

# Polk County Board of Supervisors

Polk County Government Center  
100 Polk County Plaza, Balsam Lake, WI  
County Board Room

**Tuesday May 15, 2012**

**Regular Business Meeting 6:30PM**

**Open Session**

1. Call to Order
2. Evidence of Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Time of Reflection – Supr. Neil Johnson

## **Consent Agenda**

6. Consideration of noticed agenda for May 8, 2012 meeting & consideration of corrections to the published minutes of the April 17, 2012 meeting
7. Public Comments - 3 minutes per person- not to exceed 30 minutes total
8. Presentation by Mary Mikula and Kasey Weber on the "Day Friends Program"
9. Chairman's Report
10. Finance Report – Maggie Wickre
11. Administrator's Report
12. Confirmation of Chairman's Appointments to Boards, Committees, Etc.

## **2012-2014 - Supervisor Appointments , 2 year terms**

Polk County Economic Development Corporation----Kristine Kremer-Hartung  
Polk County Tourism Council----George Stroebel  
Polk County Fair Society----Warren Nelson  
Gandy Dancer Trail Commission----William F. Johnson  
Polk County Housing Authority----Jim Edgell  
WITC Board Nominating Committee--William F. Johnson  
Northern Region Trail Advisory Council (NoRTAC)---Larry Jepsen  
Arnell Memorial Humane Society----Kathryn Kienholz  
Polk County Library Board----Warren Nelson  
Renewable Energy Committee----Kathryn Kienholz, Tom Engel, Jay Luke  
Local Emergency Planning Committee----Kim O'Connell  
Aging and Disability Resource Center Board----Larry Jepsen, Kristine Kremer-  
Hartung, Pat Schmidt  
West Central Wisconsin Regional Planning Board----William F. Johnson, Warren  
Nelson, Tom Engel  
WestCAP Representative----Larry Jepsen  
Indianhead Federated Library System----Kathryn Kienholz  
Revolving Loan Fund----Kim O'Connell

13. Confirmation of Administrator's Appointments to Committees & Boards

**Administrator Appointments**

Human Services Committee – Bill Alleva, Dr. David Markert, John Gyllen & Timothy D. Strobusch (2 Year Term 5/1/12 – 5/1/14)

Board of Health Committee – Dr. Arne Lagus, Kim Gearin & Leslie Larsen  
(2 Year Term 5/1/12 – 5/1/14)

Veterans Service Commission Committee – Gary Johnson  
(3 Year Term 1/1/12 – 1/1/15)

Balsam Lake Protection and Rehab. District Committee – Carl Holmgren  
(2 Year Term 5/1/12 – 5/1/14)

14. Committee/Board Reports

- Highway
- Finance
- Personnel
- Property, Forestry & Recreation/ ADRC
- Extension, Land & Water, Lime
- Public Protection - Jay Luke
- Land Information – Kim O'Connell
- Human Services Board – George Stroebel
- Boards of Health & Aging
- GAM Board – Rick Scoglio
- Renewable Energy/Energy Independence Team

15.

**Proposed Resolutions and Ordinances**

- A. Resolution to Authorize Polk County to Pursue WDNR TRM Funding**
- B. Resolution To Dissolve Transition Committee**
- C. Resolution To Increase the 2012 Budget for Personnel Appropriations for the Lime Quarry**
- D. Resolution Funding for Jail Literacy and Phase-out of the Polk County Library Federation**
- E. Resolution to Act on Offer of Endeavors Adult Development Center To Modify Terms of Adult Development Center Lease Agreement For 2012 (Accept or Reject Offer)**
- F. Resolution to Amend 2012 Budget – Authorization of Designation, Carry-over, Transfer, and Re-Appropriation of Specified Funds from 2011 to 2012**
- G. Resolution to Allow Higher Initial Leave Accruals for Recruitment of Mid-Career Professionals**

**H. Resolution to Amend Telecommunication Towers, Antennas, and Related Facilities Ordinance**

**I. Resolution to Authorize Grant of Easement to Lakeland Telecommunications Across Polk County Fairgrounds**

**J. Resolution to Amend the Purchasing Policy (Policy 912) for Auction and Motor Fuel Purchases**

16. Supervisor's Reports

17. Adjourn

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

A

Resolution # \_\_\_\_\_

Resolution to Authorize Polk County to pursue WDNR TRM funding

**County of Polk**

WHEREAS, the Polk County Land and Water Resources department desires to receive Targeted Runoff Management (TRM) grant funding from the Wisconsin Department of Natural Resources (WDNR) pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR151, 153, and 155, Wis. Adm. Code, for the purpose of implementing measures to control nonpoint source water pollution; and

WHEREAS, the Landowner agrees to contribute the local share (also called the "match") needed for projects that are ultimately grant-funded by the WDNR; and

NOW, THEREFORE, BE IT RESOLVED THAT the Polk County Board of Supervisors authorizes the Polk County Conservationist to submit a signed grant application to the WDNR; and

The Polk County Board of Supervisors authorizes the Polk County Conservationist to submit a signed Environmental Hazard Assessment form to the WDNR, if applicable; and

The Polk County Board of Supervisors authorizes the Polk County Conservationist to sign a grant agreement between Polk County and the WDNR; and

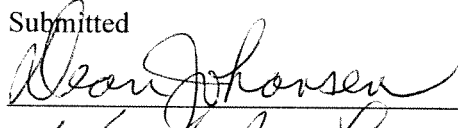
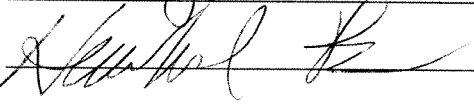
The Polk County Board of Supervisors authorizes the Polk County Conservationist to submit signed quarterly and final report forms to the WDNR; and

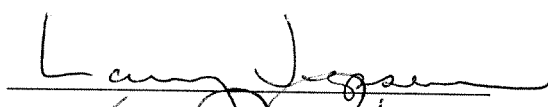
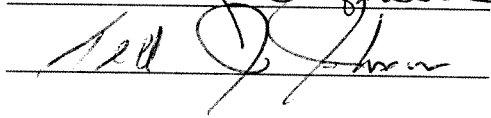
The Polk County Board of Supervisors authorizes the Polk County Conservationist to submit signed grant reimbursement requests to the WDNR.

Funding Amount: \$ 0 Funding Source: Staff Allocation LWRD Budget

Date Finance Committee Advised:  
Finance Committee Recommendation:  
Effective Date: Upon Passage  
Date Submitted to County Board: May 15, 2012

Approved as to form: \_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel  
Submitted and Sponsored By: Polk County Land Conservation Committee

Submitted  
  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_

Review By County Administrator:

AI

- Recommended
- Not Recommended
- Reviewed Only

*[Handwritten signature]*

\_\_\_\_\_  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to form*
- Recommended
- Not Recommended
- Reviewed Only

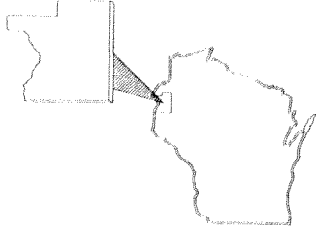
*[Handwritten signature]*

\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on \_\_\_\_\_, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution \_\_\_\_\_-12: Resolution to authorize Polk County to pursue WDNR TRM funding by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

\_\_\_\_\_  
County Board Chairman

Attest: \_\_\_\_\_  
Carole Wondra, Polk County Clerk



## POLK COUNTY LAND & WATER RESOURCES DEPARTMENT

100 POLK COUNTY PLAZA – SUITE 120 BALSAM LAKE, WISCONSIN 54810

PHONE: 715-485-8699

FAX: 715-485-8601

TIM RITTEN, DIRECTOR: 715-485-8631

---

Date: 5-1-2011

A2

To: The Honorable Polk County Board of Supervisors

From: Polk County Land Conservation Committee

Subject: Committee Report – Resolution to Authorize Polk County to pursue WDNR TRM funding

Dear Supervisors,

The DNR Targeted Runoff Management (TRM) program develops a statewide prioritized list of conservation projects and approves them as funds allow. Last year this project scored well on the DNR ranking system, but below the cut-off for funding.

The project in this resolution involves a farm in the Town of Balsam Lake which has an existing, but inadequate, manure storage system. The Land and Water Resources Department has determined an environmental issue exists and efforts should be made to correct it.

