

AGENDA

Eau Claire County Board of Supervisors
Tuesday, May 21, 2019 / 7 pm
Courthouse, County Boardroom (Room 1277)
721 Oxford Ave. Eau Claire, WI

****6:30-7:00pm Meet & Greet with Information Services / Corporation Counsel / Facilities in
1301/1302****

Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard
and enhance the well-being of residents and resources"

- (1) Indicates 1st Reading
- (2) Indicates 2nd Reading

1. Call to Order
2. Honoring of the Flag and Moment of Reflection by: Supervisor Colleen Bates
3. Call of the Roll
4. Approval of the Journal of Proceedings (May 7, 2019) **Page 1-2**
5. **PUBLIC COMMENT**
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

Oral Reports

- Scholarship Award Presentation
- Bicycle and Pedestrian Presentation – Rod Eslinger and Matt Michels
- Quarter 1 Financials – Norb Kirk

Written Reports

- Contingency Fund/Claim Report **Page 3**
- Vouchers over \$10,000 **Page 4-5**

7. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

- Proclamation proclaiming Wednesday, June 19th, 2019 as Juneteenth Day in the City of Eau Claire **Page 6**
- Rezoning request from owner Virginia Anklam Estate **Page 7**

8. **FIRST READING OF ORDINANCES BY COMMITTEES**

Committee on Human Resources

File No.

19-20/019 (1)

Ordinance - Amending Section 3.15.030 B. & C. of the Code: Position and Full Time Equivalency (FTE) Establishment **Page 8-9**

Committee on Planning & Development

File No.

19-20/012 (1)

Ordinance – To Amend Section 4.35.165 B. of the Code: Land Conservation Fees; to Repeal and Recreate Chapter 17.04 of the Code **Page 10-29**

9. **FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

10. **REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES**

Committee on Administration

File No.

19-20/008 (2)

Ordinance - To Amend Section 10.20.005 A: of the Code: Definitions; to Amend Section 10.20.010 A. 1. And 3. of the Code: Abandonment Prohibited – Impoundment Authorized; to Repeal Section 10.20.015 of the Code: County Vehicle Pound; to Amend Section 10.20.030 B. of the Code: Impoundment and Storage Charges; to Amend Section 10.20.035 of the Code: Disposition of Abandoned Vehicles **Page 30-32**

19-20/014 (1)

Resolution – Requesting Resolutions to be Considered at the 2019 WCA Business Meeting **Page 33-49**

Committee on Finance & Budget

File No.

19-20/016 (1)

Resolution – Authorizing Carryforward of Funds from 2018 Budget into 2019 Budget **Page 50-53**

19-20/013 (1)

Resolution – Authorizing Participation in the Local Government Investment Pool and Designating the “Local Official(s)” **Page 54-55**

Committee on Human Resources

File No.

19-20/015 (1)

Resolution – Authorizing Addition of One (1.0 FTE) Pre-Trial Screening Specialist **Page 56-57**

19-20/002 (2) Ordinance – To Repeal Section 3.10.030 of the Code: Affirmative Action Plan Adopted by Reference **Page 58-60**

Planning & Development

File No.

19-20/009 (2) Ordinance – Amending the 1982 Official Zoning District Boundary Map for the Town of Washington **Page 61-75**

Committee on Planning & Development and Highway Committee

File No.

18-19/111 (2) Resolution – Approving a Bicycle-Pedestrian Plan for Eau Claire County **Page 76-78**

11. APPOINTMENTS

Appointments for Local Emergency Planning Committee, Aging & Disability Resource Center Board and Western Dairyland **Page 79**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
OF SUPERVISORS**

Tuesday, May 7, 2019

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, May 7, 2019, and was called to order by Chair Nick Smiar at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.
Moment of reflection was presented by Supervisor Sandra McKinney.

Roll Call: 25 present: Supervisors Gary G. Gibson, Sandra McKinney, Joe Knight, Stella Pagonis, Bert Moritz, Steve Chilson, Kevin Stelljes, Nancy Coffey, Ray L. Henning, Colleen A. Bates, Connie Russell, Judy Gatlin, Nick Smiar, Martha Nieman, James A. Dunning, Gerald L. Wilkie, Nathan Anderson, Mark Beckfield, Sue Miller, Robin J. Leary, Heather DeLuka, Melissa Janssen, Tami Schraufnagel, Kimberly A. Cronk, Patrick L. LaVelle
4 absent: Supervisors Carl Anton, Donald Mowry, Lydia Boerboom, Brandon Buchanan

JOURNAL OF PROCEEDINGS (April 16, 2019)

On a motion by Supervisor Leary, seconded by Supervisor DeLuka, the Journal of Proceedings was approved via voice vote.

PUBLIC COMMENT

No one wished to speak.

FIRST READING OF ORDINANCES BY COMMITTEES

Committee on Human Resources

Ordinance 19-20/002 TO REPEAL SECTION 3.10.030 OF THE CODE: AFFIRMATIVE ACTION PLAN ADOPTED BY REFERENCE

Action on said ordinance was referred to a future meeting of the county board.

**REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER
2.04.160 AND SECOND READING OF ORDINANCES**

Committee on Planning and Development

Ordinance 19-20/006 AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF WASHINGTON

Motion by Supervisor Beckfield, seconded by Supervisor Anderson, for enactment.

