



POLK COUNTY, WISCONSIN

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Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

AGENDA AND NOTICE OF MEETING

GENERAL GOVERNMENT COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Thursday, January 10, 2019 at 10:00 a.m.

A quorum of the County Board may be present

Materials: December 13, 2018 Minutes

1. Call to order –Vice Chair Arcand
2. Approval of Agenda
3. Approval of Minutes for December 13, 2018
4. Public Comment (3 minutes)
5. Receipt of Information from Supervisors Not Seated as Committee Members
6. Audio Visual Recording and Broadcasting of Meetings – Discussion with Information Technology Staff
7. Costing of Fees for Services Charged to Outside Agencies – Discussion, Policy Review and Recommendation
8. Offer of Kwik Trip to Purchase Tax Delinquent Properties Located in Village of Osceola – Discussion and Recommendation
9. Village of Luck Proposal for Cost Sharing on Reconstruction and Continuing Responsibility of South Shore Drive bridge, culvert and Big Butternut Dam – Report and Discussion
10. New Proposal of Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam – Report and Discussion
11. Fairgrounds Management – Report and Discussion on Development of New Agreement
12. Working Session to Develop 2019 Committee Work Plan
13. Identification of Subject Matters for Upcoming Meetings
14. Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



MINUTES

General Government Committee

County Board Room
Balsam Lake, WI 54810

10:00 a.m. Thursday, December 13, 2018

Meeting called to order by Chair Masters @ 10:01 a.m.

Members present:

Attendee Name	Title	Status
Brian Masters	Chair	Present
Russ Arcand	Vice Chair	Present
Dean Johansen	Supervisor	Present
Larry Jepsen	Supervisor	Present
Chris Nelson	Supervisor	Present

Also present: Sharon Jorgenson, County Clerk; Jeff Fuge, Interim County Administrator; Malia Malone, Corporation Counsel; Andrea Jerrick, Deputy County Administrator; Jason Kjeseth, Zoning Administrator; Supervisors Demulling and Bonneprise, and member of the press.

Approval of Agenda

Chair Masters called for a motion to approve the amended agenda as published. **Motion** (Johansen/Jepsen) to approve agenda as amended. Chair Masters called for a voice vote on said motion. **Motion** carried by unanimous voice vote. Interim Administrator Fuge addressed the committee regarding items 7 & 8 (Review of County policy developing hourly rates and cost of services for billing outside agencies and discussion with IT Department regarding recording and sound for County Board room) that were lifted from the original agenda and will be addressed at the next committee meeting.

Approval of Minutes

Chair Masters called for a motion to approve the minutes of the November 8, 2018 meeting as published. **Motion** (Jepsen/Masters) to approve the minutes. Chair Masters called for a voice vote on said motion. **Motion** to approve the minutes of November 8, 2018 meeting carried by unanimous voice vote.

Public Comment - Public comment was received by committee.

Receipt of Information from Supervisors Not Seated as Committee Members – No information was received from Supervisors regarding items on the agenda.

Approval of transfer of appropriations in 2018 departmental budget of land information department for procurement of permit tracking software: Committee received information from Interim Administrator Fuge regarding expenditure for permit tracking software recommending approval of change in character for accounting purposes in the amount of \$20,000 for permit software.

Motion (Johansen/Arcand) to approve change in character for accounting purposes in the amount of \$20,000 for permit tracking software. Chair Masters called for a voice vote on said motion. **Motion** carried by unanimous voice vote.

Supervisor Nelson addressed Corporation Counsel Malone regarding the need for closed session.

Chair Masters called for a motion to go into closed session.

Pursuant to Wisconsin Statute Section 19.85(1)(g), the Committee may convene in closed session to receive a legal opinion concerning litigation strategy that the committee may recommend to the County Board for adoption concerning anticipated litigation involving the development of the proposed Stower Seven Lakes State Trail Master Plan.

Pursuant to Wisconsin Statute Section 19.85(1)(e), the committee may convene in closed session to deliberate the formation of a recommendation on ratification of the noticed side letter, as bargaining reasons require a closed session.

Motion (Johansen/Jepsen) to go into closed session at 10:22 a.m. for item #9 Labor ratification agreement. Chair Masters called for a voice vote on said motion. **Motion** to go into closed session carried by unanimous voice vote.

***Closed Session 10:22 a.m. (Minutes separate and under seal)

Returned to open session at 10:26 a.m.

Recommendation on Ratification of side letter to Agreement of Polk County and WPPA Field Services Local #201 concerning Experience Wage Entry provisions to Article 25, wages:

Motion (Nelson/Jepsen) to accept letter of agreement for Field Service Local #201. Chair Masters called for a voice vote on said motion. **Motion** to accept letter of agreement for Field Service Local #201 carried by unanimous voice vote.

