



POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

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, July 11, 2019 at 10:00 a.m.

A quorum of the County Board may be present

Materials: June 13, 2019 Minutes

1. Call to order –Chair Masters
2. Approval of Agenda
3. Approval of Minutes for June 13, 2019
4. Public Comment (3 minutes)
5. Receipt of Information from Supervisors Not Seated as Committee Members
6. Update on Recycling Center
7. Purchase of Elliptical Exercise Machine from Polk County Employee by Sheriff's Office Employee Wellness Committee using Employee Voluntary Payroll Deduction Funds
8. Department Annual Reports from Administrator Osborne
9. Presentation/Review of 2018 Audit Results
10. Update on Memorandums of Understanding
11. Resolution No. 28-19: Resolution in Support of Telecommuting Opportunities and Telecommuter Forward Certification
12. Discussion Regarding Clam Falls Dam Offer and Previous Resolution 77-18: (adopted 10/2018) Resolution Concerning Offer of Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam
13. Update on Claims and Pending Litigation Against the County
14. Update and Discussion Regarding Green Whey

The Committee may convene in closed session on matters noticed under #13 and #14, as follows:

CLOSED SESSION -(Minutes separate and under seal)

Pursuant to Wisconsin Statute § 19.85(1)(g), the Committee may convene in closed session for the purpose of conferring with legal counsel for Polk County who is rendering oral or written advice concerning strategy to be adopted by the Committee as a recommendation to the County Board on with respect to anticipated litigation in which the County is or is likely to become involved.

The Committee may convene in closed session pursuant to Wis. Stat. 19.85(1)(e) for conducting specified public business that has competitive or bargaining reasons that require a closed session. Specifically, Green Whey is currently in receivership and has substantial past-due property tax and interest and penalties. There are entities that have indicated an

interest in purchasing the property and negotiating repayment of the tax, interest and penalties due to Polk County. Having discussions with the potential purchasers in closed session will allow the County to have greater bargaining power when it comes to any potential repayment agreement.

Following the closed session the Committee will convene in open session to make an announcement on matters considered in closed session and to take up, consider and act upon in open session those subject matters noticed herein for consideration or action in open session.

15. 2019 Work Plan Development/Updates

16. Identification of Subject Matters for Upcoming Meetings

17. 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, June 13, 2019

Meeting called to order by Chair Masters @ 10:00 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; Nick Osborne, County Administrator; Andrea Jerrick, Deputy County Administrator/Employee Relations Director; Chad Hoag, Child Support Manager; Chad Roberts, Chief Deputy; Maggie Wickre, Finance Director; Emil Norby, Highway Commissioner; Malia Malone, Corporation Counsel; Supervisor Route, and member of the press.

Approval of Agenda

Chair Masters called for a motion to approve the amended agenda as published. **Motion** (Jepsen/Nelson) to approve the amended agenda. Chair Masters declared that closed session items would be moved after #7 on the agenda. Chair Masters called for a voice vote on the motion to approve the amended agenda as published. **Motion** to approve the amended agenda carried by unanimous voice vote.

Approval of Minutes

Chair Masters called for a motion to approve the minutes of the May 9, 2019 meeting as published. **Motion** (Masters/Jepsen) to approve the minutes. Chair Masters called for a voice vote on said motion. **Motion** to approve the minutes of the May 9, 2019 meeting carried by unanimous voice vote.

Public Comment – No Public comment was received by committee.

Receipt of Information from Supervisors Not Seated as Committee Members – No information was received by the committee from Supervisors not seated as committee members.

The committee received an update regarding the Recycling Center financial analysis from Highway Commissioner Norby. The recycling center is receiving more recyclables than current staffing can handle. Center has been subsidized with tax levy dollars to break even partially due to decreases in commodity pricing (for recyclables sold) and decreased state aid. Other issues impacting the recycling center include staffing shortages, equipment breakdowns, aging infrastructure, and economic impacts.

The committee received an update regarding the Lime Quarry financial analysis from Highway Commissioner Norby. Lime Quarry has been in existence since the 1930's. The committee received financial statistics and information from Commissioner Norby who presented a map plotted showing

customers/locations who purchase lime quarry products. A majority of the lime products go to Cooperatives.

Chairman Masters called to the floor for a motion to convene in Closed Session.