The LCC moved a similar resolution forward in 2011 and it was approved unanimously by the Board. Unfortunately the resolution from last year has specific dates in it which render it useless for this year's application. The LCC unanimously approved this resolution at their meeting held April 11, 2012, and recommend the Board adopt it without amendment.

Sincerely,

Polk County Land Conservation Committee

B

Resolution To Dissolve Transition Committee

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

Ladies and Gentlemen:

WHEREAS, the Budget Repair Bill, 2011 Wisconsin Act 10, and as amended by the State of Wisconsin biennial Budget Bill, 2011 Wisconsin Act 32, presented Polk County with state mandates to address certain personnel issues.

WHEREAS, the Polk County Board of Supervisors created the Transition Committee, an ad hoc committee which was charged with the purpose of developing new county personnel policies regarding work rules and a grievance procedure in conformity with the state mandates contained the Budget Repair Bill; and

WHEREAS, the Transition Committee caused to be developed and provided recommendations on the Workplace Discipline and Safety Appeal Policy (Grievance Policy), the Interim Personnel Policy and the Interim Administrative Policy; and

WHEREAS, the Polk County Board of Supervisors has adopted such county personnel policies, successfully responding to the personnel issues raised in the Budget Repair Bill; and

WHEREAS, having reviewed its charge and having determined that its responsibilities have been fulfilled, the Transition Committee has recommended dissolution of the committee.

WHEREAS, pursuant to Polk County Policy 010, *Duties and Responsibilities of Governing Committees*, the Personnel Committee has the responsibility as a standing committee to provide policy direction, advice and recommendations with respect to the development and implementation of personnel policies.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors dissolves the Transition Committee.

Funding Amount and Source: Not applicable. Date Finance Committee Advised: Not Applicable

Effective Date: Upon Passage

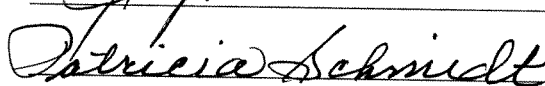
Date Submitted to County Board: May 15, 2012

Submitted and Sponsored By:







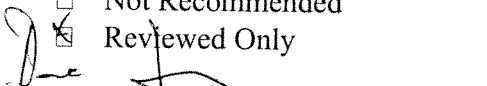


Review By County Administrator:

Recommended

Not Recommended

Reviewed Only

  
Dana Frey, County Administrator





C

Resolution No. \_\_\_\_-2012

Resolution to Increase the 2012 Budget for Personnel Appropriations for the Lime Quarry

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

Ladies and Gentlemen:

1 WHEREAS, the Polk County Lime Quarry provides essential materials for the support of the agricultural  
2 industry in Polk County as well as materials for road construction and recreational trails, and

3 WHEREAS, the demand for agricultural materials has greatly and consistently exceeded expectations  
4 from that level forecast at the time the 2012 budget was prepared, and

5 WHEREAS, this high demand for agricultural materials will result in greater revenues from their sale, but  
6 also will require additional employees to meet this demand, and

7 WHEREAS, these additional revenues can be applied to hiring part-time labor to assist with meeting this  
8 demand without detrimental effect on the overall Polk County budget.

9 THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors amends the 2012 budget  
10 for the Polk County Lime Quarry, follows:

11  
12 Under Revenues, Public Charge for Services, strike "\$525,300" and insert "\$563,300", and  
13 Under Expenditures, Personnel, strike "\$209,008" and insert "\$247,008".

14 Amend the totals accordingly.

Funding Amount and Source: Lime quarry revenues

Finance Committee Advised: May 9, 2012

Finance Committee Recommendation: Outstanding Upon Distribution to County Board

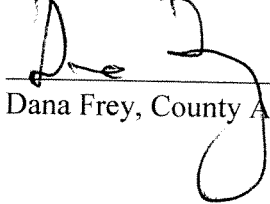
Polk County Lime Quarry Committee: May 9, 2012

Polk County Highway Committee Recommendation: Outstanding Upon Distribution to County Board

Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting

Effective Date: Upon passage.


Submitted by:

  
\_\_\_\_\_  
Dana Frey, County Administrator

CI

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

County Board Action:

On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No. \_\_\_\_\_:  
 Resolution to Increase the 2012 Budget for Personnel Appropriations for the Lime Quarry by a two-  
 thirds vote of all supervisors of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

\_\_\_\_\_  
 William F. Johnson, IV, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk

On the \_\_\_\_\_ day of May, 2012 a copy of this resolution was published in the Inter-County  
 Leader in conformity with Wisconsin statute Section 65.90(5)(a).

\_\_\_\_\_  
 Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk



FUNDING FOR JAIL LITERACY AND PHASE-OUT OF THE POLK COUNTY LIBRARY  
FEDERATION

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

Ladies and Gentlemen:

- 1 WHEREAS, Polk County has long recognized the value of providing public library services to its  
2 residents, exceeding the funding level required by Wisconsin Statutes, and
- 3 WHEREAS, the Polk County Library Federation was founded in 1974 to assist in the provision of those  
4 services and has done much to assist city and village libraries within the County during the intervening  
5 years, and
- 6 WHEREAS, the financial and legal environment in which the public library system operates has evolved  
7 significantly since 1974 with the adoption of a mandatory tax levy in those areas without a library to  
8 support other libraries in the County, and
- 9 WHEREAS, changes in technology are making some of the programs administered by the Polk County  
10 Library Federation less valuable while at the same time costs of these programs continue to rise, and
- 11 WHEREAS, for economic reasons it has become increasingly necessary to reduce expenditures for non-  
12 mandated, low priority programs to fund increased costs for required and high-priority programs, and
- 13 WHEREAS, other cost increases including increases in debt service, energy, health care, and highway  
14 materials will require reductions in other programs, and
- 15 WHEREAS, the Polk County Library Federation is not a mandated program, and
- 16 WHEREAS, the jail reading and literacy program is of value to the County and likely produces greater  
17 benefits than its cost, and
- 18 WHEREAS, the jail reading and literacy program is currently funded only by those taxpayers in towns or  
19 villages without a library, and
- 20 WHEREAS, a State- mandated plan for library service must be developed and approved by the end of  
21 2012, and
- 22 WHEREAS, to avoid a disruption in services, a careful transition from the Polk County Library  
23 Federation is warranted.
- 24 THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors directs the Polk County  
25 Administrator to prepare the 2013 budget without property tax funding for the Polk County Library  
26 Service.

DI

27 RESOLVED FURTHER that the Polk County Board of Supervisors directs the Polk County  
28 Administrator to determine an alternative means of implementing the jail reading and literacy program  
29 and incorporate funding for the same in the 2013 budget submission.

30 RESOLVED FURTHER that the Polk County Board of Supervisors directs the Polk County  
31 Administrator to appoint the citizen members of the Polk County Library Plan for Service Committee and  
32 the Chair of the County Board to appoint two members from the County Board to said committee and for  
33 that committee to prepare a transition plan from the Polk County Library Federation, including disposal  
34 of assets and expenditures of remaining funds, by August 15, 2012.

35 RESOLVED FURTHER, that the Polk County Board of Supervisors extends its appreciation to current  
36 and past members of the Polk County Library Federation Board of Trustees, the Friends of the Polk  
37 County Library, and Polk County Library Federation staff and volunteers for their work on behalf of the  
38 citizens of Polk County.

