



POLK COUNTY, WISCONSIN

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Dana Frey, County Administrator
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*AMENDED

AGENDA AND NOTICE OF MEETING

CONSERVATION, DEVELOPMENT, RECREATION & EDUCATION COMMITTEE

Government Center

West Conference Room

Balsam Lake, WI 54810

9:00 a.m. Wednesday February 18th, 2015

Purpose: Review and action on selected items as listed below
Documents: Minutes of February 4th, 2015

ITEM	LEAD PERSON
Call to order	Committee Chair
Approval of agenda Approval of minutes for February 4 th , 2015	
Public comment	
New business	
1. Recommendation on Amendment to Ordinance No 40-11: Setting Revised Limits on Claims Against Dog License Fund and Authorizing Service Contract for Pound Services to Arnell Memorial Humane Society 2. Recommendation on Resolution To Accept Offer To Purchase County Property: 104 State Street, Osceola.	County Administrator
3. Honor and Remember Flag	Director of Buildings/ Deb Peterson
4. *Wildlife Damage Claims	Wildlife Tech/ Cindy Blonk
5. Develop Report and Recommendation to County Board on Polk County Zoning Ordinance, A Comprehensive Revision. Covering Article 5: Shoreland Overlay District. Committee may cover additional sections of the ordinance if time allows.	Committee Chair

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

<p>Pursuant to Section 59.69(5), the Committee will develop its report and recommendations to the County Board on the proposed ordinance. The Committee may review public testimony on the proposed draft ordinance; receive staff recommendations on same and direct further modifications to the draft ordinance prior to forwarding recommendation to the County Board.</p>	
<p>6. Future agenda items- Next meeting March 4th, 2015</p>	<p>Committee members</p>
<p>Adjourn</p>	



MINUTES

Conservation, Development, Recreation and Education Committee

East Conference Room

Balsam Lake, WI 54810

9:00 a.m. Wednesday, February 4th, 2015

Meeting called to order by Chairman O'Connell @ 9:07 A.M.

Members present

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Craig Moriak	Vice Chair	Present
Warren Nelson	Supervisor	Present
Dean Johansen	Supervisor	Present
Jim Edgell	Supervisor	Present
Dale Wood	FSA Rep	Present

Also present Tammy Peterson, Executive Secretary, Dana Frey, County Administrator, Tim Anderson, County Planner, and Nancy Snouffer, Assistant Zoning Administrator

Approval of Agenda- Chairman O'Connell called for a motion to approve the agenda. **Motion** (Edgell/ Nelson) to approve the agenda. Motion carried.

Approval of Minutes – Chairman called for a motion to approve the minutes of the January 21st, 2015 meeting. **Motion** (Edgell/Johansen) to approve the minutes. Motion carried.

Public Comment: None

New Business:

County Administrator Frey went over questions on issues as contained in written monthly reports.

County Forest Administrator, Jeremy Koslowski provided handout and spoke on the 2015 Spring timber bids. The weighted average of all bids total sale value was \$179,479.00 and total sold value was \$290,816.70. Motion made by (Moriak/Wood) to accept as presented. Motion carried unanimous voice vote.

Chairman Kim O' Connell stated they will discuss Article 5: Shoreland Overlay District of the proposed draft. The Committee discussed pg 40-45 (Section 10.5 – 10.5.6(A)).

Supervisor Warren Nelson left at 10:38 a.m.

Future Items: Next meeting February 18th, 2015 in the County Board Room.

Motion (Johansen/ Edgell) to adjourn. Meeting adjourned at 12:36 p.m.