Motion (Jepsen/Johansen) to convene in closed session for purposes and on statutory basis pursuant to Wisconsin Statute Section 19.85(1)(e) and 19.85(1)(g) noticed on the amended agenda. Chairman Masters called for a voice vote on said motion. Motion to convene in closed session carried by unanimous voice vote.

**** Closed Session 10:15 a.m. **** (Minutes separate and under seal)

Chairman Masters asked that the record reflect those present for closed session: Supervisors: Brian Masters, Chris Nelson, Dean Johansen, Russ Arcand, and Larry Jepsen. Also present were County Clerk Sharon Jorgenson, Administrator Nick Osborne, Deputy Administrator Andrea Jerrick, Finance Director Maggie Wickre, Chief Deputy Chad Roberts, Child Support Manager Chad Hoag, Highway Commissioner Emil Norby, Corporation Counsel Malia Malone and Supervisor Doug Route.

*Reconvened in Open session: 10:47 a.m.

Committee received information from Administrator Osborne regarding consideration and identification of County Board Priorities in General Government. Committee received information from Corporation Counsel Malone regarding Child Support and Corporation Counsel departmental priorities. Supervisor Nelson noted concern regarding spending/budgeting for upgrades/repairs at the aging recycling center with outdated systems and subsequent costs to operate the center.

The committee engaged in discussion regarding the Clam Falls Dam. Chairman Masters provided information regarding expenditures on Atlas, Apple River, and DD Kennedy dams. Federal grant funding is no longer available for improvements on dams. The committee received an update from Administrator Osborne regarding recent conversations with representatives from Northwestern Wisconsin Electric and Renewable Energies. Representatives from NW Electric and Renewable energies will be present and provide information and updates at the July County Board meeting.

The committee discussed recommendations regarding consideration of Resolution No. 27-19: Resolution to Amend 2019 Budget to Incorporate Carry-Forward Funds from 2018. Chairman Masters called upon Administrator Osborne to provide information regarding the resolution to the committee. Administrator Osborne noted tentative amounts needed on line 49 for the General Fund Balance transferred to the Department of Children and Families and on line 53 for the Highway Facility Project (transferred to General Fund Undesignated Fund Balance) would be \$688,337.00 and \$907,527.00 respectively.

Chair Masters called for a motion regarding Resolution No. 27-19.

Motion (Jepsen/Masters) to recommend Resolution No. 27-19 to the County Board for passage.

Motion (Masters/Johansen) to amend Resolution No. 27-19 to add the following amounts to the Resolution after line 34:

Recycling: \$22,000 for 2018 Recycling Air Handler Project which is in process of being replaced.

Buildings: \$76,000 Government Center Security Project which needs to be carried forward.

Chair Masters called for a voice vote on said motion to amend Resolution No. 27-19.

Motion carried by majority voice vote with one opposed.

Motion (Johansen/Jepsen) to approve and recommend Resolution No. 27-19 as amended. **Motion** to approve and recommend Resolution No. 27-19: Resolution to Amend 2019 Budget to Incorporate Carry-Forward Funds from 2018 (as amended) to the County Board for passage carried by majority voice vote with one opposed.

The committee received information and a PowerPoint presentation from Deputy Administrator Jerrick regarding the remaining items to be addressed from the 2017 work plan and the status of the items, as well as progress made regarding the following items:

Government Center Security
Paper reduction – paperless initiative
Cash Handling
Review of lease structure
Customer Service
Funding of outside agencies
Capital Improvement Planning
IT Developments and innovation
Employment issues and trends and succession planning
Accounts Receivable

Work plan updates/development: -Ongoing items

IT Developments and innovation/Paper Reduction/paperless initiative
Government Center security
Customer Service- August?
Capital Improvement Planning –(budget time)
Funding of outside agencies – August

Items for next agenda:

Next meeting: July 11, 2019 @ 10:00 a.m.
Recycling Center updates
Update on Memorandums of Understanding

Adjourn

Chair Masters called for a motion to adjourn. **Motion** (Johansen/Nelson) to adjourn. Chair Masters called for a voice vote on the motion to adjourn. **Motion** carried by unanimous voice vote. Meeting adjourned 12:07 p.m.