Funding Amount and Source: Not applicable

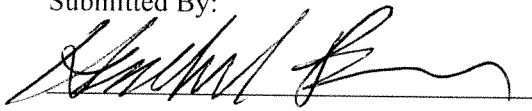
Finance Committee Advised: May 9, 2012

Finance Committee Recommendation: Outstanding Upon Distribution to County Board

Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting

Effective Date: Upon Passage

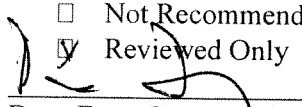
Submitted By:

  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

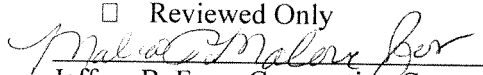
Review By County Administrator:

- 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

County Board Action:

On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No. \_\_\_\_-2012: FUNDING FOR JAIL LITERACY AND PHASE-OUT OF THE POLK COUNTY LIBRARY FEDERATION, by a majority vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

\_\_\_\_\_  
William F. Johnson, IV, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk

D2

E

1 Resolution No. \_\_\_\_-2012  
2 Resolution to Act on Offer of Endeavors Adult Development Center to Modify Terms of Adult  
3 Development Center Lease Agreement for 2012  
4 (Accept or Reject Offer)  
5

6 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF  
7 POLK:  
8

9 Ladies and Gentlemen:  
10

11 WHEREAS Polk County, as landlord, and Endeavors Adult Development Center, Inc. (Endeavors),  
12 as tenant, have entered into a Lease Agreement for the lease of the Polk County Adult Development  
13 Center building; and  
14

15 WHEREAS, the Lease Agreement required, among other things, for Endeavors to pay monthly rent for  
16 the month of December 2011 in the sum of \$ 4,000; and  
17

18 WHEREAS, during the development of the 2012 budget, Polk County and Endeavors negotiated  
19 amended provisions of the lease agreement and both parties agreed to the amended provisions with  
20 an effective date of January 1, 2012; and  
21

22 WHEREAS, among amendments agreed upon, the amount of rental and periodic payment provision  
23 required Endeavors to pay an annual rental amount of Thirty-four Thousand Eight Hundred  
24 (\$34,800) Dollars, paid in monthly payments of Two Thousand Nine Hundred (\$2,900) Dollars  
25 commencing on the 1<sup>st</sup> day of January 2012, and on or before the 1<sup>st</sup> day of each successive month  
26 thereafter.  
27

28 WHEREAS, Endeavors had defaulted on the terms of the Lease Agreement by failing to pay the  
29 December 2011 rent in the sum of \$4,000 and by failing to pay the rent due for the months of  
30 January, February, March, and April, each in the sum of \$2,900; and

31 WHEREAS, pursuant to its rights under the Lease Agreement and under law, Polk County did serve,  
32 on April 12, 2012, Endeavors with a Notice of Default which demanded Endeavors correct the  
33 default consistent with the terms of the Lease Agreement by paying the outstanding sum of \$15,600  
34 within 15 days, or alternatively, take action to suspend the time to correct the default by submitting a  
35 remedial action/payment plan with adequate consideration that would correct the default in a manner  
36 different than full payment, as provided in the Lease Agreement; and

37 WHEREAS, on April 26, 2012, Endeavors served Polk County with an offer to modify the lease  
38 agreement, seeking to reduce the annual rental payment to \$30,000 and adopt a periodic rental  
39 payment schedule as follows: \$1,000.00 a month for the months of January through June 2012;  
40 and \$4,000.00 a month for the months of July through December 2012; and

41 WHEREAS, Endeavors tendered with said offer a check in the sum of \$9,000 which would, upon  
42 acceptance of the offer, apply to the rent amount of \$4,000, past due for December 2011; to the rent  
43 past due in the sum of \$5,000, as modified under the offer, for the months of January through April  
44 2012 at the monthly rental rate of \$1,000; and to the current month of May 2012 in the amount of  
45 \$1,000; and

E 1

46 WHEREAS, On April 26, 2012, Polk County served Endeavors with an Acknowledgement of  
47 Receipt, Notice of Suspension of Time to Correct Default/ Reservation of Rights, a copy of  
48 which is attached hereto and incorporated herein.

49 WHEREAS, the offer of Endeavors is a material change to the provisions of the Lease Agreement  
50 which Polk County and Endeavors must mutually agree to before the terms of such offer may be part  
51 of the Lease Agreement; and

52 WHEREAS, pursuant to Wisconsin Statute Section 59.01, the Polk County Board of Supervisors is  
53 authorized to accept or reject the terms of leases involving lands and buildings of Polk County.

54 (Select Either Option A or Option B)

55 \*\*\*\*\*

56  Option A:

57 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section 59.01, the  
58 Polk County Board of Supervisors, on behalf of Polk County, accepts and adopts the offer of  
59 Endeavors to modify the Lease Agreement as contained in its letter dated April 26, 2012,  
60 attached hereto and incorporated herein.

61 BE IT FURTHER RESOLVED that this resolution shall be effective retroactively to January  
62 1, 2012, upon passage and publication within 10-days of passage consistent with Wisconsin  
63 Statute Section 65.90(5)(a).

64 \*\*\*\*\*

65  Option B:

66 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Section 59.01, the  
67 Polk County Board of Supervisors, on behalf of Polk County, rejects the offer of Endeavors to  
68 modify the Lease Agreement as contained in its letter dated April 26, 2012, attached hereto  
69 and incorporated herein.

70 BE IT FURTHER RESOLVED that this resolution shall be effective upon passage.

71 \*\*\*\*\*

72 Funding Amount and Source: Budgeted Rental Income Reduced from \$34,800 to \$30,000

73 Finance Committee Advised: May 9, 2012

74 Finance Committee Recommendation: Outstanding Upon Distribution to County Board

75 Polk County Property, Forestry and Recreation Committee: May 7, 2012

76 Polk County Property, Forestry and Recreation Committee Recommendation: Outstanding Upon  
77 Distribution to County Board

78 Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting

79 Effective Date: If Option A is selected, then the resolution is effective upon passage and  
80 publication pursuant to Section 65.90(5)(a) and upon the modification of the  
81 Lease Agreement is effective retroactively to January 1, 2012.  
82


83 If Option B is selected, then the resolution is effective upon passage.  
84

85 Submitted By:

86   
87 \_\_\_\_\_  
88 Dana Frey, County Administrator  
89

90 Review By County Administrator:

- 91  Recommended
- 92  Not Recommended
- 93  Reviewed Only

94   
95 \_\_\_\_\_  
96 Dana Frey, County Administrator

97 Review By Corporation Counsel:

- 98  Approved as to Form
- 99  Recommended
- 100  Not Recommended
- 101  Reviewed Only

102   
103 \_\_\_\_\_  
104 Jeffrey B. Fuge, Corporation Counsel  
105

106 County Board Action:

107  
108  On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No.  
109 \_\_\_\_\_: Resolution to Act on Offer of Endeavors Adult Development Center  
110 to Modify Terms of Adult Development Center Lease Agreement for 2012 (Accepted/  
111 Option A) by a two-thirds vote of all supervisors of \_\_\_\_\_ in favor and \_\_\_\_\_  
112 against.  
113

114  On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No.  
115 \_\_\_\_\_: Resolution to Act on Offer of Endeavors Adult Development Center  
116 to Modify Terms of Adult Development Center Lease Agreement for 2012 (Rejected/ Option  
117 B) by a majority vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.  
118

119 \_\_\_\_\_  
120 William F. Johnson, IV, Chairperson  
121

122 Attest: \_\_\_\_\_ Dated: \_\_\_\_\_  
123 Carole T. Wondra, County Clerk



E3

124  
125

126 If Accepted/Option A, then complete the following:

127 On the \_\_\_\_\_ day of May, 2012 a copy of this resolution was published in the Inter-County  
128 Leader in conformity with Wisconsin statute Section 65.90(5)(a).

129 \_\_\_\_\_ Dated: \_\_\_\_\_  
130 Carole T. Wondra, County Clerk

131  
132 Attachments: Notice of Default, April 12, 2012.  
133 Endeavors Letter, April 26, 2012  
134 Office of Corporation Counsel Letter dated April 26, 2012  
135 Staff Report of Office of Corporation Counsel  
136

E4

**POLK COUNTY  
OFFICE OF CORPORATION COUNSEL**

POLK COUNTY JUSTICE CENTER  
1005 WEST MAIN STREET, SUITE 100  
BALSAM LAKE, WI 54810  
Telephone: 715-485-9210  
Facsimile: 715-485-9171

**COPY**

NOTICE OF DEFAULT

April 12, 2012

Endeavors Adult Development Center, Inc.                      HAND DELIVERED  
c/o Ms. Diana B. Manning, MSW  
Executive Director  
101 150<sup>th</sup> Street  
Balsam Lake, WI 54810

Re:    Adult Development Center Lease Agreement Between Polk County  
       and Endeavors Adult Development Center, Inc.

Dear Ms. Manning:

Our office represents Polk County with respect to the Adult Development Center Lease Agreement between Polk County and Endeavors Adult Development Center, Inc. Polk County hereby gives Endeavors Adult Development Center, Inc. notice that Endeavors Adult Development Center, Inc. is presently in default of the Lease Agreement for failing to pay rent in December 2011 in the amount of \$4,000.00 and in the months of January, February, March and April 2012, each in the amount of \$2,900.00. Presently the total sum in default in the amount of \$15,600.00

Such default must be corrected immediately.