Motion (Johansen/Jepsen) to go into closed session at 10:30 a.m. for consideration of item #8 Consider Recommendation on Demand of Friends of Stower Seven Lakes State Trail for reconsideration of County submission of Trail plan to WI DNR and Recommendation on offer of Public Administration Associates to settle asserted and anticipated claim for compensatory damages. Chair Masters called for a voice vote on said motion. **Motion** to go into closed session carried by unanimous voice vote.

Returned to open session 10:55 a.m.

Supervisor Johansen requested that an announcement and/or signs regarding allowed uses of Stower Seven Lakes trail be posted/issued.

Chair Masters called for a motion regarding the recommendation from Corporation Counsel regarding Public Administration Associates. **Motion** (Masters/Jepsen) to accept recommendation of Corporation Counsel regarding Public Administration Associates and recommend to County Board. Chair Masters called for a voice vote on said motion. **Motion** carried by unanimous voice vote.

Develop 2019 Committee Work Plan: work plan session in January

Next agenda:

Review of County Policy Developing Hourly Rates and Cost of Services for Billing Outside Agencies

Discussion with IT Department regarding recording and sound for County Board room

Next meeting: January 10, 2019 @ 10:00 a.m.

Adjourn

Motion (Johansen/Jepsen) to adjourn. Chair Masters called for a voice vote on the motion to adjourn.

Motion carried by unanimous voice vote. Meeting adjourned 11:02 a.m.

Respectfully submitted,

Sharon Jorgenson
County Clerk

1. Audio Visual Recording and Broadcasting of Meetings – Discussion with Information Technology Staff

In adopting the 2019 budget, the County Board authorized and appropriated moneys for the purchase and installation of equipment and technology into the County Board Room that would record and allow for broadcasting of the meetings of the County Board and committees. The Committee has requested to discuss the initiative with County staff from the Information Technology Department as an initial point of project development.

2. Costing of Fees for Services Charged to Outside Agencies – Discussion, Policy Review and Recommendation

The Committee has requested to review language in the County Finance policy on budget development that addresses the setting of fees that the County charges for goods and services provided and delivered to its constituency. The Policy language is below:

- 2.04. Fees and charges. The County Board must annually adopt a fee schedule prepared by the county administrator as an addendum to the annual budget. This schedule incorporates any local fees or charges, including fees for service, over which the County Board has discretion.
- a. *Contents.* The fee schedule must include past year fee rate, current year fee rate, proposed rate, past year actual revenues, current year projected revenues and forward year estimated revenue. Where possible, the schedule must also include an estimate of the actual cost of providing the good or service to which the fee relates and, unless directed otherwise by the County Board, the fee must equal the cost of providing the good or service. The county administrator is responsible for prescribing the form of this report.
 - b. *Adoption.* Department heads must submit sections of the fee schedule for their departments on or before July 15. The county administrator must review and make a recommendation on a proposed fee schedule prior to the August regular meeting of the County Board. Once adopted, projected revenues from these fees and charges must be incorporated in the annual budget proposal.
 - c. *Amendment.* Fees and charges may be amended as part of the consideration of the annual budget. Following adoption of the annual budget, any amendment to the fee schedule must be made in the same manner as any amendment to the annual budget.
 - d. *Lime Quarry, special provisions.* Notwithstanding the provisions of this section, the lime quarry manager may set the prices of all products manufactured at the

lime quarry to reflect change in costs or market prices with the approval of the county administrator and in compliance with Wisconsin Statutes sec. 59.70 (24).

The issue is whether the fees set by the County Board reflect the actual cost or, alternatively, reflect a subsidy in delivering a service at a rate that is less than cost. The 2019 budget development process identified this concern specific to direct costs incurred. It was then readily apparent that the rates charged did not account for the increased personnel and other operating costs. Additionally, in the course of our indirect cost audit, it became apparent that the personnel and operational costs incurred by supporting departments to deliver such services were not being captured. An example of an indirect cost would be the cost incurred by the County to process the payroll of those departments that provide services directly to our constituency.

Administration has met with representatives from Sequoia consulting services, our indirect cost accountant in discussion of developing a costing system and conducting training of departments on the concepts of costing.

3. Offer of Kwik Trip to Purchase Tax Delinquent Properties Located in Village of Osceola – Discussion and Recommendation

KwikTrip has submitted an offer to purchase two tax delinquent parcels located in the Village of Osceola for a purchase price of \$250,000, plus all costs related to the sale.

The properties, identified as 165-00612-0000 and 165-00613-0000, are adjacent parcels consisting of approximately 78 acres of development property south of the Village and off of State Road 35/Cascade Street.