Respectfully submitted,

Sharon Jorgenson
County Clerk

Resolution No. 77-18

1 Resolution Concerning Offer of Northwestern Wisconsin Electric Company to Transfer Clam
2 Falls Dam

3 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY
4 OF POLK:

5 Ladies and Gentlemen:

6 WHEREAS, the Clam Falls Dam is owed by Northwestern Wisconsin Electric Company
7 (NWE) and under lease to Renewable World Energies, a subsidiary of Harris Energy Group;
8 and
9

10 WHEREAS, NWE has offered to transfer ownership and responsibility to the County along
11 with the sum of \$700,000, subject to certain terms of the offer, which is attached hereto; and
12

13 WHEREAS, NWE has represented that in May 2017 the Wisconsin Department of Natural
14 Resources had assigned a Significant Hazard rating to the dam and that in November 2017,
15 NWE conducted a Spillway Capacity Upgrade Feasibility Study wherein the estimated cost
16 of modifications necessary to be eligible for a Low Hazard rating was between
17 \$1,384,000,000 and \$1,542,000.00.
18

19 WHEREAS, the terms of the proposed transfer would require the County to retain a specific
20 contractor and modify the dam to a lower hazard rating.
21

22 WHEREAS, the terms of the proposed transfer would, in the alternative, require the County
23 to return to NWE \$325,000 if the County, within 3 years of the transfer, chose to either not
24 enter into a contract with the specified contractor or go with another contractor for
25 modifications to the dam; and
26

27 WHEREAS, as required by the provisions of County Finance policy pertaining to the
28 acquisition and management of real property, the Administrator has considered the offer and
29 has made a recommendation to reject the offer.
30

31 WHEREAS, the General Government Committee has recommended to reject the offer; and
32

33 WHEREAS, upon recommendation of the General Government Committee, the
34 Administrator has met with the Town of Clam Falls Chairperson, the NWE president and the
35 President and CEO of Harris Energy Group to discuss the possibility of joint ownership and
36 responsibility of the dam through an intergovernmental agreement between the County and
37 the Town of Clam Falls; and
38

39 WHEREAS, during such discussions, the County and the Town of Clam were informed that
40 NWE could apply to the Wisconsin Department of Natural Resources (WDNR) for a lower
41 spillway capacity or an exemption from the spillway capacity standards, such that the terms
42 of the offer would be significantly altered if NWE made the business decision to submit the
43 application and WDNR approval such application.
44

45 NOW, THEREFORE, BE IT RESOLVED, that Polk County Board of Supervisors rejects the
46 offer of Northwestern Wisconsin Electric to transfer the Clam Falls Dam to the County on
47 the proposed terms contained in the offer, attached hereto and incorporated herein.

Offered and Submitted on this 5 day of Oct, 2018.

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters 10/5/18

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

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

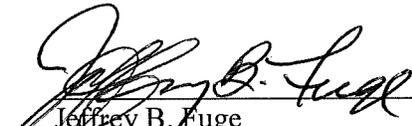
Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

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

Joe DeMulling, Supervisor, District #15

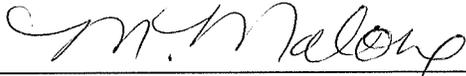
Reviewed By County Administrator:



Jeffrey B. Fuge
Interim County Administrator

Fiscal Impact Note: Rejection of the offer avoids all known and unknown costs. Acceptance of the offer presents considerable financial impact. Acceptance of the offer would bind the County to incur or otherwise fund the expenses associated with necessary modifications. Acceptance of the offer creates a contingent liability of \$325,000.00. Additionally, acceptance of the offer would subject the County to the compliance standards for maintaining the dam. The costs of future maintenance and management of the dam are unknown. The costs of abandonment of the dam in the future, if determined by the County Board, are also unknown.

Approved as to Form and Execution:



Malia T. Malone, Assistant Corporation Counsel

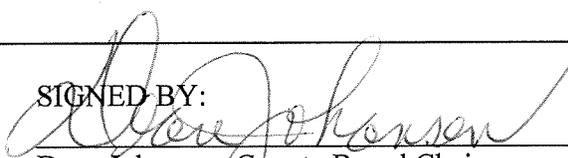
Legal Impact Note: Rejection of the offer presents no legal impacts. Acceptance of the offer binds the County to the terms of the offer of transfer. Acceptance would present the County with all legal requirements associated with ownership and management of a dam, including those regulations concerning abandonment.