The default may be corrected in one or more ways. Endeavors Adult Development Center, Inc. could correct the default by paying the sum of \$15,600.00 within fifteen days of the date of this letter. In the event that Endeavors Adult Development Center, Inc. makes such a payment within such time, our office will issue a rescission of the Notice of Default. Such payment should be made payable to Polk County and tendered to the Department of Administration, Attention: Ms. Maggie Wickre, 100 Polk County Plaza, Suite 220, Balsam Lake, WI 54810.

E5

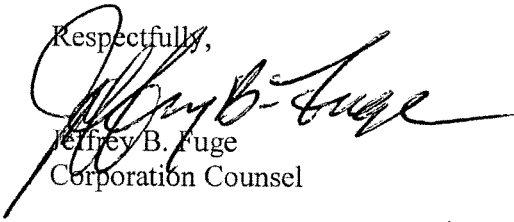
Our office understands that on April 10, 2010 representatives of Endeavors Adult Development Center, Inc. discussed with County Administrator Dana Frey a payment plan for the purpose of correcting the default. A payment plan with monetary consideration is an example of remedial action that is an alternative to making full payment.

Any proposal for remedial action must include monetary consideration at the time in which Endeavors Adult Development Center, Inc. submits the remedial action/payment plan to Polk County. Monetary consideration is a sufficient sum of money that would give Polk County reason to modify the lease as sought in the proposal of Endeavors Adult Development Center, Inc. Under the circumstances, said sum would be in an amount equal to the first payment required under the proposed remedial action/payment plan. Any sum less than the first payment would be deemed insufficient consideration.

Endeavors Adult Development Center, Inc. must also understand that merely submitting to Polk County a proposed remedial action/payment plan with monetary consideration does not correct the default. Any such proposed remedial action must receive the approval of the County Board because such proposed action would be a modification of the lease terms. As such, the submission by Endeavors Adult Development Center, Inc. of a proposed remedial action/ payment plan with some monetary payment would only stop the running of the time to correct the default until such time that the County Board would consider and act upon said proposal. Any remedial action/payment plan and monetary consideration should be submitted to the Department of Administration, Attention: Ms. Maggie Wickre, 100 Polk County Plaza, Suite 220, Balsam Lake, WI 54810.

Within 15 days of the date of this letter, Endeavors Adult Development Center, Inc. must either make payment of the sum of \$15, 600.00 or submit a remedial action/payment plan with sufficient monetary consideration. Upon failure to do either within 15 days of the date of receipt of this Notice of Default, Polk County shall be entitled to exercise its rights under the lease and at law without further notice to Endeavors Adult Development Center, Inc., including, but not limited to, the right to terminate the lease, retaining the right to sue for rent and other charges accrued due, the right to sue for damages to the date of termination for previous breaches and the right to claim for damages for the loss of the benefit of the lease over the balance of the term thereof.

Respectfully,



Jeffrey B. Fuge  
Corporation Counsel

JBF/lf

cc: Mr. Dana Frey, County Administrator

E6

Acknowledgement of Hand Delivery and Receipt

I, Diana Manning, Executive Director of Endeavors Adult Development Center, Inc. do hereby acknowledge hand-delivery and receipt of the above Notice of Default on the 12<sup>th</sup> of April 2012.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Diana Manning, Executive Director

E7

**POLK COUNTY  
OFFICE OF CORPORATION COUNSEL**

POLK COUNTY JUSTICE CENTER  
1005 WEST MAIN STREET, SUITE 100  
BALSAM LAKE, WI 54810  
Telephone: 715-485-9210  
Facsimile: 715-485-9171

FILE COPY

ACKNOWLEDGEMENT OF RECEIPT  
NOTICE OF SUSPENSION OF TIME TO CORRECT DEFAULT/ RESERVATION OF  
RIGHTS

April 26, 2012

Endeavors Adult Development Center, Inc.                      Regular Mail  
c/o Ms. Diana B. Manning, MSW  
Executive Director  
101 150<sup>th</sup> Street  
Balsam Lake, WI 54810

Re:     Adult Development Center Lease Agreement Between Polk County  
         and Endeavors Adult Development Center, Inc.

Dear Ms. Manning:

Today, our office has received the April 26, 2012 Endeavors Adult Development Center, Inc. and its check, Check Number 16010, in the sum of \$9,000. A copy of the same is attached. Our letter here constitutes as an acknowledgement of receipt.

Our office is forwarding the same to Mr. Dana Frey, County Administrator, for review and recommendation to the Polk County Board of Supervisors. Our office is also tendering the check to the Department of Administration with the instructions to hold the same until after the May 15, 2012 meeting of the Polk County Board of Supervisors.

The noted letter and consideration of Endeavors Adult Development Center, Inc does not constitute a correction of the default pursuant to the lease agreement. Rather, Endeavors Adult Development Center, Inc. has offered to modify the Lease Agreement terms as an alternative to correcting the default consistent with lease provisions. Because Wisconsin law requires the Polk County Board of Supervisors to consider and act upon the offer to modify the Lease Agreement, Endeavors Adult Development Center, Inc. is placed on notice that, at present, the default has not been corrected. Polk County will not rescind the notice of default at the present time.

The time for correcting the default has been suspended effective with the date of this letter and until such time that Polk County Board of Supervisors acts on the offer of Endeavors Adult Development Center, Inc. Coupled with the offer to modify the lease agreement, the

EP

check in the sum of \$9,000 is sufficient consideration to warrant suspension of the time to correct the default.

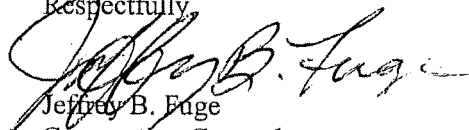
As part of the legislative process, our office will submit the offer of Endeavors Adult Development Center, Inc. to the Polk County Property, Forestry and Recreation Committee at its May 7, 2012 meeting. Said committee will provide the Polk County Board of Supervisors a recommendation to either accept or reject the offer. The Polk County Board of Supervisors will act to either accept or reject the offer at its meeting next on May 15, 2012. Because the time to correct the default is suspended until the noted meeting of the Polk County Board of Supervisors, the Department of Administration will hold the check of Endeavors Adult Development Center, Inc. until after the noted meeting of the Polk County Board of Supervisors.

In the event that the Polk County Board of Supervisors accepts the offer, the check will then be endorsed. Our office would confirm to you acceptance of the offer. At that time our office would also issue a notice of rescission of the Notice of Default. The check would be applied according to the provisions Lease Agreement with \$4,000 to the sum owed for December 2011 and the balance to the months of January through May 2011.

In the event that the Polk County Board of Supervisors rejects the offer, our office will serve Endeavors Adult Development Center, Inc. with notice of that rejection. Such notice will also inform Endeavors Adult Development Center, Inc. that the suspension of the time to correct the default has been lifted and that any correction must be completed within two business days of said notice. Such time frame is applicable in this instance because 13 of the 15 days to correct the default, as provided under the Lease Agreement, has already lapsed. In the event of a rejection of the offer, Polk County will retain the check and apply it to outstanding balances under the terms of the Lease Agreement. Any notice of rejection of the offer will so reflect.

Polk County reserves its rights to terminate the lease consistent with its rights under the lease and as provided under law. Upon failure to correct the default, Polk County shall be entitled to exercise its rights under the lease and at law without further notice to Endeavors Adult Development Center, Inc., including, but not limited to, the right to terminate the lease, retaining the right to sue for rent and other charges accrued due, the right to sue for damages to the date of termination for previous breaches and the right to claim for damages for the loss of the benefit of the lease over the balance of the term thereof.

