

***AMENDED AGENDA**
Polk County Board of Supervisors
Polk County Government Center
100 Polk County Plaza
Balsam Lake, WI
County Board Room
Tuesday, April 19 2011
6:00 PM Regular Business Meeting

1. Call to Order
2. Evidence of Proper Notice
3. Roll Call
4. Prayer: Supervisor Moriak
5. Pledge of Allegiance
6. Consideration of Corrections to the Noticed Agenda
7. Consideration of Corrections to the Published Minutes of the March 15, 2011 County Board Meeting
8. Public comments—3 minutes per person—not to exceed 30 minutes total
9. Presentations: Polk County Community Health Improvement Plan -Gretchen Sampson, Public Health Director
2011 Polk County Energy Fair- Steve Healy
10. Chairman's Report
Clarification of the Motion to Table Resolution 10-11 from March 15, 2011 County Board meeting
11. County Administrator's Report
12. Finance Director's Report
13. Committee/Board Reports
 - Highway – Supr. Caspersen
 - Finance – Supr. Bergstrom
 - Personnel – Supr. Arcand
 - Property, Forestry & Recreation – Supr. Jepsen
 - Extension, Land & Water, Lime – Supr. D. Johansen
 - Public Protection – Supr. Luke
 - Land Info – Supr. O'Connell
 - Human Services Board – Supr. Stoneking
 - Boards of Health & Aging – Supr. Schmidt
 - GAM Board, Renewable Energy/Energy Independence Team– Supr. Kienholz
 - Organizational Comm. – Supr. Brown
14. Resolutions
 - A. **To Approve Zoning Ordinance Amendment for the Town of St. Croix Falls**
 - B. **To Grant a Zoning District Change and to Amend Zoning District Map for the Town of St. Croix Falls**
 - C. **To Grant a Zoning District Change and to Amend Zoning District Map for the Town of Clayton**
 - D. **To Grant a Zoning District Change and to Amend Zoning District Map for the Town of Apple River**
 - E. **To Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to KAPCO, Inc.**

- F. To Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to Engineered Plastic Components, Inc.**
- G. Authorize 2011 Highway Construction Projects**
- H. To Create A Transition Committee**

- *I. To Amend Polk County Personnel Policy 390, Non-Represented Employee Compensation Management Policy**

- 15. Election of Members to Transition Committee
- 16. Resolution 10-11 in Support of Polk County Employees (previously tabled at March 15, 2011 board meeting)
- 17. Confirmation of County Administrator's appointment of Gerald Newville to the Nutrition Project Council
- 18. Supervisor's Reports
- 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.

Polk County Wisconsin

**NON-REPRESENTED EMPLOYEES COMPENSATION
MANAGEMENT POLICY**

Policy 390

Effective Date: 07-28-92

**Current Revision Date: 4-15-03, 7-19-05, 10-18-05,
3-11-08; 3-15-11**

The Non-Represented Employees Compensation Management Policy (hereafter: the policy) establishes the compensation guidelines for all county positions not subject to labor agreements with the exception of elected officials and positions defined as "limited" described below. This policy is directed at three primary goals:

1. To attract and retain qualified and responsible personnel for the positions covered under this policy;
2. To create and maintain internal equity between positions; and
3. To do so efficiently and effectively thereby being fiscally responsible to the interests of the taxpayer.

The employee relations director must monitor this policy to determine if adjustments to compensation or other provisions may be appropriate in light of the above goals. The employee relations director must submit a written report to the personnel committee by April 1 each year regarding the current status and recommended changes, if any.

Compensation Structure:

Compensation is based on salary ranges and steps within that salary range. For any position subject to this policy, compensation must be assigned using an eight-step grid within each salary range, with an increase of 30% from the minimum to the maximum step equally distributed among these steps. In determining or evaluating compensation levels, the employee relations director must maintain a schedule of comparative compensation amounts for all positions covered under this policy. The personnel committee will determine the appropriate market to be used in developing this schedule and in supplemental compensation reviews. The maximum compensation for any position covered under this policy must be between the median and average of comparative maximums unless otherwise approved by the county board.

A new employee must be hired at the pay range minimum whenever possible. A new employee may be hired at a rate up to and including Step 4 of the pay grade for his/her classification with the approval of the employee relations director and concurrence of the County Administrator before a final offer is extended to an applicant. The personnel committee must approve any initial salary beyond Step 4 except in the case of a department head where confirmation is by the full County Board.

An employee may advance to the next pay step after satisfactorily completing one year of employment which meets performance expectations. Every year thereafter, an employee may advance to the next pay step after satisfactorily completing another year of employment which meets performance expectations until he or she reaches the range maximum. Determination of satisfactory performance must be made by the immediate supervisor on forms prescribed by the employee relations director. For purposes of this step adjustment, the one year period begins with the first work day in the current position.

It is the intent of this policy that non-represented employees receive the same general compensation adjustments as represented employees. Similar increases in salary will keep Polk County's salary ranges competitive with the market and as approved by the County Board. The pay grades and rates established by this policy must be annually confirmed by the County Board through adoption of the budget.

Other compensation adjustments:

Promotion: An employee who is promoted from a classification in one pay grade to a classification in a higher pay grade must receive at least the minimum rate of the new salary grade range or must be placed at a step which provides a salary increase of five percent, whichever is greater.

Transfers: An employee who transfers or is transferred from one classification to another classification in the same pay grade must receive no salary adjustment as a result of the transfer.

Demotions: An employee who is demoted to a classification in a lower salary grade for performance reasons or voluntarily transfers to a position in a lower pay grade must be placed in the new pay grade on the step closest to, but not higher than the rate the employee was receiving when the demotion occurred. If the employee's salary at the time of the demotion exceeds the new pay range maximum, the employee's salary must be adjusted to the new pay range maximum.

Reclassification: Compensation adjustment is a technique that may be used by County Board, the Personnel Committee, the County Administrator and/or the Employee Relations Director in conforming to Policy 390 goals. The employee relations director may, at his or her discretion and using funds assigned for that purpose, conduct a market survey of any position. An employee in a position which has been reclassified from one salary grade to a higher salary grade must be placed in the new salary grade at the range minimum rate or must be placed at a step which provides a salary increase of five percent, whichever is greater. An employee who is not at the pay range maximum may advance to the next pay step one year from their reclassification date if required performance expectations are met.

An employee in a position which has been reclassified from one salary grade to a lower grade must be placed on a step in the new salary grade closest to, but not lower than, the rate the employee was receiving prior to the reclassification. If the employee's salary at the time of the

reclassification exceeds the new range maximum, the employee must retain his/her present salary, and such employee must be eligible for half the annual general compensation adjustment until his/her salary is again within the new salary range. An employee who is not at the pay range maximum will advance to the next pay step one year from their reclassification date if required performance expectations are met and unless restricted by other County policy.

Limited positions: Compensation structure for positions defined as “limited” under the position administration policy must be determined on an individual basis concurrent with authorization process governing the establishment of the position. Compensation for temporary clerical, technical, para-professional, and professional positions will be established by the personnel committee on recommendation by the employee relations director.

Working out of class: When an employee under this policy is assigned to perform substantially all of the duties of a temporarily unoccupied position assigned to a higher class under this policy and the assignment exceeds 10 consecutive working days, the employee must receive a temporary salary increase for the assignment. The amount of the temporary increase must not exceed 10% of the employee’s current pay. Working at a lower classification than assigned is to be avoided and department heads must report any such assignment that exceeds 10 days or more in one calendar month to the county administrator.