The County took the parcels in 2010 through tax foreclosure. The total taxes that were written off, which include special assessments and charges, amounted to \$351,231.43 for both parcels, \$175,861 on Parcel#165-00612; and \$175,369 on Parcel#165-00613.

The County has attempted unsuccessfully to sell the parcels at public auctions held in July and October 2018. In July, the public auction offered each parcel separately at a minimum bids of \$170, 000 and \$175,000, respectively. At the October 2018 sale, the County offered the two parcels together at a minimum bid of \$250,000. Neither public sale received a minimum bid.

Given that the County has already advertised and attempted to sell the properties as public sale, the County Board has the discretion to authorize a direct sale of one or both of the properties.

Requested Action: To make a recommendation to the County Board on the offer to purchase.

A copy of the aerial map of the subject location is attached to the end of this report.

4. Village of Luck Proposal for Cost Sharing on Reconstruction and Continuing Responsibility of South Shore Drive bridge, culvert and Big Butternut Dam – Report and Discussion

The Village of Luck has requested the County to enter into an intergovernmental agreement to share in the cost and continuing responsibility for reconstruction of South Shore Drive bridge, culvert and dam. Previously, the Village contacted the County on the premise that WDNR records demonstrated that the County apparently owned the rock dam located downstream of the bridge and culvert. The Village advised the County that South Shore Drive needs extensive reconstruction and that the bridge and culvert require replacement. The construction would also likely involve modification of the rock dam. The Village informed the County that it would proceed with the project irrespective of the County position. The Village represented that it would front the costs and then seek and obtain a financial commitment for reimbursement from the County. The estimated cost of the project is in excess of \$250,000.

At issue is County ownership of the dam. County staff was asked to look into definitive ownership of the dam and has reviewed recorded documents. The recorded real estate documents demonstrate that the Village of Luck/ Joint School District #3 has title to the lands on which rests the dam. County staff has informed WDNR and the Village that the county has no ownership interest in the dam.

The Village worked through MSA to submit to WDNR plans and an application for approval. MSA signed off on the application indicating that it had authority to sign the application for Polk County as apparent owner. WDNR has issued an administrative order approving of the application and the plans under application.

The County has submitted a request and the recorded real estate documents to the WDNR in request to revise WDNR records to reflect ownership of the dam consistent with the recorded real estate documents. The County's request asked WDNR to vacate the administrative decision and to withdraw the application submitted by MSA. WDNR has informed the County that it will update its records, lifting the County as owner of the dam.

Corporation Counsel has filed in the Polk County Circuit Court a petition for circuit court review of the WDNR order to protect the County's interest. The petition asserts that MSA lacked authority to execute the application on behalf of the County and that the Village is the rightful owner of the lands under the dam. The legal action would be dismissed without prejudice when WDNR updates its records and takes action to vacate its administrative decision. The legal action will continue until such time.

The Village has requested to meet with County staff in discussion of the County's position on the proposal. The meeting was scheduled for January 4, 2018.

5. New Proposal of Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam – Report and Discussion

On December 3, 2018 the County received a renewed offer of NWE to transfer ownership and responsibility of the Clam Falls Dam. The electric company owns the dam and leases it to Flambeau Hydro. The dam currently carries a "Significant" hazard rating. The electric company must either abandon the dam or make modifications to the dam to increase spillway capacity to safely pass a 500-year flood event. In the initial proposal, NWE offered to donate \$700,000 to the County in exchange of transfer to the County and a County commitment to undertake modifications to lower the hazard rating.

In the new proposal the electric company asks the County to accept ownership and responsibility of the dam under the condition that the electric company successfully obtains from WDNR an exemption from the regulatory hazard requirements. The structured offer of the electric company asks the County to

- Fund one-third of the professional study needed to support an application for a hazard exemption;
- Commit to sharing the cost of obtaining an exemption; and
- Upon issuance of the DNR exemption, complete a transfer of the dam from NWE to the County.

On December 20, 2018, County staff met with representatives of NWE, Flambeau Hydro and Ayres & Associates in discussion of the new proposal. NWE and Flambeau have requested to present the proposal to the full County Board. It is anticipated that the County Board will receive the presentation at its March 19, 2019 meeting.

6. Fairgrounds Management – Report and Discussion on Development of New Agreement

In November 2018, the County Board directed the Administrator to negotiate a new agreement with the Fair Society for the management of the Fairground lands and facilities. On December 3, 2018, County staff and representatives of the Fair Board met to initially discuss renegotiation. The County and the Fair Society agreed to exchange proposals by January 15, 2018. The County's proposed language is in development.



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