Respectfully,

  
Jeffrey B. Fuge  
Corporation Counsel

JBF/lf

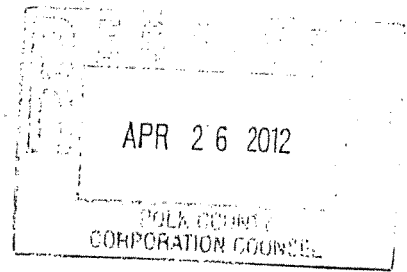
cc: Mr. Dana Frey, County Administrator  
Ms. Maggie Wickre, Finance Manager  
Ms. Debbie Peterson, Parks, Buildings, & Solid Waste Director

# Endeavors

Adult Development Center



*Growing is Our Mission*



101 150th Street, Balsam Lake, WI 54810 715.485.8771 FAX 715.485.8740

Polk County Office of Corporation Counsel  
Polk County Justice Center, Suite 10  
Balsam Lake, WI 54810

26 April 2012

**COPY**

RE: April 12, 2012, Notice of Default in Lease Agreement Between  
Endeavors Adult Development Center, Inc. and Polk County

Dear Mr. Fuge:

With regard to the above, we have enclosed payment in the amount of \$9,000.00 to correct the default and bring Endeavors current through May 31, 2012 on our 2011 and 2012 lease agreements. This would require amending the amount and payment structure of the 2012 lease terms as detailed below, and would reflect the same amount and payment structure of our 2011 lease agreement. Subsequent to these amendments, your office would then issue to Endeavors a rescission of the Notice of Default.

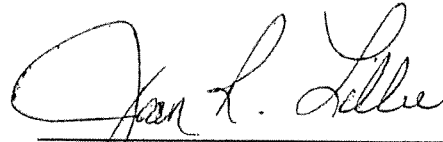
As you know, in several meetings throughout the past year between Endeavors staff and board members and county staff and board members, we have consistently maintained that we could not afford to pay more than the 2011 lease amount of \$30,000.00. In addition for this 2012, second year of our two year lease cycle, we requested one more year of the same payment structure as our 2011 lease agreement as follows:

\$1,000.00 for January 2012  
\$1,000.00 for February 2012  
\$1,000.00 for March 2012  
\$1,000.00 for April 2012  
\$1,000.00 for May 2012  
\$1,000.00 in June 2012  
\$4,000.00 in July 2012  
\$4,000.00 in August 2012  
\$4,000.00 in September 2012  
\$4,000.00 in October 2012  
\$4,000.00 in November 2012  
\$4,000.00 in December 2012  
\$30,000.00 for 2012

We are pleased to be able to correct our lease default and look forward to the above modifications to amend our 2012 lease agreement.

E10

Sincerely,



Joan R. Lillie

---

Joan R. Lillie, Board Chairperson

cc: Board of Directors  
Diana B. Manning, Executive Director



113

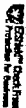
**ENDEAVORS ADULT DEVELOPMENT CENTER**

101 150TH STREET  
BALSAM LAKE, WI 54810  
(715) 485-8771



www.centralbank.com

75-511-919



16010

PAY TO THE  
ORDER OF

Polk County Department of Administration

Nine Thousand and 00/100\*\*\*\*\*

\$ 9,000.00

4/26/2012

DOLLARS

Polk County Department of Administration

100 Polk County Plaza, Suite 220

Balsam Lake, WI 54810

MEMO

CON/2012 LEASE



TWO SIGNATURES REQUIRED

*Richard R. Dowman*  
AUTHORIZED SIGNATURE



Security features. Details on back.

⑆016010⑆ ⑆091905114⑆ 60105381⑆

F

Resolution No. \_\_\_\_\_-12

Resolution to Amend 2012 Budget – Authorization of Designation, Carry-over, Transfer, and Reappropriation of Specified Funds from 2011 to 2012

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

1 WHEREAS, events occur after the adoption of the Annual Budget that affect various  
2 program activities and their appropriations for a given budget year, and

3 WHEREAS, some of the programs, projects, and activities that were planned for the 2011  
4 budget year did not take place, were not completed, or are on-going and it is appropriate and  
5 necessary to carry-over the appropriation for same into the next budget year, an

6 WHEREAS, the Finance Manager has compiled a list designating those programs, projects,  
7 activities, and corresponding 2011 funds that should be carried forward and reappropriated in  
8 the 2012 budget, and

9 WHEREAS, the Finance Committee and the County Administrator have reviewed the  
10 requests and recommend that the designation, carry-over, and reappropriation requests be  
11 approved, and

12 WHEREAS Wisconsin statutes and county policies authorize and require that the county  
13 board take official action to authorize the designation, carry-over, and reappropriation of  
14 funds, and

15 WHEREAS, sound financial practice requires that such carry-over designations be recorded  
16 in the official books of the County, and

17 WHEREAS, any additional items or adjustments that may be required at the completion of  
18 the County's external audit will be brought to the County Board in a separate resolution at the  
19 conclusion of the field work of the external audit.

20 NOW, THEREFORE, BE IT RESOLVED by the Polk County Board of Supervisors that the  
21 following appropriations from the contingency fund in 2011 that were unexpended on  
22 December 31, 2011, be assigned and reappropriated for the year ending December 31, 2012,  
23 and that the 2012 budget be amended accordingly:

24 Employee Relations: \$20,000 remaining from the \$20,000 appropriation for professional  
25 services for a compensation study; and

26 Department of Administration: \$18,249 remaining from the \$20,000 appropriation for  
27 professional services for new financial software.

28 BE IT FURTHER RESOLVED that the following appropriations from the General Fund that  
29 were unexpended on December 31, 2011, be assigned and reappropriated for the year ending  
30 December 31, 2012, and that the 2012 budget be amended accordingly:

31 Law Enforcement: \$77,310 for professional services for communications software  
32 maintenance; and

33 Buildings: \$9,000 to the county building equipment replacement account for capital  
34 equipment for a vehicle purchase.

F1

35 BE IT FUTHER RESOLVED, that the adopted 2011 budget for the Public Health  
36 Department bioterrorism account be amended as follows:

37 Under Expenditures, Personnel, strike "\$128,777" and insert "\$152,927" and amend the  
38 totals accordingly.

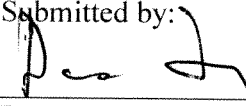
39 BE IT FURTHER RESOLVED that the remaining capital project fund balance from the 2008  
40 bond issue of \$1,767.94 be transferred to the debt service account in the General Fund and  
41 that the 2012 budget be amended appropriately.

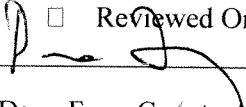
42 BE IT FURTHER RESOLVED that the Finance Manager is directed to record such  
43 information in the official books of the County for the year ended December 31, 2011 and for  
44 the year ending December 31, 2012 as may be required.

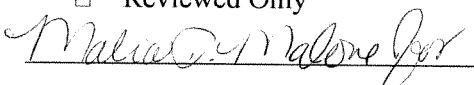
45 BE IT FURTHER RESOLVED that the County Clerk caused to be published in conformity  
46 with state statutes a Class 1 notice of amendment to the 2012 budget as herein authorized, in  
47 the Inter-County Leader within 10-days following adoption.

Funding Amount and Source: Carries over the amounts specified from the 2011 budget to the 2012 budget and amends the 2012 annual budget as stated.

Date Finance Committee Advised: May 9, 2012  
Finance Committee Recommendation: Outstanding Upon Distribution to County Board  
Effective Date: Upon Passage and Publication pursuant to Wisconsin Statute Section 65.90(5)(a)  
Date Submitted to County Board: Distributed on May 4, 2012 for the May 15, 2012 meeting.

Submitted by:  
  
\_\_\_\_\_  
Dana Frey, County Administrator

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

F2

At its regular business meeting on \_\_\_\_\_, 2012, the Polk County Board of Supervisors adopted the above-entitled ordinance, Resolution No. \_\_\_\_-12 Resolution to Amend 2012 Budget – Authorization of Designation, Carry-over, Transfer, and Reappropriation of Specified Funds from 2010 to 2012, by a two-thirds majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_ Dated: \_\_\_\_\_  
William Johnson, IV, County Board Chair

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_  
Carole Wondra, Polk County Clerk

Notice of the changes to the 2012 Budget as caused by Resolution No. \_\_\_\_-12; Resolution to Amend 2012 Budget – Authorization of Designation, Carry-over, Transfer, and Reappropriation of Specified Funds from 2011 to 2012, was published in the Inter-County Leader on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_ Dated: \_\_\_\_\_  
Carole Wondra, County Clerk

G-1

Resolution No. \_\_\_\_-2012

Resolution to Allow Higher Initial Leave Accruals for Recruitment of Mid-Career Professionals

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

Ladies and Gentlemen:

1 WHEREAS, the policy of Polk County is to attract and retain high quality employees to provide the most  
2 efficient and effective service to citizens, and

3 WHEREAS, current policy allows new employees one week annual leave after six months and an annual  
4 leave accrual of two weeks per year after one year and a sick leave accrual of one day per month, and

5 WHEREAS, although this accrual rate is appropriate for most new employees, prospective employees  
6 may include mid-career professionals who in current employment have far higher annual leave accrual  
7 rates and a sick leave balance, and

8 WHEREAS, annual leave accrual rate and the availability of sick leave are significant considerations in  
9 deciding whether to accept a position, and

10 WHEREAS, it is appropriate to allow the hiring authority some flexibility in authorizing a higher accrual  
11 rate while maintaining internal consistency with other County employees.