General provisions: Nothing within this policy is a guarantee of employment and compensation, and nothing is to be construed as a commitment to continue the Non-Represented Employee’s Compensation Policy for more than one calendar year at a time. All components of this policy are set forth as guidelines to assist in establishing appropriate compensation. The provisions of this policy supersede all other compensation considerations. Compensation schedules for all non-represented positions, including active limited positions, will be maintained and updated as appendices to this policy in accordance with policy provisions. Employees terminating employment prior to County Board adoption of an adjustment to the terms and conditions of this policy are not entitled to any retroactive application of the adjustment. Employees covered by this policy are invited to submit comments, questions and suggestions regarding the policy at any time. Written comments should refer to specific policy provisions and be addressed to employee relations.

Polk County Board of Supervisors

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Balsam Lake, WI
County Board Room

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POLK COUNTY BOARD OF SUPERVISORS
Minutes from Tuesday, March 15, 2011
Polk County Government Center – County Board Room
Balsam Lake, WI 54810

Chairman Johnson called the Work Session portion of the meeting of the Polk County Board of Supervisors to order at 1:00 PM.

County Clerk informed the chair that notice of the agenda was properly posted in three public buildings, published in the county's legal paper and posted on the county website the week of March 7, 2011, the first amended agenda posted on March 8th and the second amended agenda on March 10, 2011. Corporation Counsel informed the board that the initial and second amended meeting notice was sufficient as to time and subject matter under the open meetings law and that Board could act on matters noticed on the second amended meeting notice after the board adopted a motion to suspend the rules, suspending the time provisions set forth in the County Board Rules of Order.

Roll call was taken by the Clerk, with 21 members present. Suprs. Kienholz and Bergstrom were absent for roll call. Both joined the meeting later, Bergstrom at 1:45pm and Kienholz at 2:30pm.

Chairman Johnson asked for a motion to suspend of the rules to facilitate the work session discussion. **Motion (Masters/Sample) to suspend Article 3(4) and Article 4(9) of the Rules of Order. Carried** by unanimous voice vote.

Work session began with a presentation by Administrator, Dana Frey, on the financial status of Polk County and the impact of the Governor's budget proposals.

Chairman called for a 5 minute break.

A second presentation was given by County Planner, Tim Anderson and Bob Kazmierski of UW Extension to assist the supervisors in looking at strategic priorities for 2012 and beyond. Tim Anderson and Bob Kazmierski will assimilate the data collected and distribute a report to the supervisors for use in setting goals and making plans for Polk County.

Chairman called for a 10 minute break.

Time was given for discussion and consideration of the Strategic Plan.

Chairman asked for a motion to go into closed session. **Motion (Sample/Masters) to convene in closed session to consider and develop bargaining strategy for labor contracts pursuant to Section 19.85(1)(e). Requests for Darlene Kusmirek, Clerk Carole Wondra and Corporation Counsel, Jeff Fuge to remain during closed session. , Motion carried** by unanimous roll call vote.

Motion (Brown/N Johnson) to reconvene in open session. Motion carried by unanimous voice vote.

Reconvene into open session. 5:40pm Chairman called for recess until regular business meeting at 6:30pm.

Back in Regular session.

Chairman Johnson called the meeting of the Polk County Board of Supervisors to order at 6:30 PM.

Roll call was taken by the Clerk, with 19 members present. Supr. Kienholz, Stoneking and Christensen were absent for roll call, but joined the meeting immediately after. Supervisor Masters led the prayer.

Chairman led the Pledge of Allegiance and asked for a moment of silence in support of persons impacted by the earthquake and tsunami in Japan.

Chairman Johnson requested a motion to suspend the rules to allow for the 2nd amended agenda. **Motion (Luke/Nelson) to suspend the rules of order to allow consideration of Resolution E, as noticed on the 2nd amended agenda. Motion carried by voice vote. Motion (Sample/Masters) to amend the agenda and allow a review of the events and personnel behaviors associated with the non-occurrence of March 3, 2011 County Board meeting; and to convene in closed session pursuant to Wis. Stat. Sec. 19.85(1)(f), for the purpose of affording preliminary consideration of specific personnel problems or investigation of charges against specific persons. Following said closed session, the County Board of Supervisors will reconvene in open session to consider or take action on any matter considered in the closed session. Motion to amend agenda carried** by unanimous voice vote.

Corporation Counsel requested that pursuant to Wisconsin Statute Section 19.85(2) that said closed session be placed at the foot of the agenda, immediately prior to adjournment.

Motion (Stoneking/Christensen) to add Resolution E to the amended agenda, carried by a roll call vote 12 yes, 11 no. Voting yes: Supr. H Johansen, D. Johansen, Kienholz, Caspersen, Moriak, Arcand, Luke, Stoneking, Jepsen, O'Connell Christensen and Wm. Johnson. Voting no: Supr. Schmidt, Brown, Rattel, Edgell, Masters, Sample, Nelson, Hartung, Bergstrom, N Johnson and Voelker .

Chairman Johnson requested consideration and any corrections to the published January 18, 2011 County Board minutes. No corrections were offered. Chairman declared that said minutes were approved by consensus.

Public comments were offered.

Chairman's Report was given, by Wm. Johnson.

Administrator's Report was given, By Dana Frey.

Finance Director's report was given, by Maggie Wickre.

Committee/Board Reports were given.

Chair called for a 10 minute break.

Chairman discussed the notice subject of an amendment to the rules of order, affecting Article 5. Voting.

Replace current No. 2 with: the Chairperson or any supervisor may request a roll call vote, by voice or ballot, to be recorded by the clerk. If both a voice vote and a ballot vote are requested, the method supported by a majority of the quorum present, will determine the method used.

Change No. 3 to: All roll call votes by voice of the County Board shall proceed on a rotating basis. Delete current No. 4 and change No. 5 to No. 4. **Amendments to the rules of order were approved** by a unanimous voice vote.

Chairman requested a vote on the confirmation of the appointment of Supervisor Kathryn Kienholz to the IFLS Board. **Appointment confirmed** by unanimous voice vote.

Chairman requested vote on the confirmation of appointments for 2011 Emergency Fire Wardens.

Deloris and John Hermstad – Towns of Bone Lake, Luck & West Sweden

Keith and Michelle Schmidt – Town of Clam Falls

Patty and Ron Fredericks – Towns of Clam falls & West Sweden

Earl and Sharon Jensen – Town of Lorain

Earl and Marilyn Roettger – Town of Sterling

Jeff and Cheri Moats – Towns of West Sweden, Luck & Clam Falls

Wayne and Mildred Lundquist – Towns of West Sweden & Clam Falls

Penny Shockman – Town of McKinley

Shawn Johnson – Town of Sterling

Confirmation of appointed Fire wardens approved by unanimous voice vote.

Resolution 06-11 to Authorize Polk County Japanese Knotweed Control Grant. Motion (Brown/Masters) to approve. Resolution was addressed by Tim Ritten, Land & Water Director. Motion to approve Resolution 06-11, carried by unanimous voice vote. Resolution adopted.

Resolution 07-11 Veteran Benefits Funding. Motion (Jepsen/Schmidt) to approve. Veterans Service Officer, Rick Gates addressed the Resolution. Motion to approve Resolution 07-11 carried by unanimous voice vote. Resolution adopted.

Resolution 08-11 Cancellation of Outstanding Orders. Motion (Masters/Jepsen) to approve. County Treasurer, Amanda Nissen addressed the resolution. Motion to approve Resolution 08-11 carried by unanimous voice vote. Resolution adopted.

