  
\_\_\_\_\_  
Dean Johansen, County Board Chairperson

Attest:

*Sharon E. Jorgenson*  
\_\_\_\_\_  
Sharon Jorgenson, County Clerk

Certification of Publication

Notice of the changes to the 2017 Budget as caused by Resolution to Amend 2017 Budget to Incorporate Purchase of Search and Rescue Drone and Force to Force Training Equipment funded by Federal Forfeiture Revenue, was published in the Inter-County Leader on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Dated this *18<sup>th</sup>* day of *Dec.*, 2017.

SIGNED BY:

*Sharon Jorgenson*  
\_\_\_\_\_  
Sharon Jorgenson, County Clerk



Polk County Board of Supervisors  
Resolution No. 74-17

Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc.

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

Ladies and Gentlemen:

WHEREAS, the County of Polk has leased certain Lime Quarry lands to Sundbakken Farm, Inc., for agricultural purposes; and

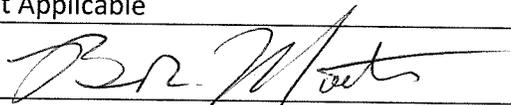
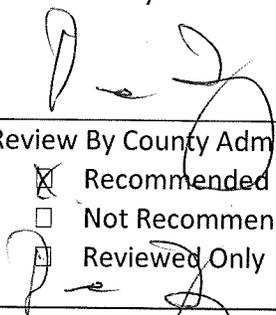
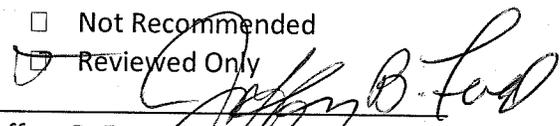
WHEREAS, Sundbakken Farm, Inc., has interest in continuing to lease said lands on similar terms of the current 5-year lease, which expires on December 31, 2017; and

WHEREAS, after consulting the Lime Quarry Supervisor, the County Administrator has recommended to renew the lease agreement for a term of 5-years commencing January 1, 2018 and on other terms and conditions which are set forth in the proposed "Lease Agreement With Sundbakken Farm, Inc."

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Sections 59.52(6), the Polk County Board of Supervisors authorizes a lease to Sundbakken Farm, Inc. certain Lime Quarry lands consisting of 30.0 acres and located in that parcel of land described as the NE ¼ of the NE ¼ of Section 10, Town 32 North, Range 18 West, Town of Alden, Polk County, State of Wisconsin, and on terms and conditions contained in the "Lease Agreement with Sundbakken Farm, Inc.", as attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs the County Clerk to execute said lease agreement.

Polk County Board of Supervisors  
 Resolution No. 74-17  
 Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc.

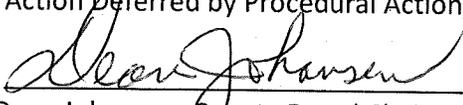
Funding Source/ Funding Amount:	\$3,000 Annual Income
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation: <i>Recommended</i>	
Effective Date:	Upon Passage /January 1, 2018
Dated Submitted To County Board	November 14, 2017
Submitted By:	_____
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  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  Jeffrey B. Fuge, Corporation Counsel

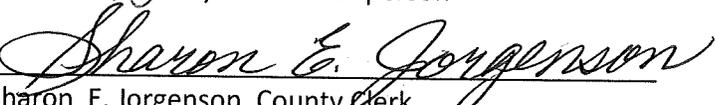
Acknowledgement of County Board Action

At its regular business meeting on the <sup>18<sup>th</sup> Dec</sup> ~~14<sup>th</sup> of November~~ 2017, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 74-17: Resolution to Resolution to Authorize Lease of Lime Quarry Lands to Sundbakken Farm, Inc., as follows:

- Enacted by simple majority of all members, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *voice*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

  
 \_\_\_\_\_  
 Dean Johansen, County Board Chairperson

Attest:   
 Sharon E. Jorgenson, County Clerk

COPY

POLK COUNTY CORPORATION COUNSEL

1005 WEST MAIN STREET, SUITE 100

BALSAM LAKE, WISCONSIN 54810

PHONE: 715-485-9210 FAX: 715-485-9171

E-MAIL: [CORPORATIONCOUNSEL@CO.POLK.WI.US](mailto:CORPORATIONCOUNSEL@CO.POLK.WI.US)