Ordinance No. ____-15

Ordinance to Establish Revised Limits on Claims Against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society

(Wis. Stats. §§ 173.15 and 174.11(5))

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

Ladies and Gentlemen:

WHEREAS, Wisconsin law allows counties to limit by ordinance the allowed amount for claims for damages caused by dogs; and

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 40-11, to establish a maximum amount that may be allowed for claims for damages caused by dogs; and

WHEREAS, Wisconsin law allows counties to provide for humane society services through a contract with a private entity and requires such a contracts to contain certain provisions; and

WHEREAS, in adopting Resolution No. 101-96, the Polk County Board of Supervisors designated the Arnell Memorial Humane Society as the humane society for Polk County to provide a pound for stray and unwanted dogs; and

WHEREAS, it is in the interest of the County to continue the provision of services for the care, treatment and disposal of animals on a contractual basis with Arnell Memorial Humane Society consistent with state law.

WHEREAS, pursuant to Wisconsin Statutes § 174.09(2), the County is subject to a state mandate unrelated to health or safety to administer the dog license fund by paying first the expenses incurred by the organization designated by the County to provide for the collecting, care and disposal of dogs and then, after making appropriate deduction for such expenses, the amount remaining toward allowed claims for damages caused by dogs; and

WHEREAS, pursuant to Wisconsin Statutes § 66.0143, the County may apply for a waiver from a state mandate, except for a state mandate that is related to health or to safety; and

WHEREAS, it is in the interest of the County to revise the limits established in Ordinance No. 40-11 and to structure such a contract and apply for a waiver to state mandate such that the County may pay claims for damages caused by dogs when such claims are allowed and to provide for compensation to Arnell Memorial Humane Society for the care, custody and disposition of dogs as such expenses are incurred irrespective of the financial administration mandate of Wisconsin Statutes §174.09.

NOW, THEREFORE, pursuant to Wisconsin Statutes §§ 173.15 and 174.11(5)), the Polk County Board of Supervisors does amend Ordinance No. 40-11 and does ordain as follows:

Section 1: Purpose:

It is the purpose of this ordinance to:

- a. Establish limits on the amount that the Polk County Board of Supervisors may allow for claims that are processed for damages by dogs to certain domestic animals pursuant to §174.11(5), Wis. Stats, and as amended hereafter by the Wisconsin Legislature;
- b. Provide for the administration of the dog license fund and the payment of allowed claims in a manner that is consistent with state law and that pays a claim at the time that the County Board of Supervisors allows such claim; and
- c. Provide for the care, treatment and disposal of animals taken into custody by a humane officer or law enforcement officer on a contractual basis and authorize a contract to Arnell Humane Society for the provision of such services.

Section 2: Limitation:

- a. The maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death, under § 174.11, Wis. Stats. shall be limited to ~~\$1,000.00~~ \$500 per claim, regardless of the number of domestic animals that may be injured or killed in the incident or occurrence that gave rise to the claim.

- b. The maximum amount that may be paid on such allowed claims in any one year shall be limited to \$2,000.00, regardless of the number of such claims that may be made against the County in any one year.

Section 3: Treatment of Multiple Claims Arising from Single Incident:

In the event that more than one claim for damages is presented for the injury or death of domesticated animals in which such claims all arose out of the same incident or occurrence, the Polk County Board of Supervisors shall treat such multiple claims as one claim. Said claim shall be limited by Section 2, regardless of the multiplicity of claims filed.

Section 4: Administration of Dog License Fund and Payment of Allowed Claims:

- a. The administration of the Dog License Fund and the payment of allowed claims provided for pursuant to Wisconsin Statutes § 174.09(2) for damages caused by dogs is a statutory mandate that is not related to health and safety.
- b. The financial mandate set forth in Wisconsin Statutes § 174.09(2) unduly restricts the County to require the administration of the dog license fund in a manner that is detrimental to persons whose claims for damages caused by dogs are allowed consistent with Wisconsin Statutes § 174.11(4).
- c. Pursuant to Wisconsin Statutes § 66.0143(2), Wis. Stats., the County Clerk shall file on behalf of the County a request with the Wisconsin Department of Revenue for a waiver from the state mandate contained in Wisconsin Statutes § 174.09 that requires the County to pay allowed claims for damages caused by dogs only after payment of the expenses incurred by the county contracted humane society.
- d. Once said filing has been completed, the County Clerk shall pay claims for damages caused by dogs at the time that the County Board allows any such claim and to the extent that the annual aggregate sum of such allowed claims does not exceed the limitation set in Section 2.b., above.
- e. The County Clerk shall renew the filing of such waiver every four (4) years as provided pursuant to Wisconsin Statutes § 66.0143(3).