Resolution 09-11 to Authorize Disbursement of the 2010 Dog License Fund Moneys and to Appropriate Remaining Surplus for Administration of the dog License law in Tax Year 2011. Motion (Stoneking/Brown) to approve. Corporation Counsel, Jeff Fuge addressed the Resolution. Motion to approve Resolution 09-11 carried by unanimous voice vote. Resolution adopted.

Resolution 10-11 in Support of Polk County Employees. Motion (Kienholz/D Johansen) to approve. Motion (Masters/Nelson) to amend Resolution 10-11 by striking "rights of" in the WHEREAS clause and "the rights" from the BE IT FURTHER RESOLVED clause. Amendment was withdrawn. Motion (Hartung/Sample) to amend Resolution 10-11 by adding to the NOW, THEREFORE, BE IT RESOLVED clause. Amendment offered: NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors thanks the hardworking men and women for their invaluable contribution to our community; and wants to assure our employees that ALL contracts will be honored until expiration. In the meantime, we will be developing an employee handbook with our employee policies. Our intent is to continue to offer our employee's salaries, benefits and working conditions with the intent of keeping and recruiting the high quality of employees we now enjoy. And striking the BE IT FURTHER RESOLVED clause. Motion (Arcand/Schmidt) to lie on the table Resolution 10-11. Supervisor Sample called for a point of order on said motion. Chairman declared said motion in order. Motion to table Resolution 10-11 carried by voice vote.

Supervisor's reports were given.

Chairman Johnson provided a report concerning the non-occurrence of the March 3, 2011 County Board special meeting. Supervisor Sample provided commentary on the same.

Motion (D Johansen/Christensen) to adjourn. Motion carried. Meeting adjourned 9:25 pm.

After contact from multiple board members and careful consideration I am respectfully withdrawing the resignation submitted. Procedural concerns that existed are being addressed with external resources and other concerns can be effectively addressed while participating in the processes afforded to the board while in session.

The overriding influence in asking that my resignation be null and void is the process of filling the vacancy created has become a political platform. This was unforeseen by me and has caused me to review the expectations and responsibilities my constituents may have of me and how they can best be fulfilled. Therefore, please withdraw the resignation submitted as I intend to complete my current term and not seek the District 11 seat in 2012.

Ken Sample

District 11 County Supervisor

RECEIVED 04.04.2011 10:49 AM CDT
WFJV

A

Resolution to Approve Zoning Ordinance Amendment for the Town of St Croix Falls

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

WHEREAS, the Town of St. Croix Falls administers their own Zoning Ordinance; and

WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if exercising village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board;" and

WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965, amended in its entirety on May 12, 1994 and subsequent amendments including the amendment on March 20, 2001; January 16, 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April 21, 2010; August 18, 2010 and

WHEREAS, the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Chapter V Sign Regulations, Section C.3.d, Loss of Non-Conforming Status of the Zoning Ordinance No. 1; and

WHEREAS, the Town Plan Commission held a public hearing on February 9, 2011, on the proposed amendment; and

WHEREAS, the Town Board of the Town of St. Croix Falls held the first reading of the proposed amendment on February 16, 2011, and a second reading was held on March 16, 2011; and

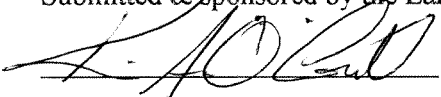
WHEREAS, the Town Board of the Town of St. Croix Falls has approved the attached amendment to their Town Zoning Ordinance on March 16, 2011; and

WHEREAS, the Polk County Board of Supervisors must also approve of the Ordinance Amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves the attached Zoning Ordinance Amendment for the Town of St. Croix Falls.


Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Land Information Committee:



Review By County Administrator:

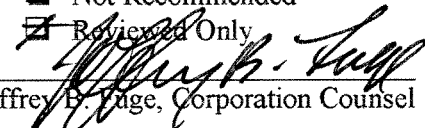
- Recommended
- Not Recommended
- Reviewed Only



Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only



Jeffrey B. Page, Corporation Counsel

At its regular business meeting on April 19, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-11: Resolution to Approve Zoning Ordinance Amendment for the Town of St Croix Falls, by a simple majority vote of ___ in favor and ___ against.

Dated this _____ day of _____, 2011 at Polk County Wisconsin.

A1

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

TOWN
Of
ST. CROIX FALLS
Polk County, Wisconsin

A 2

AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"
ORDINANCE 11-02

Section 1: Purpose

The purpose of this ordinance is to amend Chapter V Sign Regulations and Restrictions, Section C Legal Non-Conforming Signs, 3 Loss of Non-Conforming Status, d. by amending as follows:

~~The sign is destroyed by any means to the extent of fifty (50%) percent or more of its fair market value, percent of the display or structure is destroyed.~~ **Fifty (50%) percent or more of the sign structure is destroyed by any means. Structure in this instance also includes any wood or metal used for display, but not the copy on the display.**

Section 2: Effective Date

This ordinance shall take effect from and after its passage and legal publication.

Adopted on March 16th, 2011, by Resolution 11-04

William Hughes, Town Chair


Attested: Janet Krueger, Town Clerk



Posted on March 18, 2011, at the following locations:
Wayne's Café
Lampert's
Town Hall

Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of St Croix Falls

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

WHEREAS, the Town of St. Croix Falls administers their own Zoning Ordinance; and

WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if exercising village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board;" and


WHEREAS, the Town Board of the Town of St. Croix Falls has approved the attached amendment to their Town Zoning District Map on March 16, 2011; and

WHEREAS, the Polk County Board of Supervisors must also approve of the District Map Change.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves the attached Zoning District Map Amendment for the Town of St. Croix Falls.

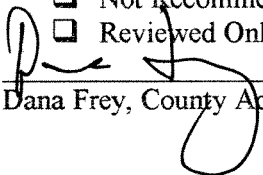
Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Land Information Committee:



Review By County Administrator:

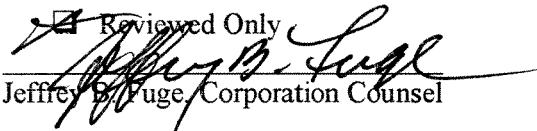
- Recommended
- Not Recommended
- Reviewed Only



Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only



Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on April 19, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-11: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of St Croix Falls, by a simple majority vote of __ in favor and __ against.

Dated this _____ day of _____, 2011 at Polk County Wisconsin.

William Johnson, IV, County Board Chairperson

Attest: _____, Carole Wondra, Polk County Clerk

B1

TOWN
Of
ST. CROIX FALLS

Polk County, Wisconsin

Resolution 11-02

A RESOLUTION APPROVING A CHANGE IN THE
TOWN OF ST. CROIX FALLS ZONING MAP

WHEREAS, Marguerite Lindblom, owner of real property in the Town of St. Croix Falls, has requested a change in the zoning map of the Town of St. Croix Falls, and

WHEREAS, the Plan Commission of the Town of St. Croix Falls after reviewing the change request and approving the same at its March 9, 2011, meeting recommends to the Town Board to concur in this decision and petition the Polk County Board of Supervisors to approve the requested change;

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, requests the Polk County Board of Supervisors to change the Towns zoning map as follows:

From AGRICULTURAL to TRANSITIONAL the following parcels: The NW ¼ of Section 15, T34N, R18W, all parts of Parcel No. 044-0343-0000 consisting of 31.89 acres; and all parts of Parcel No. 044-0347-0000 consisting of 6.84 acres.