12 THEREFORE BE IT RESOLVED that Polk County Board of Supervisors amends the Interim  
13 Administrative Policy, as follows:

14 Page 4, after paragraph 7(f), insert a new paragraph to read:

15 g. Initial benefits. The employee relations director may authorize a higher annual leave accrual  
16 rate for a new employee who has a minimum of two years' experience in a similar position with  
17 another employer. This accrual rate may not exceed the lesser of the annual leave accrual rate  
18 in that employee's previous position or the accrual rate he or she would have received had he or  
19 she been employed by Polk County for a comparable period. The employee relations director  
20 may also authorize an advance in sick leave not to exceed five days for such an employee.

21 Renumber the following sections accordingly.

Funding Amount and Source: Not applicable

Date Finance Committee Advised: Not applicable

Polk County Personnel Committee: May 10, 2012

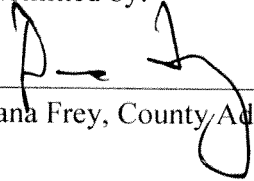
Polk County Personnel Committee Recommendation: Outstanding Upon Distribution to County Board

Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting

Effective Date: Upon passage.

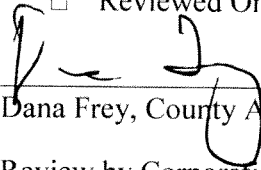
G2

Submitted by:

  
\_\_\_\_\_  
Dana Frey, County Administrator

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

County Board Action:

On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No. \_\_\_\_\_:  
Resolution to Allow Higher Initial Leave Accruals for Recruitment of Mid-Career Professionals  
by a majority vote of all supervisors of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

\_\_\_\_\_  
William F. Johnson, IV, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk

On the \_\_\_\_\_ day of May, 2012 a copy of this resolution was published in the Inter-County  
Leader in conformity with Wisconsin statute Section 65.90(5)(a).

\_\_\_\_\_  
Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk

H

RESOLUTION: \_\_\_\_\_

**Amend Telecommunication Towers, Antennas, and Related Facilities Ordinance**

**WHEREAS**, the Polk County Board of Supervisors previously adopted the Telecommunication Towers, Antennas and Related Facilities Ordinance on January 26, 1999 by Resolution 4-99 and amended December 16, 2003 by Resolution 156-03; and,

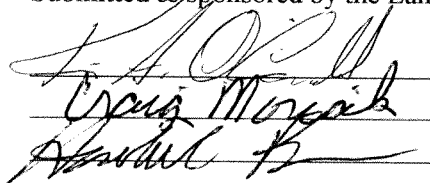
**WHEREAS**, the Polk County Land Information Committee held a public hearing on May 2, 2012 and approved the Ordinance as amended and recommends adoption by the Polk County Board of Supervisors,

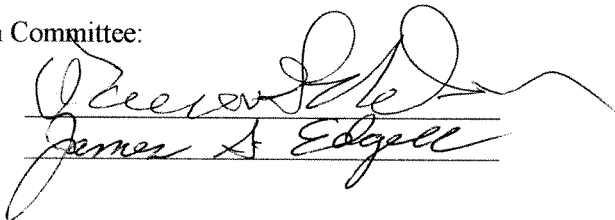
**NOW, THEREFORE, BE IT RESOLVED**, that the Polk County Board of Supervisors hereby approve the following amendment to the Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance (addition in italics):

Article IX A.2.f. Copies of letters informing contiguous landowners by certified mail and *class 2* publication of notice in the County's newspaper of record as appointed by the County Board.

Funding Amount & Source: Not applicable  
Finance Committee Recommendation: Not applicable  
Effective Date: Upon passage and publication

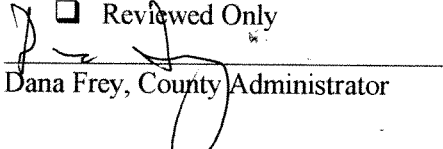
Submitted & sponsored by the Land Information Committee:

  
\_\_\_\_\_  
Craig Morgan

  
\_\_\_\_\_  
James A. Edgell

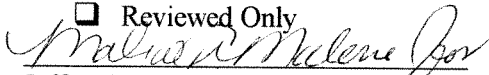
Review By County Administrator:

- 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 May 15, 2012, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution \_\_\_\_\_-12: Resolution to amend the Telecommunication Towers, Antennas and Related Facilities Ordinance, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012 at Polk County Wisconsin.

\_\_\_\_\_  
William Johnson, IV, County Board Chairperson

Attest: \_\_\_\_\_  
Carole Wondra, Polk County Clerk

I

Resolution No. \_\_\_\_-2012  
Resolution to Authorize Grant of Easement to Lakeland Telecommunications Across  
Polk County Fairgrounds

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

Ladies and Gentlemen:

1 WHEREAS Polk County owns certain lands located in the City of St. Croix Falls, commonly known  
2 as the Polk County Fairgrounds; and  
3

4 WHEREAS, the Polk County Fair Society manages the lands and buildings of the Polk County  
5 Fairgrounds pursuant to a Memorandum of Understanding with Polk County; and  
6

7 WHEREAS, pursuant to Wisconsin Statute Sections 59.01 and 59.52(6), the authority to transfer  
8 interests in real property of Polk County is reserved to the Polk County Board of Supervisors; and  
9

10 WHEREAS, Lakeland Telecommunications, Inc. has proposed to install an underground optic fibre  
11 line across the Fairground and those adjacent lands of the Polk County Fair Society and has sought  
12 an easement to secure usage of the Fairground lands for such purposes; and  
13

14 WHEREAS, in consideration for such easement, Lakeland Telecommunications, Inc. has, amongst  
15 things, offered to install a fibre underground line to one Fairground building at its cost, so as to  
16 increase the communication capacities available at the Fairgrounds.

17 NOW, THEREFORE, BE IT RESOLVED that, pursuant to Wisconsin Statute Sections 59.01 and  
18 59.52(6), the Polk County Board of Supervisors, on behalf of Polk County, authorizes an easement  
19 to be granted to Lakeland Telecommunications, Inc. for the purpose of installation and  
20 maintenance of an optic fibre cable across the Fairground lands, which are legally described as  
21 follows:

22 "A strip of land one (1) rod in width, lying Northerly and Northwesterly of Louisiana  
23 Street, the centerline being the first buried cable placed hereunder.  
24

25 Said strip is located in part of Outlots 69, 71, 67, and 68, in Section 20, AND in part of  
26 Outlot 65, in Section 19, ALL in the Assessor's Plat of the City of St. Croix Falls,  
27 Township 34 North, Range 18 West, being more fully described in Volume 931, Page  
28 215 as Document #657746, in the office of the Register of Deeds for Polk County,  
29 Wisconsin."

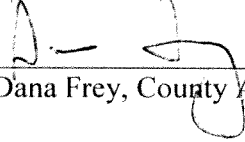
30 BE IT FURTHER RESOLVED that the Polk County Parks, Buildings and Solid Waste Director  
31 is authorized and directed to execute any and all documents to effectuate the easement authorized  
32 by this resolution.



II

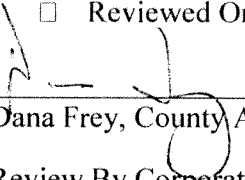
Funding Amount and Source: Not applicable Finance Committee Advised: Not Applicable  
Polk County Property, Forestry and Recreation Committee: May 7, 2012  
Polk County Property, Forestry and Recreation Committee Recommendation: Outstanding Upon Distribution to County Board  
Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting  
Effective Date: Upon Passage

Submitted By:

  
\_\_\_\_\_  
Dana Frey, County Administrator

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

County Board Action:

On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No. \_\_\_\_-2012:  
Resolution to Authorize Grant of Easement to Lakeland Telecommunications Across Polk  
County Fairgrounds by a majority vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

\_\_\_\_\_  
William F. Johnson, IV, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_  
Carole T. Wondra, County Clerk





I4



AXLEY BRYNELSON, LLP

.....  
DANIEL T. HARDY  
dhardy@axley.com  
608.283.6706

April 27, 2012

VIA E-MAIL

Mr. Jeffrey B. Fuge  
Polk County Corporation Counsel  
1005 West Main Street, Suite 100  
Balsam Lake, WI 54810

Re: Lakeland Communications – Polk County Easement  
Our File: 8978.45245

Dear Mr. Fuge:

This correspondence in response to your e-mail of April 18, 2012. I understand that Ena Seiler is defending Polk County under an insurance claim. If you feel more comfortable with a waiver, please advise and we will proceed down that route. However, I do not believe there is any dispute (at least as of this time). I believe our clients have agreed as to the procedure to be followed.