Section 5. Designation of County Humane Society:

- a. Pursuant to Wisconsin Statutes §173.15(1), the provision of care, treatment and disposal of animals taken into custody by law enforcement officers or humane officers is authorized.
- b. The services for the care, treatment and disposal of animals shall be provided on a contractual basis.
- c. A services contract for the provision of such services is authorized and extended to the Arnell Memorial Humane Society for an initial period of four (4) years that is consistent with Wisconsin Statutes §173.15(2)(a)-(c) and contains other terms and conditions determined by the County Administrator as being in the interest of the County.
- d. Said service contract may be renewed on terms and conditions consistent with Wisconsin Statutes §173.15(2)(a)-(c) and other terms and conditions as determined by the County Administrator to be in the interest of the County.

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	March 17, 2015
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	

Mark As Appropriate:

At its regular business meeting on _____, ___, 2015, the Polk County Board of Supervisors did consider and act the above-ordinance, Ordinance No. __-15: Ordinance To Establish Revised Limits on Claims Against Dog License Fund and To Authorize Service Contract for Pound Services to Arnell Memorial Humane Society (Wis. Stats. §§ 173.15 and 174.11(5), as follows:

- Enacted by a vote of _____ in favor and _____ against.
- Enacted by majority voice vote.
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by majority voice vote
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:

William F. Johnson, IV, County Board Chairperson

Attest: _____

Carole T. Wondra, County Clerk

Certification of Publication

Ordinance No. __-15: Ordinance to Establish Revised Limits on Claims Against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society (Wis. Stats. §§ 173.15 and 174.11(5), was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the _____ day of _____, 2015.

Carole T. Wondra, County Clerk

Dated: _____

Resolution No. ____-15

Resolution to Authorize Sale of County Property – 104 State Street, Osceola, Wisconsin

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

Ladies and Gentlemen:

WHEREAS, Polk County owns the residential property located at 104 State Street, Osceola Wisconsin; and

WHEREAS, pursuant to Policy No. 916, *Management of County-Owned Non-Tax Forfeiture Real Estate*, the County Administrator has identified the property as appropriate for disposition; and

WHEREAS, after initiate efforts were unsuccessful to sell the property at public sale, the County listed the property for private sale and received an offer to purchase the property at a price greater than the appraised value; and

WHEREAS, consistent with Wisconsin Statutes § 59.52(6)(c), and County policy, Policy No. 916, *Management of County-Owned Non-Tax Forfeiture Real Estate*, the offer has been accepted subject to the approval of the Polk County Board of Supervisors; and

WHEREAS, the Conservation Development, Recreation and Education Committee and the General Government Committee recommend to the Polk County Board of Supervisors to authorize sale of the property on terms and conditions of the offer received and accepted on condition.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors confirms acceptance of the offer of H&W Properties, LLC., to purchase the County residential property located at 104 State Street, Osceola Wisconsin for a purchase price of One Hundred Three Thousand (\$103,000.00).

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors determines that there is no longer a public purpose in said property and the same shall be disposed of by private sale.

BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statutes § 59.52(6)(c), the Polk County Board of Supervisors directs the Clerk to convey by warranty deed the property having the legal description and Parcel Identification Number, as follows:

“Part of Outlot 83 of the Outlot Plat of the Village of Osceola, Polk County, Wisconsin, more fully described as commencing at the point on the East Line of State Street in Viebrock’s Third Addition to the Village of Osceola, which point is 349.55 feet East and 240.55 feet North of the West quarter corner of Section Twenty-Six (26), Township Thirty-Three (33), North, of Range Nineteen (19) West and the point of the beginning; thence North one degree, twenty-eight minutes East along the East line of said State Street a distance of 110 feet; thence North 89 degrees, 40 minutes East a distance of 150 feet; thence South one degree, 28 minutes West a distance of 110 feet; thence South 89 degrees, 40 minutes West a distance of 150 feet to the point of beginning; all in the Village of Osceola, Polk County, Wisconsin.