Dated this 16th day of March 2011

Attest: *Janet Krueger*
Janet Krueger, Town Clerk

William Hughes, Chairperson

William Hughes
Approved by:

Voice Vote

Roll Call Vote:

5 Yeas; 0 Nays; 0 Absent/Abstain

C

Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Clayton

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

WHEREAS, Troy Cress has petitioned the Polk County Board of Supervisors requesting that a parcel of real estate be rezoned Commercial District, thereby removing said parcel from the General Purpose District; and

WHEREAS, the Town Board of Clayton has not objected to said District Change; and

WHEREAS, a public hearing was held on Wednesday, April 6, 2011, at 8:30 a.m., at the Polk County Government Center by the Land Information Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69 (5) (e) regarding said District Change; and

WHEREAS, at said public hearing objections were filed with regard to said proposed Zoning District Change; and

WHEREAS, the Land Information Committee of the Polk County Board of Supervisors has reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of Supervisors grant said proposed change.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grants the proposed zoning change.

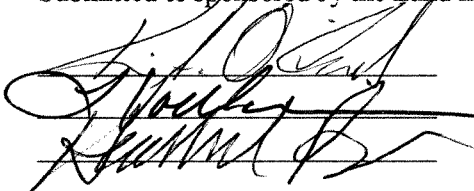
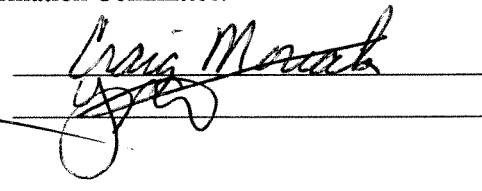
BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use Ordinance to provide that the following described parcel of real estate be removed from the General Purpose District and be rezoned in the Commercial District:

“Lot 3, CSM #5822, Vol 26/Pg 88, located in Gov’t Lot 3, Sec 23/T33N/R15W, Town of Clayton, County of Polk, State of Wisconsin.”

BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map of the Town of Clayton, which is on file in the office of the Polk County Zoning Administrator pursuant to Section II (2) of the Polk County Comprehensive Land Use Ordinance.

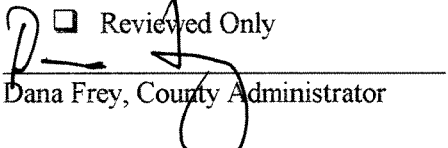
Funding Amount & Source:	Not applicable
Finance Committee Recommendation:	Not applicable
Effective Date:	Upon Passage & Publication

Submitted & sponsored by the Land Information Committee:

	
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Review By County Administrator:

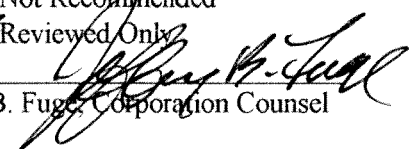
- Recommended
- Not Recommended
- Reviewed Only


 Dana Frey, County Administrator

21

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only



 Jeffrey B. Fugge, Corporation Counsel

At its regular business meeting on April 19, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-11: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Clayton, by a simple majority vote of ___ in favor and ___ against.

Dated this _____ day of _____, 2011 at Polk County Wisconsin.

 William Johnson, IV, County Board Chairperson

Attest: _____
 Carole Wondra, Polk County Clerk

/



Polk County Land Information Department

Zoning | Planning | Mapping | Surveyor

100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810

Phone (715) 485-9279
Fax (715) 485-9246

Sara McCurdy, Director

TO: County Board Supervisors
FROM: Zoning Administration
DATE: April 6, 2011
RE: District Change from General Purpose to Commercial
Lot 3, CSM #5822, Vol 26/Pg 88, in Gov't Lot 3, Sec 23/T33N/R15W, town of Clayton

C2

On April 6, 2011, Troy Cress petitioned the Polk County Land Information Committee to rezone 10.73 acres located on the above captioned property in the town of Clayton. The request is to rezone a General Purpose district to Commercial district for an automotive repair shop. At the public hearing, objections were filed and the Land Information Committee recommends the proposed change.

If the County Board approves the district change, the following uses will be allowed:

A. Permitted Uses.

1. Barber Shop, Beauty Shop.
2. Business & Professional offices or clinics.
3. Drug Store, Pharmacy, Soda Fountain.
4. Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store.
5. Hardware and Paint Store.
6. Notion & Variety Store.
7. Radio & Televisions sales & service.
8. Restaurant, Drive-In Food Service, Dinner Club or Tavern.
9. Clothing or Dry Goods Store.
10. Filling Station, tire and battery service.
11. Sporting Goods, Marine Supplies and Accessories.
12. Laundry, Cleaning & Dyeing establishments.
13. Furniture, Appliances, Office Equipment.
14. Bank Savings & Loan or other financial institutions.
15. Motels or Hotels.
16. Funeral Homes.
17. Bowling Alleys, Dance Halls and Skating Rinks when sound is abated sufficiently so as not to be heard in the residence of any other than the owner or his agent.
18. There may be one dwelling unit on the premises, either attached or detached in connection with any of the above uses, for the owner or his agent.
19. Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
20. Farm implement - repair & sales.
21. Commercially sponsored & operated outdoor events & other related activities with a minimum of 30 acres.

C. Special Use Permits

1. Any similarly compatible commercial enterprise subject to the approval of the Board of Adjustment.

D

Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Apple River

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

WHEREAS, Richard Bump has petitioned the Polk County Board of Supervisors requesting that a parcel of real estate be rezoned Agricultural District, thereby removing said parcel from the Commercial District; and

WHEREAS, the Town Board of Apple River has not objected to said District Change; and

WHEREAS, a public hearing was held on Wednesday, April 6, 2011, at 8:30 a.m., at the Polk County Government Center by the Land Information Committee of the Polk County Board of Supervisors as required by the provisions of Wisconsin Statute Section 59.69 (5) (e) regarding said District Change; and

WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning District Change; and

WHEREAS, the Land Information Committee of the Polk County Board of Supervisors has reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of Supervisors grant said proposed change.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grants the proposed zoning change.

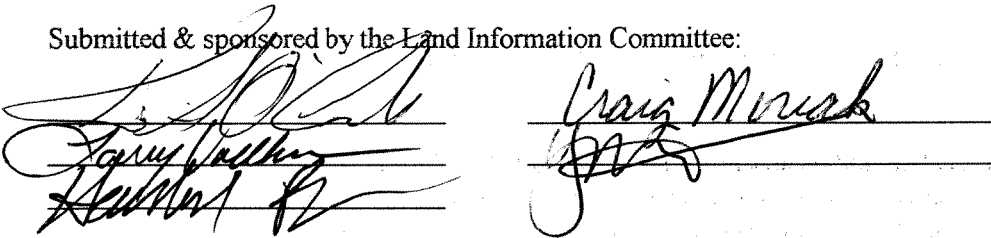
BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use Ordinance to provide that the following described parcel of real estate be removed from the Commercial District and be rezoned in the Agricultural District:

“NE 1/4 of the SE 1/4, and SE 1/4, of the SE 1/4, of Section 9/T34N/R16W, Town of Apple River, County of Polk, State of Wisconsin.”

BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map of the Town of Apple River, which is on file in the office of the Polk County Zoning Administrator pursuant to Section II (2) of the Polk County Comprehensive Land Use Ordinance.

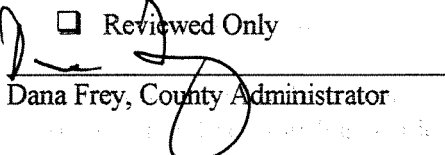
Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Land Information Committee:



Review By County Administrator:


- Recommended
- Not Recommended
- Reviewed Only


Dana Frey, County Administrator

Review By Corporation Counsel:

DI

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only



Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on April 19, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-11: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Apple River, by a simple majority vote of __ in favor and __ against.