CORPORATION COUNSEL  
JEFFREY B. FUGE

ADMINISTRATIVE ASSISTANT  
TOMMA BROOME

ASSISTANT CORPORATION COUNSEL  
MALIA T. MALONE

LEGAL ASSISTANT  
NIKIE HICKS

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December 19, 2017

Sundbakken Inc.  
c/o: Mr. Bradley Johnson, President  
480 200<sup>th</sup> Street  
Osceola, WI 54020

Re: Polk County/Sundbakken, Inc. Lease (Lime Quarry) Agreement

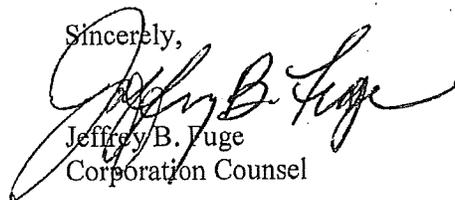
Dear Mr. Johnson:

Attached please find in duplicate original the above referenced lease agreement, executed by the County Clerk. Please sign and date each original where appropriate and return one original in the self-addressed stamped envelope.

Please retain the second fully signed original.

If you have any questions regarding the lease agreement or its execution, please call me. Thank you.

Sincerely,



Jeffrey B. Fuge  
Corporation Counsel

Enclosure

cc: Mr. Dave Peterson, Lime Quarry Supervisor  
Ms. Maggie Wickre, Finance Director  
Ms. Sharon Jorgenson, County Clerk

(Space Reserved for Recording)

LEASE AGREEMENT WITH SUNDBAKKEN, INC. (2018-2022)

This Lease Agreement is entered into by and between Polk County (Lessor) and SundBakken, Inc., 480 200th Street, Osceola, Wisconsin 54020, (Lessee), on the following terms and conditions:

1. Lessor agrees to lease to Lessee the premises consisting of approximately 30.0 acres, being part of the land described as the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 10, Town 32 North, Range 18 West (S.10-T.32N-R.18W), Town of Alden, County of Polk, State of Wisconsin.
2. The term of this lease shall be for a period of five (5) years, commencing on January 1, 2018 and expiring on December 31, 2022.
3. Lessee understands that said leasehold interest is non-exclusive in that Polk County reserves the right to possess in the future a part of the 30.0 acres for the purpose of mining lime provided that Lessor provide written notice of intent to possess by January 1 of each subsequent year. Lessee agrees that upon said notice, Lessee shall agree to partial release of certain legal lands as legally described by Polk County in said notice.
4. Lessor shall survey at its expense the initial 30.0 acres and any portion thereof to be released by Lessee in the second year and subsequent years of this Lease Agreement.
5. The rental rate is \$100.00 per acre for an annual rent. The initial year's rent shall be \$3,000.00. Lessee shall pay the annual rent in installments. Lessee shall pay the first rental installment of \$1,500.00 immediately with acceptance of this Lease Agreement and the balance of the annual rent no later than 6 months following the date of Lessee's acceptance.

6. The annual rental payment for the second and subsequent years will be reduced consistent with the acreage the possession of which is returned to Lessor pursuant to paragraph 3 above. The annual rental payment for the second and subsequent year of this Lease Agreement shall be paid in installments. Lessee shall pay the first installment on or before January 31 and Lessee shall pay the second installment by June 30. To the extent that Lessor gains possession of any of the premises as provided above, the rental rate will be adjusted downward on a per acre basis.
7. Lessee agrees that it will use acceptable agricultural management practices on the premises so as to conserve soil prevent erosion. Lessee shall engage in no-till farming on premises subject to this Lease Agreement.
8. Lessee shall carry liability insurance for premises under this lease. Within 30 days from the date of execution of this Lease by Lessee, Lessee shall provide Lessor with a certificate of insurance evidencing such coverage.

For Lessee: Sundbakken, Inc.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Bradley Johnson, President  
480 200<sup>th</sup> Street  
Osceola, WI 54020  
715-755-2170

For Lessor: Polk County

By: Sharon Jorgenson Dated: 12-19-17  
Sharon Jorgenson, County Clerk

Approved as to Form  
Jeffrey B. Fuge 12-19-2017  
Jeffrey B. Fuge  
Polk County Corporation Counsel

Cc: . Dave Peterson, Lime Quarry Supervisor  
Maggie Wickre, Finance Director