Excerpt of Minutes

48 At its regular business meeting on the 16th day of October, 2018, the Polk County
49 Board of Supervisors acted upon Resolution No. 77-18: Resolution Concerning Offer of
50 Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam, as follows:

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

Insert amendment to resolution according to minutes:

SIGNED BY: 
Dean Johansen, County Board Chairperson

ATTEST: 
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY RESOLUTION

STATE OF WISCONSIN

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 Resolution No. 77-18: Resolution Concerning Offer of Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam adopted by the Polk County Board of Supervisors at its regular business meeting held on October 16, 2018


Sharon E. Jorgenson 10/27/18

Sharon E. Jorgenson, Polk County Clerk

Date



**Northwestern
Wisconsin Electric Company**

Phone (715) 463-5371
FAX (715) 463-2765

104 South Pine Street • P.O. Box 9 • Grantsburg, WI 54840-0009

August 2, 2018

Mr. Dean Johansen, Polk County Chair
Polk County Government Center
100 Polk County Plaza
Balsam Lake, WI 54810

Dear Sir,

Enclosed please find an Offer to Transfer Clam Falls Dam whereby Northwestern Wisconsin Electric Company (NWE) is offering to transfer ownership of the Clam Falls dam to you along with the sum of \$700,000. NWE's offer is set out in its entirety in the enclosed document and is subject to the terms and conditions in that document.

NWE is making this offer with the same terms to both Polk County and the Town of Clam Falls.

NWE commits to providing as much information as it has available to help in your decision and to helping with the transfer.

I respectfully ask that you consider this offer and respond with a Yes or No vote by the Polk County Board prior to November 1, 2018.

Feel free to contact me with any questions.

Sincerely,

David M. Dahlberg
President

Cc: Jeff Fuge, County Administrator

August 1, 2018

Offer to Transfer Clam Falls Dam

Northwestern Wisconsin Electric (NWE) hereby offers to transfer the Clam Falls Dam, the surrounding dam site and all property thereon (the Dam), on an as-is, where-is basis for no consideration, and to donate an additional sum of Seven Hundred Thousand Dollars (\$700,000) in cash to the entity acquiring the Dam.

The transfer will be subject to the approval of the Wisconsin Department of Natural Resources (DNR) and on the execution and consummation of a definitive written agreement for the transfer and related matters.

The donation of cash will be subject to the acquirer retaining Kiser Hydro LLC, as general contractor on a time and materials basis to make modifications to the Dam required to make it eligible for either a Significant or Low hazard rating, as follows: if the acquirer of the dam, within three (3) years of acquiring the Dam, does not enter into a contract with Kiser for repair of the Dam, or contracts with another contractor to do that work, the purchaser shall refund \$325,000 to NWE. Kiser's rate schedules are available upon request.

NWE will provide inspection reports and engineering studies they have received for the Dam to interested parties. Neither NWE nor Renewable World Energies LLC (RWE) former tenant of the Dam, make any warranty as to the accuracy, completeness or currency of any such reports or studies.

In their sole discretions, NWE and RWE will cooperate with the acquirer on a best efforts basis with respect to the required DNR approval and any applications for grants the acquirer makes to defray the repair and restoration costs of the dam. Each party will be solely responsible for its own expenses relating to the transfer.

Background

The Dam was built in 1914 and modified around 1953. It has a maximum height of approximately 35 feet and impounds the 127 acre Clam Falls Flowage. A bridge serving Polk County Highway I crosses the flowage just upstream from the Dam.

The Dam was last inspected in November, 2012, and has a current sufficiency rating of Conditionally Fair. Concrete repairs identified in the inspection report have not been completed.

In May, 2017, the DNR assigned a Significant hazard rating to the Dam. The Dam must be modified within five (5) years from that time to safely withstand a five hundred-year flood without over-topping. In November of 2017, Ayres Associates completed a Spillway Capacity Upgrade Feasibility Study which determined that, with modifications and an enhanced emergency action plan, the Dam could be assigned a low hazard rating. The estimated cost of the modifications at that time was between \$1,384,000.00 and \$1,542,000.00.

The alternative to making the required repairs and modifications to the Dam is to remove the Dam, which would drain the flowage, and remediate the Dam site. The current estimated cost of removal and remediation is approximately \$750,000.00.