Dated this _____ day of _____, 2011 at Polk County Wisconsin.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

Polk County Land Information



Department

Zoning | Planning | Mapping | Surveyor

D2

100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810

Phone (715) 485-9279
Fax (715) 485-9246

Sara McCurdy, Director

TO: County Board Supervisors
FROM: Zoning Administration
DATE: April 6, 2011
RE: District Change from Commercial to Agricultural
NE 1/4 of the SE 1/4 and SE 1/4 of the SE 1/4 of Sec 9, town of Apple River

On April 6, 2011, Richard Bump petitioned the Polk County Land Information Committee to rezone 80 acres located on the above captioned property in the town of Apple River. The request is to rezone a Commercial district to Agricultural district to have a dwelling. At the public hearing, no objections were filed and the Land Information Committee recommends the proposed change.

If the County Board approves the district change, the following uses will be allowed:

Permitted Uses.

1. Single/multiple family dwellings.
2. Churches, public and parochial schools.
3. Lodging or boarding house
4. Municipal buildings
5. Accessory buildings
6. Private clubs and fraternities
7. Gardening and farming
8. Municipal parks and playgrounds
9. Utility poles/lines
10. Home occupation
11. Professional office
12. General farming
13. Mobile home parks
14. Dams, power plants & flowage areas.
15. Roadside stands.
16. Drive-in theaters
17. Municipal warehouses, municipal shops & storage yards
18. Garage incinerators, municipal sewage plants, municipal sewage disposal plants, recycling plants & hot mix plants
19. Municipal sewage disposal plants, recycling plants & hot mix plants

Special Exception Use

1. Medical, correctional or charitable institutions and medical offices
2. Contractor's storage yard
3. Fur farms, charcoal kilns, pea viners or sawmills
4. Kennels
5. Quarrying
6. Slaughterhouses
7. Licensed game management or fur farms
8. Service station and/or public garage
9. Private/Public Stables/Tack Shops
10. Junkyard/Salvage Yard/Recycling Center.
11. Composting site

Needs County Board Approval: Sanitary landfills and dumps, public or private

Resolution to Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to KAPCO, Inc.

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

WHEREAS, Federal monies are available under the Wisconsin Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the Polk County Land Information Committee has recommended that an application be submitted to the State of Wisconsin for the following projects:

Loan to KAPCO, Inc. for business retention and expansion in the Village of Osceola

WHEREAS, it is necessary for the Polk County Board to authorize the preparation and filing of an application for the County to receive funds from this program; and

WHEREAS, the Wisconsin Department of Commerce has reviewed the need for the proposed project and the benefits to be gained from said project.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does authorize and approve the preparation and filing of an application for the above named project.

BE IT FURTHER RESOLVED that the Polk County Board Chairperson is hereby authorized to sign all necessary documents on behalf of the County.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the County Administrator to take the necessary steps to prepare and to file the appropriate application for funds under this program in accordance with this resolution.

BE IT FURTHER RESOLVED that Polk County authorizes the grant award to be deposited in a "Regional Community Development Clearinghouse Account" managed by the West Central Wisconsin Regional Planning Commission for the sole purpose of disbursing CDBG funds on the County's behalf in accordance with this resolution.

BE IT FURTHER RESOLVED that the County will contract with the West Central Wisconsin Regional Planning Commission to administer the grant for an amount not to exceed the funds provided by the grant for administration.

FISCAL IMPACT: There is no budget impact. No county levy moneys are expended through this resolution. Funds available for the RBF, Inc. Consolidated Fund may be increased by the amount of this loan.

Funding Amount and Source: \$3,040,000 Federal Community Development Block Grant Funds
Date Finance Committee Advised: Not Applicable
Finance Committee Recommendation: Not Applicable
Effective Date: Upon Passage
Dated Submitted to County Board: April 19, 2011

E1

Submitted and Sponsored By Polk County Land Information Committee:

[Signature]
[Signature]
Craig Moriah

[Signature]
[Signature]

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

[Signature]
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

[Signature]
Jeffrey [Name], Corporation Counsel

At its regular business meeting on the 19th day of April 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-11: Resolution to Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to KAPCO, Inc., by a simple majority vote of _____ in favor and _____ against.

Dated this _____ day of _____, 2011 at Polk County, Wisconsin.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

Resolution to Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to Engineered Plastic Components, Inc.

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

WHEREAS, Federal monies are available under the Wisconsin Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the Polk County Land Information Committee has recommended that an application be submitted to the State of Wisconsin for the following projects:

Loan to Engineered Plastic Components, Inc. for business retention and expansion in the Village of Osceola

WHEREAS it is necessary for the Polk County Board to authorize the preparation and filing of an application for the County to receive funds from this program; and

WHEREAS the Wisconsin Department of Commerce has reviewed the need for the proposed project and the benefits to be gained from said project.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does authorize and approve the preparation and filing of an application for the above named project.

BE IT FURTHER RESOLVED that the Polk County Board Chairperson is hereby authorized to sign all necessary documents on behalf of the County.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the County Administrator to take the necessary steps to prepare and to file the appropriate application for funds under this program in accordance with this resolution.

BE IT FURTHER RESOLVED that Polk County authorizes the grant award to be deposited in a "Regional Community Development Clearinghouse Account" managed by the West Central Wisconsin Regional Planning Commission for the sole purpose of disbursing CDBG funds on the County's behalf in accordance with this resolution.

BE IT FURTHER RESOLVED that the County will contract with the West Central Wisconsin Regional Planning Commission to administer the grant for an amount not to exceed the funds provided by the grant for administration.

FISCAL IMPACT: There is no budget impact. No county levy moneys are expended through this resolution. Funds available for the RBF, Inc. Consolidated Fund may be increased by the amount of this loan.

Funding Amount and Source: \$450,000 Federal Community Development Block Grant Funds

Date Finance Committee Advised: Not Applicable

Finance Committee Recommendation: Not Applicable

Effective Date: Upon Passage

Dated Submitted to County Board: April 19, 2011

F1

Submitted and Sponsored By Polk County Land Information Committee:

[Signature]
[Signature]
Craig Morak

[Signature]
[Signature]

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

[Signature]
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

[Signature]
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on the 19th day of April 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution ____-11: Resolution to Authorize Application for the Wisconsin Community Development Block Grant for Economic Development Program Loan to Engineered Plastic Components, Inc., by a simple majority vote of _____ in favor and _____ against.

Dated this _____ day of _____, 2011 at Polk County, Wisconsin.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

G

RESOLUTION NO. _____
AUTHORIZE 2011 HIGHWAY CONSTRUCTION PROJECTS

WHEREAS, the improvements of the County Trunk Highway System are of great importance to the residents of Polk County, and

WHEREAS, the County has a responsibility to keep and maintain the County Trunk Highway system in repair, and

WHEREAS, the Polk County Highway Committee has approved projects for FY 2010, and

WHEREAS, the Highway Committee and the County Board has approved a budget to effect measured improvement on the projects approved by the Highway Committee for FY 2011, and

WHEREAS, the County's purchasing policy requires the County board to take action and approve any and all public works projects over \$150,000.

THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors authorizes the Highway Department to proceed on the following projects:

CTH I1 – Pulverize/Pave	1,007,000.00
CTH M3/M2 – 20% STP Match	498,200.00
CTH Y1 - Overlay	357,500.00
CTH F2/F3/F4/F4.1 – Chip Seals	198,500.00
CTH E4/E3/E6 – Chip Seals	232,500.00
CTH E1 – Culverts/Prep Work	73,300.00
STH 65 & CTH K – Intersection Repair (10%)	25,000.00

BE IT FURTHER RESOLVED, that in the event the approved project costs exceed the estimated project cost, the Board authorizes the department to eliminate projects to meet budget constraints.

BE IT FURTHER RESOLVED, those projects eliminated may be moved to future funding years.

Funding Amount: \$ 2,392,000.00

Funding Source: 2011 Highway Budget

Date Finance Committee Advised:

Finance Committee Recommendation:

Effective Date: Upon Passage

Date Submitted to County Board: April 19, 2011

Approved as to form: _____

John B. Fuge
John B. Fuge, Corporation Counsel

Submitted at the request of the Polk County Highway Committee.

Submitted by: _____

Craig Mourak

Magnus Garpensen

Dean Johansen

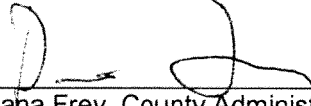
Jay Hill

D. Walker

G1

Review by County Administrator:

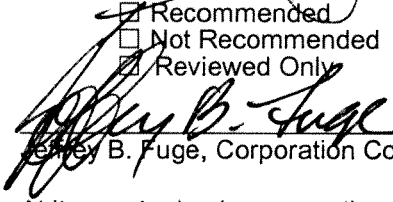
- Recommended
- Not Recommended
- Reviewed Only



Dana Frey, County Administrator

Review by Corporation Counsel:

- Recommended
- Not Recommended
- Reviewed Only



Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on _____, The Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-11: Resolution to Authorize 2011 Highway Construction Projects by a vote of _____ in favor and _____ against.

William Johnson, IV, County Board Chairman

Attest: _____
Carole Wondra, Polk County Clerk

Resolution # _____

H

Resolution to Create a Transition Committee

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

WHEREAS, the Budget Repair Bill (“BRB”), when and if it becomes effective, will require the County to make significant changes to current policies and will require the development of new personnel policies concerning work rules and a grievance process; and

WHEREAS, the BRB contemplates providing the County with four (4) month transition phase in which the County would develop a grievance policy consistent with the mandates of state law; and

WHEREAS, it is in the interest of the County to adjust county personnel policies concerning county employees in conformance with state law; and

WHEREAS, it is in the interest of the County to pro-actively respond to the BRB.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors creates an ad hoc committee, named as the Transition Committee, for the purpose of developing new personnel policies regarding work rules and a grievance procedure in conformity with the BRB.

BE IT FURTHER RESOLVED, that the Transition Committee shall be composed of five (5) persons, consisting of one member of the Personnel Committee and one from the Finance Committee, as designated by the respective chairpersons of said committee; and three members from the Polk County Board of Supervisors, who are not members of the Personnel or Finance Committee, and shall be nominated and elected by the County Board.

BE IT FURTHER RESOLVED, that the staff of the Department of Administration, Employee Relations Department and the Office of Corporation Counsel shall provide technical assistance to the Transition Committee; and

BE IT FURTHER RESOLVED, that the Transition Committee is authorized to bring in additional resources to assist the Committee as it deems necessary.

BE IT FURTHER RESOLVED that the Personnel Committee and the Finance Committee provide a recommendation to the County Board of Supervisors on the plan developed by the Transition Committee.

Funding Amount: Not Applicable Funding Source: Not Applicable

Date Finance Committee Advised: Not Applicable

Finance Committee Recommendation: Not Applicable

Effective Date: Upon Passage

Date Submitted to County Board: _____

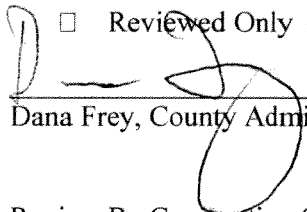
Submitted and Sponsored By the Personnel Committee:

Russell E. Arund 3/31/11
Patricia M. Schmidt
Garrett J. [Signature]
James A. Edgell

H1

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only



 Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only



Malia T. Malone
 Assistant Corporation Counsel

At its regular business meeting on _____, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution _____-11: _____, by a simple majority vote of ___ in favor and ___ against.

 William Johnson, IV, County Board Chair

Dated: _____

Attest: _____
 Carole Wondra, Polk County Clerk

Dated: _____

3.21.2011
www.wicounties.org

H 2



More Time for Transition? The Impact of the Dane County Circuit Court Decision Enjoining Implementation of the Budget Repair Bill



WCA has been working closely with our general counsel Phillips Borowski, S.C. to ensure our members are kept up-to-date on the latest news and updates regarding the Budget Repair Bill and its implementation by counties. For additional questions, please contact WCA Legislative Director [John Reinemann](#) at 866.404.2700 or [Andy Phillips](#) at Phillips Borowski, S.C. at 262.241.7788.

Late last week, the Dane County District Attorney filed a complaint against several legislators and the Secretary of State seeking to prohibit further implementation of the Budget Repair Bill (BRB) because of alleged violations of Wisconsin's Open Meetings Law related to the BRB's passage.

On March 18, 2011, Dane County Circuit Court Judge Maryann Sumi issued an order temporarily enjoining further implementation of the BRB until further order of her court. The injunction prohibiting implementation stays in place until such time as the court may hear evidence and argument on the Dane County District Attorney's request for a preliminary injunction further enjoining enforcement of the BRB. The injunction hearing is scheduled to commence on March 29, 2011. The Attorney General, who defended the claim on behalf of the legislators, has expressed his intent to appeal the decision. As of the date of this article, however, no appeal has been filed.

The initial impact of the decision cannot be questioned. At least for the short term, the implementation of the BRB has been placed on hold. The more difficult question is the long term impact of the court's decision on the future of the BRB and, more particularly, the transition planning of local governments for life in the post-BRB world. The purpose of this article is to evaluate Judge Sumi's decision and to provide guidance to local governments in addressing the impact of the decision on a going forward basis.



Hot Links

[Legislative Fiscal Bureau Papers on Effect of Budget on Local Governments](#)

[2011-2013 State Budget Document from DOA](#)

[WisPolitics](#)

[The Wheeler Report](#)

[WisconsinEye](#)

H3

A. The Decision

It is as important to understand what Judge Sumi's decision is not, as opposed to what it is. The decision is not an indictment of the BRB. Judge Sumi did not rule against the BRB on its merits or the authority of the legislature to enact the BRB. In her decision, the Judge specifically commented that "I want to make clear that I make no judgment, nor would my judgment on the merits of 2011 Wisconsin Act 10, be relevant. A Court does not determine whether the Legislature acted wisely or did not act wisely."

Judge Sumi likewise did not preclude the legislature from enacting the BRB into law. Rather, the decision enjoins the enactment of the BRB under the present circumstances which, in Judge Sumi's opinion, involve violations of the Open Meetings Law. The legislators have options available to address this finding. They can appeal the Judge's decision, as the Attorney General has expressed his intent to do on their behalf. The legislature also has the option of curing the purported notice defect and passing the legislation with what the Circuit Court has deemed proper notice.