I have asked Mr. Klatt to provide me with a summary of the terms that he understood would be put in place. Those terms are as follows:

- Lakeland Communications, Inc. (“Lakeland”) offered to Polk County Fair Society (the “Society”) (on Polk County property) that Lakeland would install a fiber underground line to one building (with a demark at the ONT) of the Society’s choice for a 20 meg secured bandwidth service offer all at Lakeland’s cost. (First 20 meg is free, balance must be purchased at market rates or negotiated at the time of upgrade.)
- The 20 meg without charge will be available until Lakeland abandons the fiber line and associated easement. Lakeland will disconnect or reconnect service as requested by the Society throughout the year at no charge.
- Lakeland also agreed to purchase a Sponsor sign this year (2012), from the Society for the Polk County Fair at its public entrance. Lakeland was informed that the cost of the sign is \$250.00. Subsequent years are optional for Lakeland at the general going public rates for that particular year.
- Lakeland also may also buy a second sign at the walk in entrance for \$250.00 this year (2012) at its option. Each subsequent year is optional there as well.
- The Society asked Lakeland to price the cost to plow two or three more lines to three other buildings on the fairgrounds from Lakeland’s ONT (all at the Society’s expense).

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AXLEY BRYNELSON, LLP

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Mr. Jeffrey B. Fuge

April 27, 2012

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The Society is 100 % responsible for anything behind Lakeland's ONT (Optical Network Termination). The Society is 100% responsible for internet/network security. We will have a price within 24 hours.

- Lakeland will provide 20 meg to one building secured with a PPPOE user name and password. If the Society requests service to other buildings and/or wireless, it is all at the Society's expense.
- Lakeland may pull out 1-3 tree stumps along the fence area if the Society makes the request while the Lakeland contractor is on site. The Society also asked Lakeland to remove some blacktop on the easement route which it will do. The Society also asked for Lakeland to consider putting in interduct in the vicinity of water shutoff by the County/Society's property.
- Lakeland hereby agrees to hold the Society harmless from any and all claims and/or causes of action with respect to any damage to the Communications Facilities as defined in the Easement, arising out of any acts or failures to act by the Society or its members where the damage to the Communications Facilities is caused by the Society or its members in or about the Easement Area defined in the Easement. This hold harmless agreement is not assignable in whole or in part by the Society.

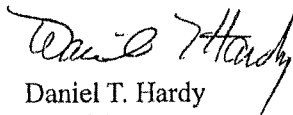
This is the understanding that Lakeland has as to its agreement with the Society.

Please review this outline with your clients. If it is consistent with their understanding, then I would suggest that I will put the agreement into a simple one-page for both the Society, the County and Lakeland to sign.

The consideration recital would be the easement. We would prefer to keep the easement and the terms of "compensation" separate for obvious reasons.

Sincerely,

AXLEY BRYNELSON, LLP

  
Daniel T. Hardy  
DTH/cle

cc: John Klatt  
Judd A. Genda

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Resolution No. \_\_\_\_-2012

Resolution to Amend the Purchasing Policy (Policy 912) for Auction and Motor Fuel Purchases

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

Ladies and Gentlemen:

1 WHEREAS, the policy of Polk County is to purchase necessary goods and services at the lowest possible  
2 price with the greatest transparency and opportunity for competition, and

3 WHEREAS, purchase of used equipment through auction can provide significant savings but also incurs  
4 some risk relating to the purchase of faulty equipment, and

5 WHEREAS, adequate steps can be taken to minimize this risk through the use of third-party inspections,  
6 and

7 WHEREAS, the regular sealed bid process does not necessarily result in the lowest price for motor fuels  
8 due to price volatility and limited number of vendors willing to participate in a sealed bid process, and

9 WHEREAS, fuel is an interchangeable commodity for which the lowest price can be determined easily at  
10 the time of purchase ensuring the lowest cost.

11 THEREFORE BE IT RESOLVED, that the Polk County Board of Supervisors amends Policy 912  
12 (Purchasing Policy), as follows:

13 Page 11, amend the first paragraph in the section "auctions" as follows:

14 Purchasing agents may purchase goods at auction only if the vendor offers protection against  
15 purchasing defective or erroneously described merchandise, or prior inspection of  
16 merchandise, ~~and that~~ or if the vendor allows for refunds, if necessary, after a physical  
17 inspection of the goods received. If the vendor does not allow for refunds or offer protection  
18 against purchasing defective or erroneously described merchandise, then the purchasing  
19 agent must obtain a prior third-party inspection for all goods with estimated value greater  
20 than \$7,500. If the estimated value is less than \$15,000, the results of this inspection may be  
21 transmitted verbally to the purchasing agent; if the estimated value is greater than \$15,000  
22 the results of this inspection must be in writing and include a review of all mechanical  
23 systems, analysis of oils and fluids for motorized equipment, evaluation of service records,  
24 and an overall determination that the goods are as described.

25 Page 11, after "Auctions" insert a new paragraph to read:

26 MOTOR FUELS

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28 lowest price available at the time of purchase. At least three vendors should be contacted,  
29 and either a price quote or a refusal to bid noted in the bidding documentation.

Funding Amount and Source: Not applicable

Finance Committee Advised: May 9, 2012

Finance Committee Recommendation: Outstanding Upon Distribution to County Board

Polk County Highway Committee: May 7, 2012

Polk County Highway Committee Recommendation:

Date Submitted to County Board: May 4, 2012 for the May 15, 2012 Meeting

Effective Date: Upon passage.

Submitted and Sponsored By:

Marvin Casper  
Dean Johnson  
Wraig Marab

Thomas M. May  
\_\_\_\_\_  
\_\_\_\_\_

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

Dana Frey  
Dana Frey, County Administrator

Review By Corporation Counsel:

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

Jeffrey B. Fuge  
Jeffrey B. Fuge, Corporation Counsel

County Board Action:

On May 15, 2012, the Polk County Board of Supervisors adopted Resolution No. \_\_\_\_\_:  
Resolution to Amend the Purchasing Policy (Policy 512) for Auction and Motor Fuel Purchases by a  
majority vote of all supervisors of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

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\_\_\_\_\_  
William F. Johnson, IV, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk

On the \_\_\_\_\_ day of May, 2012 a copy of this resolution was published in the Inter-County Leader in conformity with Wisconsin statute Section 65.90(5)(a).

\_\_\_\_\_ Dated: \_\_\_\_\_

Carole T. Wondra, County Clerk



POLK COUNTY BOARD OF SUPERVISORS  
Minutes from Tuesday, May 15, 2012  
Polk County Government Center – County Board Room  
Balsam Lake, WI 54810

Chairman Johnson called the regular May 15, 2012 meeting of the Polk County Board of Supervisors to order at 6:30 PM.

Chairman Johnson recognized Carole Wondra, County Clerk for purposes of receiving evidence on proper notice. County Clerk informed the County Board 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 May 7, 2012. Chairman Johnson recognized Corporation Counsel, Jeffrey Fuge, for purposes of receiving legal opinion with respect to sufficiency of notice. The County Board received the verbal opinion of Corporation Counsel that the advance written notice posted and published as described by the County Clerk satisfied the applicable provisions of Wisconsin Open Meetings Law and notice provisions of County Board Rules of Order.

Chairman Johnson recognized the County Clerk for purposes of taking roll call. The County Clerk took roll: 22 members present. Chairman Johnson announced that the Chair had granted Supr. H. Johansen leave and that his absence was excused.

Chairman Johnson led the pledge of Allegiance.

Supr. N. Johnson led the Board in time for reflection.