It is the understanding of NWE that a municipality or other government body acquiring the Dam may be eligible for grants to repair the Dam. NWE further understands that a government body that owns the Dam would have the authority to collect a special one-time levy for repairs to the Dam. NWE makes no warranty as to the availability, terms or amount of grant money or other sources of funding for dam restoration.

If a transferee is not found before November 1, 2018, NWE will most likely begin the process of applying for abandonment and removal of the dam and restoration of the site.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

RESOLUTION IN SUPPORT OF TELECOMMUTING OPPORTUNITIES AND
TELECOMMUTER FORWARD CERTIFICATION

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

Ladies and Gentlemen:

WHEREAS, Polk County supports and commits to promote the availability of telecommuting
options;

WHEREAS, Polk County hereby appoints Vince Netherland, Executive Director of the
Polk County Economic Development Corporation, as the single point of contact for
coordinating telecommuting opportunities within Polk County including the following
responsibilities.

1. Coordination and partnership with broadband providers, realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.
2. Collaboration with broadband providers and employers to identify, develop, and market telecommuter-capable broadband packages.
3. Communication and partnership with broadband providers and economic development professionals to develop common goals.
4. Promotion of telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision adopts the resolution.
5. Familiarity with broadband mapping tools and other state-level resources.
6. Maintaining regular communication with the state broadband office.
7. Making regular reports to the Polk County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors support telecommuting opportunities for Polk County in its application for Telecommuter Forward! Community certification.

BY: _____
 Brad Olson, Supervisor, District #1

 Doug Route, Supervisor, District #2

 Dean Johansen, Chair,
 Supervisor, District #3,

 Chris Nelson, Supervisor, District #4

 James Edgell, Supervisor, District #8

 Kim O'Connell, Supervisor, District #9

 Larry Jepsen, Supervisor, District #10

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

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor, District #7

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

Joe Demulling, Supervisor, District #15

County Administrator's Note:

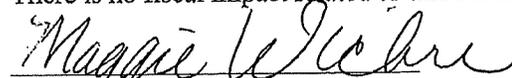
Recommended.



Nick Osborne
County Administrator

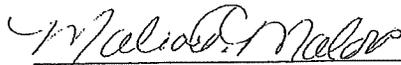
Fiscal Impact Note:

There is no fiscal impact related to this resolution.



Maggie Wickre, Finance Director

Approved as to Form and Execution:



Malia T. Malone, Corporation Counsel

Legal Impact Note: This matter has minimal legal impact.

Excerpt of Minutes

34 At its regular business meeting on the ____ of _____ 2019, the Polk County
35 Board of Supervisors acted upon Resolution No. 28 -19: Resolution
36 _____
37 _____
38 _____

Adopted by a majority of the members present by a vote of _____ in
favor and _____ against.

- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Executive Summary

In February, 2018 the Polk County Board adopted a resolution implementing the Broadband Forward program, which encourages local governments to streamline their permitting process to encourage broadband internet expansion and provides grants. Telecommuter Forward, which was also developed by the Public Service Commission, can be seen as the logical companion and next iteration of Broadband Forward. Because of Polk County's largely rural character, but need to compete with other employers both in Wisconsin and the Minneapolis/St. Paul Metro Area, we need as many tools as possible to attract and retain quality employees. This resolution formalizes a single point of contact with the business community, employers, and the County Board to lead our efforts to encourage telecommuting.

**GENERAL GOVERNMENT COMMITTEE
2019 WORK PLAN**

Date	Scheduled Agenda Items	Program Evaluation and Upcoming Issues
January	Finalize 2019 Work Plan	
February		
March		
April		
May		Consideration of County Board priorities in General Government
June	Financial Analysis Lime Quarry Financial Analysis – Recycling Center	
July	Annual reports Annual Audit Results Recycling Center Updates/Follow-up Update on MOU's	Governor's Budget and impact on government programs
August	Review and recommendations on fee schedule Funding of Outside Agencies Customer Service	
September	Annual budget review – County Board Budget development/recommendation Capital Improvement Planning	
October	Annual budget and budget amendment recommendations	
November	Budget technical amendments	
December	Develop 2020 work plan	

Ongoing Work Plan Items

Paper Reduction/IT Developments and Innovation
Government Center Security