What will occur is difficult to predict, particularly considering the brevity and lack of detail in Judge Sumi's decision. It is very apparent from her decision that Judge Sumi believes that the legislature violated the Open Meetings Law and that she believes such a violation may ultimately support a permanent injunction voiding the actions taken by the legislature in enacting the BRB and barring its implementation altogether. In this regard, Judge Sumi found that the Dane County District Attorney had demonstrated a probability of success on the merits that an Open Meetings violation occurred and that irreparable harm would result from allowing Act 10 to become law through publication. In so doing, Judge Sumi noted that "the public policy behind effective enforcement of the Open Meetings Law is so strong that it does outweigh the interest, at least at this time, that may exist in favor of sustaining the validity of the action taken" by the legislature in enacting the BRB. Judge Sumi further found that there was no adequate remedy at law and that there was a need to maintain the status quo by enjoining publication of the BRB, thereby precluding the BRB from becoming enforceable. It is doubtful, in light of the apparent conviction of her findings apparent in the decision, that Judge Sumi will reverse direction on these issues after further hearing.

However, in reaching her decision, Judge Sumi failed to specifically address or even evaluate the exceptions to notice requirements in the Open Meetings Law which were raised by the Attorney General. In fact, Judge Sumi did not address many of the defenses to the claim that the Attorney General raised. Whether the exceptions to the Open Meetings Law apply or whether the Attorney General's defenses are valid will likely be addressed at the Court of Appeals or possibly Supreme Court.

At this point, it is unclear whether the Court of Appeals will entertain an appeal of Judge Sumi's decision temporarily enjoining the enactment of the BRB. The Court of Appeals has discretion to decline review of Judge Sumi's decision on the temporary restraining order until after she issues a final issue and judgment with respect to the Dane County District Attorney's petition to enjoin enforcement of the BRB.

B. Where To Go From Here: Keep Planning For The Transition

No matter what occurs in the courts, it appears unlikely that there will be any substantial changes in the BRB and that the legislation will likely be passed in a form substantially similar to that contained in Act 10. Governor Walker continues to have the votes in the legislature to pass the BRB if further action needs to be taken in light of the Open Meetings Law notice objections which have been raised. There is nothing in Judge Sumi's decision which undercuts the merits of the BRB or the legislature's ability to enact it.

In light of the likely passage of the legislation, it is our recommendation that local governments continue to move forward with their preparations for the post-BRB world. Local governments should take the additional time that has been provided by virtue of Judge Sumi's decision to appoint a Transition Committee and to begin to develop transitional work rules and policies which will govern

general municipal employees. If anything, local governments should view Judge Sumi's decision as an opportunity to more thoroughly plan for and implement the initial steps of the transition and to ensure that they are better situated to respond and implement the BRB once it is ultimately enacted into law.

H4



#16.1

Carole Wondra

From: Jeff Fuge
Sent: Wednesday, April 06, 2011 10:55 AM
To: Ken Sample; William Johnson
Cc: Dana Frey
Subject: RE: Motion to Table
Attachments: Untitled

William;

If I read Ken's e-mail correctly, he is asking for a copy of the provisions of Robert's Rules of Order that support the representation that a motion to lay on the table takes precedent over a pending motion to amend, specifically in the following context:

"Resolution 10-11 in Support of Polk County Employees. Motion (Kienholz/D Johansen) to approve. Motion (Masters/Nelson) to amend Resolution 10-11 by striking "rights of" in the WHEREAS clause and "the rights" from the BE IT FURTHER RESOLVED clause. Amendment was withdrawn. Motion (Hartung/Sample) to amend Resolution 10-11 by adding to the NOW, THEREFORE, BE IT RESOLVED clause. Amendment offered:

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors thanks the hardworking men and women for their invaluable contribution to our community; and wants to assure our employees that ALL contracts will be honored until expiration. In the meantime, we will be developing an employee handbook with our employee policies. Our intent is to continue to offer our employee's salaries, benefits and working conditions with the intent of keeping and recruiting the high quality of employees we now enjoy.

And striking the BE IT FURTHER RESOLVED clause.

Motion (Arcand/Schmidt) to lie on the table Resolution 10-11. Supervisor Sample called for a point of order on said motion. Chairman declared said motion in order. Motion to table Resolution 10-11 carried by voice vote."

Our office provides here a copy of the Robert's Rules of Order- Chart for Determining When Each Subsidiary or Privileged Motion Is in Order. As noted in the Chart, the Motion to lay on the table is in order unless there is pending a Point of Order, an undebatable Appeal, or one of the Requests and Inquiries – the five identified privileged motions .

The preface to the chart is also attached. The Preface is self explanatory on how to read the Chart.

In Robert's Rules of Order, the Charts, Tables and Lists are at the back of the book, immediately following page 643. Our office utilizes the 10th Edition of Robert's Rules of Order, copyright 2000.

You might have to turn the attached PDF document 90 degrees one way or the other to read or print it fully.

Our office would be available to address Mr. Sample's inquiry on the floor of the county board meeting of the 19th.

Jeffrey B. Fuge
Polk County Corporation Counsel/Child Support Director

1005 West Main Street, Suite 100
Balsam, Lake, WI 54810
Tel: 715-485-9210
Fax: 715-485-9171

16-2

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From: Ken Sample
Sent: Wednesday, April 06, 2011 10:20 AM
To: William Johnson
Cc: Jeff Fuge
Subject: Motion to Table

William- Would you please include this as a agenda item for the next county board meeting. It would be helpful to have Mr. Fuge present his supporting documentation for advising that the motion to table was appropriate at the last meeting in advance.

Everything I have read, for a governing body of our size, indicates we are using the motion for circumstances not warranted. At a minimum, we can get direction from the body as a whole on how they would like to apply ROO. Ty Ken Sample

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16th Edition
RRRR (2000)

1. CHART FOR DETERMINING WHEN EACH
SUBSIDIARY OR PRIVILEGED MOTION
IS IN ORDER

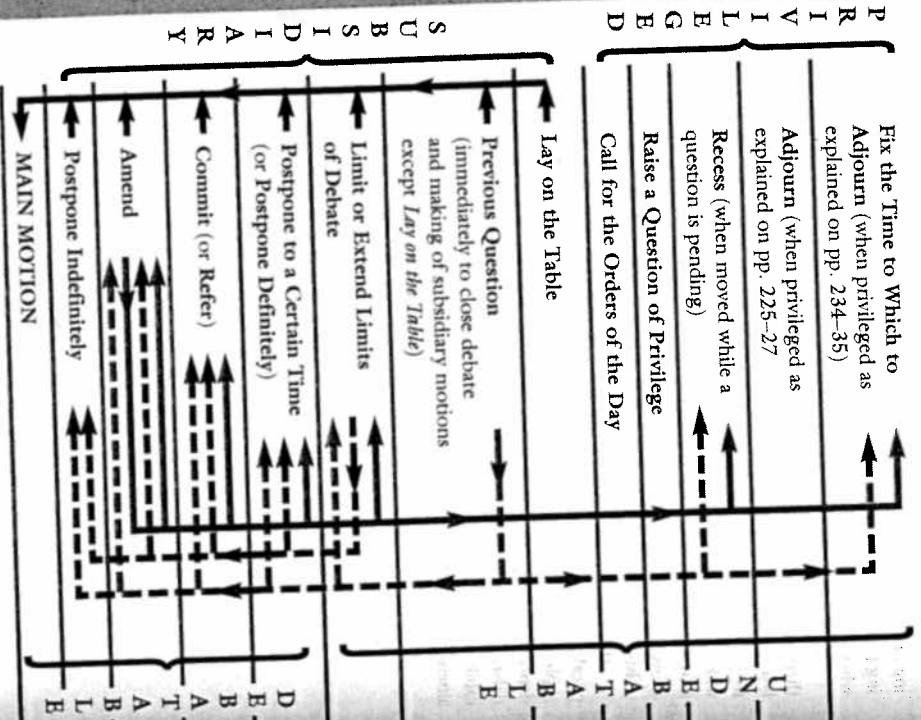
X In the chart on the two following pages, the privileged, subsidiary, and main motions are listed in order of rank, the motion at the top taking precedence over all the others, and each of the remaining ones taking precedence over all those below it. A main motion is in order only when no other motion is pending.