Parcel Identification Number: 165-00478-0000

to H&W Properties, LLC., upon satisfaction of all terms and conditions of said sale.

Funding Source/ Funding Amount:	Not applicable
Date Reviewed as to Appropriations:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	March 17, 2015
Submitted and Recommended By:	Conservation Development, Recreation and Education Committee :

	<hr/> <p>Supervisor Kim O’Connell, Committee Chair (February 18, 2015)</p> <p>General Government Committee:</p> <hr/> <p>Supervisor Ken Sample, Committee Chair (February 19, 2015)</p>
<p>Review By County Administrator:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <hr/> <p>Dana Frey, County Administrator</p>	<p>Review By Corporation Counsel:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <hr/> <p>Jeffrey B. Fuge, Corporation Counsel</p>
<p>Acknowledgement of County Board Action</p>	
<p>Mark As Appropriate:</p> <p>At its regular business meeting on March 17, 2015, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. ____-15: Resolution to Authorize Sale of County Property – 104 State Street, Osceola, Wisconsin, as follows:</p>	

- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted 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:

William F. Johnson, IV, County Board Chairperson

Attest: _____

Carole T. Wondra, County Clerk



MINUTES

Conservation, Development, Recreation and Education Committee

West Conference Room

Balsam Lake, WI 54810

9:00 a.m. Wednesday, February 18th, 2015

Meeting called to order by Chairman O'Connell @ 9:08 A.M.

Members present

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Craig Moriak	Vice Chair	Absent
Warren Nelson	Supervisor	Present
Dean Johansen	Supervisor	Present
Jim Edgell	Supervisor	Present
Dale Wood	FSA Rep	Present

Also present Tammy Peterson, Executive Secretary, Dana Frey, County Administrator, Tim Anderson, County Planner, and Nancy Snouffer, Zoning Administrator

Approval of Agenda- Chairman O'Connell called for a motion to approve the amended agenda. **Motion** (Edgell/ Nelson) to approve the amended agenda. Motion carried.

Approval of Minutes – Chairman called for a motion to approve the minutes of the February 4th, 2015 meeting. **Motion** (Wood/Johansen) to approve the minutes. Motion carried.

Public Comment: Doug Route stated Brad Olson and he would like to make comment on certain land ordinance(s) when the committee reaches that point.

Ed Dittbrenner stated all required deer were killed as wildlife damage claim and DNR lost some of the stubs.

New Business:

County Administrator Frey stated there is no recommendation on amendment to ordinance No 40-11 taken, due to the Arnell Memorial Humane Society has to approve first.

Administrator Frey went over the recommendation on resolution to accept offer in the selling of County Property at 104 State Street, Osceola, WI in the amount of \$103,000. Motion (Wood/ Nelson) to recommend to County Board. Motion carried by unanimous voice vote.

Mr. Frey spoke on the letter received in regards to the flying of the Honor and Remember Flag over Polk County government facilities. Administrator Frey will have a resolution prepared and bring forward at next meeting.

Wildlife Damage Technician, Cindy Blonk handed out and discussed the 2014 wildlife damage claims. Motion (Wood/Edgell) to approve all claims with #20 approved after DNR compliances are met and forward on to County Board. Motion carried by unanimous voice vote.

Chairman Kim O' Connell stated they will discuss Article 5: Shoreland Overlay District of the proposed draft. The Committee discussed pg 46-50 (Section 10.5.6(B) – 10.5.6(G)) and Contractor Storage Yards.

Future Items: Next meeting March 4th, 2015

Motion (Wood/Johansen) to adjourn. Meeting adjourned at 12:36 p.m.