Chairman Johnson informed the Board that Resolution I, Resolution to Authorize Grant of Easement to Lakeland Telecommunications across Polk County Fairgrounds, was withdrawn from the order of business. **Motion (Schmidt/Brown) to approve the consent agenda, as published and with the noted withdrawal of Resolution I.** Chairman Johnson called for voice vote. **Motion approved** by unanimous voice vote.

Time was given for public comments.

There was no presentation given on the Day Friends Program.

Chairman Johnson presented the Chairman's Report.

Chairman Johnson recognized Maggie Wickre, Finance Manager, for purposes of receiving the County Finance Report. The County Board received the County Finance Report presented by the Finance Manager.

Chairman Johnson recognized County Administrator Frey for receipt of the County Administrator's Report. The County Board received the County Administrator's Report presented by the County Administrator.

Chairman Johnson presented the list of Supervisor appointments and requested any changes to the published list. Supr. Kremer-Hartung requested her removal from the list as prospective appointee to the ADRC Board. Supr. Magnafici requested self-nomination as prospective appointee to the ADRC Board. Supr. Brown requested self-nomination as prospective appointee to WestCAP Representative. Chairman Johnson granted requests for self-nomination. Chairman Johnson called for a ballot vote with respect to the appointment to WestCAP, noting the challenge to offered appointee as Supr. Jepsen, incumbent. Vote on ballot resulted with Supr. Jepsen receiving nomination for appointment: Supr. Jepsen receiving 12 votes; Supr. Brown receiving 10 votes. Supr. Masters requested self-nomination as appointee to the LEPC. Supr. O'Connell requested removal from consideration as prospective appointee to the LEPC. No other changes were offered to the published list. **Motion (Kienholz/Brown) to confirm the Chairman's appointments with the noted changes in nomination for appointment.** Chairman Johnson called for voice vote. **Motion carried** by unanimous voice vote.

Chairman Johnson recognized County Administrator Frey for the purposes of considering confirmation of appointments offered by the County Administrator. County Administrator Frey presented the offer of appointments as noticed, noting there were more to come. **Motion (Masters/Jepsen) to confirm the appointments offered by County Administrator.** Chairman Johnson called for voice vote. **Motion carried** by unanimous voice vote.

Chairman Johnson called for a 15 minute recess. The Board stood in recess at 7:45 pm. Chairman Johnson called the Board to order. The Board reconvened at 8:00 pm.

Chairman Johnson recognized the respective committee chairpersons for purposes of receiving the committee reports. The Board received the committee reports as noticed.

### **Resolutions and Ordinances**

**Chairman Johnson called to the floor Resolution 18-12, Resolution to Authorize Polk County to Pursue WDNR TRM Funding. Motion (Jepsen/D. Johansen) to approve said resolution.** Chairman Johnson recognized Land and Water Director, Tim Ritten, to address the resolution. Land and Water Director Ritten addressed the resolution. Chairman Johnson called for voice vote. **Motion to approve Resolution 18-12 carried** by unanimous voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 19-12, Resolution to Dissolve Transition Committee. Motion (Masters/Hartung) to approve said resolution.** Chairman Johnson called for a voice vote. **Motion to approve Resolution 19-12 carried** by unanimous voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 20-12 Resolution to Increase the 2012 Budget for Personnel Appropriations for the Lime Quarry. Motion (D. Johansen/Jepsen) to approve said resolution.** Chairman Johnson recognized Lime Quarry Manager, Dave Peterson, to address the resolution. Lime Quarry Manager Peterson addressed the resolution. Chairman Johnson called for voice vote. **Motion to approve Resolution 20-12 carried** by unanimous voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 21-12 Resolution Funding for Jail Literacy and Phase-out of the Polk County Library Federation. Motion (Brown/Hartung) to approve said resolution. Motion (Nelson/Kienholz) to postpone action on Resolution 21-12 until the June 19, 2012 County Board meeting.** Chairman Johnson called for a roll call vote. **Motion to postpone until June carried** by a roll call vote of 12 yes/10 no. (Voting Yes: Supr. Kienholz Caspersen, Engel, Moriak, Luke, Nelson, Jepsen, O'Connell, Bergstrom, N. Johnson, Cockroft and Wm. Johnson. Voting No: Supr. Brown, D. Johansen, Schmidt, Edgell, Masters, Scoglio, Stroebel, Magnafici, Kremer-Hartung and Arcane) Consideration on Resolution 21-12 postponed until June 19, 2012 meeting.

**Chairman Johnson called to the floor Resolution 22-12 Resolution to Act on Offer of Endeavors Adult Development Center to Modify Terms of Adult Development Center Lease Agreement for 2012 (Accept of Reject Offer). Motion (Masters/Kienholz) to approve said resolution. Motion (Kienholz/Jepsen) to postpone action on Resolution 22-12 until the June 19, 2012 County Board meeting.** Chairman Johnson called for voice vote. **Motion to postpone until June carried** by unanimous voice vote. Consideration on Resolution 22-12 postponed until June 19, 2012 meeting.

**Chairman Johnson called to the floor Resolution 23-12 Resolution to Amend 2012 Budget-Authorization of Designation, Carry-over, Transfer, and Re-Appropriation of Specified Funds from 2011 to 2012. Motion (Masters/Schmidt) to approve said resolution.** Chairman Johnson recognized County Administrator Frey for the purposes of addressing said resolution. County Administrator Frey addressed said resolution. Chairman Johnson called for a voice vote. **Motion to approve Resolution 23-12 carried** by unanimous voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 24-12 Resolution to Allow Higher Initial Leave Accruals for Recruitment of Mid-Career Professionals. Motion (Brown/Luke) to approve said resolution.** Chairman Johnson recognized County Administrator Frey for the purposes of addressing said resolution. County Administrator Frey addressed said resolution. **Motion (Scoglio/Schmidt) to amend resolution 24-12 by replacing the wording of line 16 “of two years’ experience” to “of 10 years’ experience”.** Chairman Johnson called for roll call vote. **Motion to amend Resolution 24-12 failed** in a roll call vote of 5 yes/17 no. (Voting Yes: Supr. Schmidt, Edgell, Scoglio, O’Connell and N. Johnson. Voting No: Supr. Brown, D. Johansen, Kienholz, Caspersen, Engel, Masters, Moriak, Luke, Nelson, Stroebel, Magnafici, Kremer-Hartung, Jepsen, Bergstrom, Arcand, Cockroft and Wm. Johnson.) **Motion (Hartung/Kienholz) to amend Resolution 24-12 by replacing the wording of line 16 “of two years’ experience” to “of five years’ experience”.** Chairman Johnson called for roll call vote. **Motion failed** in a roll call vote of 9 yes/13 no. (Voting Yes: Supr. Schmidt, Edgell, Masters, Scoglio, Moriak, Kramer-Hartung, Jepsen, O’Connell, N. Johnson. Voting No: Supr. Brown, D. Johansen, Kienholz, Caspersen, Engel, Luke, Nelson, Stroebel, Magnafici, Bergstrom, Arcand, Cockroft and Wm. Johnson) **Motion to approve Resolution 24-12, with no changes, carried** by voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 25-12 Resolution to Amend Telecommunications Towers, Antennas, and Related Facilities Ordinance. Motion (O’Connell/Moriak) to approve said resolution.** Chairman Johnson recognized Supr. O’Connell for purposes of addressing said resolution. Supr. O’Connell addressed said resolution. Chairman Johnson called for voice vote. **Motion to approve Resolution 25-12 carried** by unanimous voice vote. Resolution adopted.

**Chairman Johnson called to the floor Resolution 26-12 Resolution to Amend the Purchasing Policy (Policy 912) for Auction and Motor Fuel Purchases. Motion (Caspersen/Masters) to approve said resolution.** Chairman Johnson recognized County Administrator Frey for the purposes of addressing said resolution. County Administrator Frey addressed said resolution. Chairman Johnson called for voice vote. **Motion to approve Resolution 26-12 carried** by unanimous voice vote. Resolution adopted.

Chairman Johnson recognized each supervisor for purposes of receiving Supervisor’s Reports. The Board received Supervisor Reports.

Chairman Johnson requested motion to adjourn. Motion (Luke/Nelson) to adjourn. Chairman Johnson called for a voice vote. Motion to adjourn carried by unanimous voice vote. The Polk County Board of Supervisors stood adjourned at 9:10 pm.