When a given one of the motions listed is immediately pending, then: (a) any other motion appearing above it in the list is in order, unless a condition stated opposite the other motion causes that motion to be out of order; and (b) motions listed below the given motion which are not already pending are out of order (except for the application of *Amend* or the *Previous Question* to certain motions ranking above them as noted in the next paragraph; see also Standard Characteristic 2, pp. 126-27 and 190-91).

With respect to arrowed lines in the chart, (——) indicates applicability of all of the subsidiary motions to the main motion; (——); applicability of *Amend* to certain other motions in the order of precedence; (——); applicability of *Limit or Extend Limits of Debate* to debatable motions in the order of precedence; and (——); applicability of the *Previous Question* to the motions that are debatable or amendable.

I. CHART FOR DETERMINING WHEN EACH SUBSIDIARY OR PRIVILEGED MOTION IS IN ORDER (cont.)

Order Of Precedence of Motions



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Other Conditions Affecting Admissibility

MOTION DIRECTLY TO LEFT ON FACING PAGE IS OUT OF ORDER WHEN:

- a motion to *Suspend the Rules* relating to priority of business is pending
- a *Point of Order*, undebatable *Appeal*, or one of the five *Requests and Inquiries*—not adhering to main question—is pending
- a motion which cannot be debated or amended is immediately pending
- any undebatable question is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- any undebatable question except *Division of the Question* or *Consider by Paragraph or Seriatim* is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- a motion to *Reconsider* is pending; or any undebatable question except *Division of the Question* or *Consider by Paragraph or Seriatim* is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- the application would be to the main question, and any motion except *Postpone Indefinitely* is pending; also, in any application, when motion(s) under an order for the *Previous Question* remain to be voted on
- any motion except the main question is pending; also when the *Previous Question* has been ordered
- any motion is pending

POLK COUNTY BOARD OF SUPERVISORS
Minutes from Tuesday, April 19, 2011
Polk County Government Center – County Board Room
Balsam Lake, WI 54810

Chairman Johnson called the meeting of the Polk County Board of Supervisors to order at 6:00 PM.

County Clerk informed the chair that notice of the agenda was properly posted in three public buildings, published in the county's legal paper and posted on the county website the week of April 10, 2011, and the amended agenda posted on April 18, 2011. Corporation Counsel informed the board that the initial meeting notice was sufficient as to time and subject matter under the open meetings law however as to the amended agenda, the board would need to adopt a motion to suspend the rules, suspending the time provisions set forth in the County Board Rules of Order.

Roll call was taken by the Clerk, with 22 members present. Supr. Rattel was absent for roll call. Supr. Rattel joined the meeting at 6:25 pm.

Supervisor Moriak led the prayer.

Chairman led the Pledge of Allegiance

Chairman Johnson asked for a motion to suspend of the rules to allow for the amended agenda and include Resolution I. **Motion (Sample/Brown) to suspend the rules. Motion to suspend the rules, carried** by unanimous voice vote. **Motion (Brown/Schmidt) to approve the amended agenda. Carried** by unanimous voice vote.

Chairman Johnson requested consideration and any corrections to the published March 15, 2011 County Board minutes. **Motion (Masters/D. Johansen) to amend the minutes to reflect an addition immediately before the adjournment stating the Supr. Masters indication to speak was not recognized. Motion to amend the minutes, carried** by unanimous voice vote.

Public comments were offered.

Presentation by Gretchen Sampson, Public Health Director, on the Polk County Community Health Improvement Plan, "Healthiest Polk County 2015".

Presentation by Steve Healy, from Economic Development on the 2011 Polk County Energy Fair coming up August 19th and 20th at the Polk County Fair Grounds.

Chairman's Report was given, by Wm. Johnson. Note: county board meeting time changes to 6:30 pm beginning in May thru September. Time was given for discussion on the Rules of Order involved in clarifying the Motion to Table of Resolution 10-11 from the March 15, 2011 meeting.

Administrator's Report was given, by Dana Frey.

Finance Director's report was given, by Dana Frey.

Committee/Board Reports were given.

Chair called for a 15 minute break.

Resolution 11-11 to Approve Zoning Ordinance Amendment for the Town of St. Croix Falls. Motion (O'Connell/Edgell) to approve. Resolution was addressed by Supr. O'Connell. Motion to approve Resolution 11-11, carried by unanimous voice vote. Resolution adopted.

Resolution 12-11 to Grant a Zoning District Change and to Amend Zoning District Map for the Town of St. Croix Falls. Motion (O'Connell/Brown) to approve. Supr. O'Connell addressed the Resolution. Motion to approve Resolution 12-11 carried by unanimous voice vote. Resolution adopted.

Resolution 13-11 to Grant a Zoning district Change and to Amend Zoning District Map for the Town of Clayton. Motion (Moriak/O'Connell) to approve. Supr. O'Connell addressed the resolution. Motion to approve Resolution 13-11 carried by unanimous voice vote. Resolution adopted.

Resolution 14-11 to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Apple River. Motion (Voelker/Stoneking) to approve. Supr. O'Connell addressed the Resolution. Motion to approve Resolution 14-11 carried by unanimous voice vote. Resolution adopted.

Resolution 15-11 to Authorize Application for the Wisconsin community Development Block Grant for Economic Development Program Loan to KAPCO., Inc. Motion (Jepsen/O'Connell) to approve. Steve Healy addressed the resolution. Motion to approve Resolution 15-11 carried by unanimous voice vote. Resolution adopted.

Resolution 16-11 to Authorize Application for the Wisconsin community Development Block Grant for Economic Development Program Loan to Engineered Plastic components, Inc. Motion (Jepsen/O'Connell) to approve. Steve Healy addressed the resolution. Motion to approve Resolution 16-11 carried by unanimous voice vote. Resolution adopted.

Resolution 17-11 to Authorize 2011 Highway Construction Projects. Motion (Voelker/Caspersen) to approve. Emil Norby addressed the resolution. Motion to approve Resolution 17-11 carried by unanimous voice vote. Resolution adopted.

Resolution 18-11 to Create a Transition Committee. Motion (Schmidt/Sample) to approve. Supr. Arcand addressed the resolution. Motion to approve Resolution 18-11 carried by voice vote. Resolution adopted.

Resolution 19-11 to Amend Polk County Personnel Policy 390, Non-Represented Employee Compensation Management Policy. Motion (Edgell/Stoneking) to approve. Administrator Frey addressed the resolution. Motion to approve resolution 19-11 carried by unanimous voice vote. Resolution adopted.

Election of members to the Transition Committee. Three members to be chosen by ballot. Nominated were: Kristine Hartung, Larry Jepsen, Jay Luke and Herschel Brown. The outcome from the voting was: Suprs. Hartung, Luke and Brown will serve on the transition committee, along with Brian Masters from Finance and Patricia Schmidt from Personnel.

No discussion on the matter of the previously tabled Resolution from the March 15, 2011 meeting.

Motion (Jepsen/Luke) to approve Administrator Frey's appointment of Gerald Newville to the Nutrition Project Counsel. Motion to approve appointment carried by unanimous voice vote.

Supervisor's reports were given.

Motion (D Johansen/H Johansen) to adjourn. Motion carried. Meeting adjourned 8:50pm.