On a roll call vote, the ordinance was enacted as follows:

24 ayes: Supervisors Gibson, McKinney, Knight, Pagonis, Moritz, Chilson, Stelljes, Coffey, Henning, Bates, Russell, Gatlin, Smiar, Nieman, Dunning, Wilkie, Anderson, Beckfield, Miller, Leary, Janssen, Schraufnagel, Cronk, LaVelle

1 no: Supervisor DeLuka

4 absent: Supervisors Anton, Mowry, Boerboom, Buchanan

Ordinance 19-20/004 AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF UNION

Motion by Supervisor Bates, seconded by Supervisor Dunning, for enactment.

On a roll call vote, the ordinance was unanimously enacted.

Committee on Planning & Development and Chippewa Valley Regional Airport Commission

Ordinance 18-19/107 TO RELETTER SECTION 18.60.040 E. THROUGH Q. AS F. THROUGH R. OF THE CODE: DEFINITIONS; TO CREATE SECTION 18.60.040 E. OF THE CODE: DEFINITIONS; TO REPEAL AND RECREATE SECTION 18.60.050 A. OF THE CODE: GENERAL PROVISIONS; TO AMEND SECTION 18.60.070 B. OF THE CODE: ADMINISTRATION; TO AMEND SECTION 18.60.090 OF THE CODE: HAZARD MARKING AND LIGHTING; TO AMEND SECTION 18.60.110 A. OF THE CODE: DISTRICT REGULATIONS; TO CREATE SECTION 18.60.110 A.1.m. OF THE CODE: DISTRICT REGULATIONS; TO AMEND SECTION 18.60.110 B.1.b. OF THE CODE: DISTRICT REGULATIONS; TO AMEND SECTION 18.60.110 B.3.i. OF THE CODE: DISTRICT REGULATIONS; TO AMEND SECTION 18.60.110 D.4. OF THE CODE: DISTRICT REGULATIONS

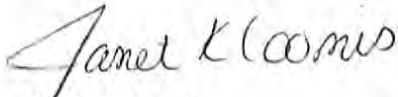
Motion by Supervisor LaVelle, seconded by Supervisor Beckfield, for enactment.
On a roll call vote, the ordinance was unanimously enacted.

REPORTS TO THE COUNTY BOARD

Finance Director Norb Kirk and County Administrator Kathryn Schauf presented information regarding the county budget and a handout on Eau Claire County Program Mandates.

The Board adjourned at 8:39 p.m.

Respectfully submitted,



Janet K. Loomis
County Clerk

TO: Honorable Eau Claire County Board of Supervisors
FROM: Finance Department
DATE: May 13, 2019
SUBJECT: 2019 Contingency Fund

Pursuant to Section 4.04 of the County Code of General Ordinances, the following is the status of the 2019 Contingency Fund as of May 13, 2019:

January 1, 2019	2019 Contingency Fund / Budget Allocation	\$300,000
April 16, 2019	Resolution 19-20/003: Resolution to Establish Goals of 100% Renewable Energy and Carbon Neutrality by the Year 2050 for Eau Claire County and to Amend the Budget to Move \$10,000 from Contingency for Initial Planning.	10,000
Balance Available		\$290,000

TO: Honorable Eau Claire County Board of Supervisors
FROM: Finance Department
DATE: May 13, 2019
SUBJECT: April 2019 Payments over \$10,000

Pursuant to Section 4.06.060 of the County Code of General Ordinances, the following are the details for expenditures and payments of \$10,000 or more issued during April 2019.

Vendor	Description	Amount
WEA Insurance Corporation	EE Health Ins Prem May-2019	\$ 521,894.12
City of Eau Claire Treasurer	April Communication Center payment	143,120.83
City of Altoona Clerk Treasurer	Lottery Settlement	140,348.98
School District of Altoona	Lottery Settlement - Altoona	124,345.86
Augusta School District	Lottery Settlement - Bridge Creek	116,316.83
Fall Creek School District	Lottery Settlement - Washington	110,030.04
Eau Claire City County Health Department	April monthly payment	101,183.33
University of Wisconsin Extension	Area 6 County Contracts	67,719.27
Fidlar Technologies	AVID Life Cycle Annual Support - ROD	56,080.00
Correct Care Solutions LLC	5/1-31/19 And adjustments on 2018 bills	52,905.05
Lutheran Social Services Inc	Services 04-01-2019 thru 04-30-2019	52,000.00
Xcel Energy	Electric - Courthouse/Jail	46,633.46
Friends of Beaver Creek Reserve	Beaver Creek Res 2019 Contract Apr-June	45,000.00
Aramark Services Inc	Inmate Meals 2/21-3/27/19	40,910.07
Osseo Fairchild School District	Lottery Settlement - Otter Creek	40,436.38
Town of Washington Treasurer	Lottery Settlement	34,373.20
School District of Mondovi	Lottery Settlement - Brunswick	32,333.65
Delta Dental Plan of Wisconsin Inc	Delta Dental Apr-2019	28,774.99
Dunn County Administration	March 2019 Services	25,751.80
Village of Fall Creek Treasurer	Tax Incremental District	21,972.21
Standard Insurance Company	EE Dis/Acc/CI Premiums Mar-2019	21,809.86
Department of Administration	SFY19-3rd QTR VAWA Pros	20,552.94
School District of Eleva Strum	Lottery Settlement - Clear Creek	20,501.99
Town of Pleasant Valley Treasurer	Lottery Settlement	19,280.09
Town of Seymour Treasurer	Lake Altoona District	16,451.53
Strack Inc	1 Pole Camera Kit, 1 Under door camera	14,989.28
Verizon Wireless	March phone charges	11,903.47
J & F Facility Services Inc	April Janitorial Services	11,318.00
Minnesota Life Insurance Co	EE Life Ins Prem May-2019	11,249.46
Try Inc	April monthly payment	11,134.92
Bartingale Mechanical Inc	HVAC PM Services	11,029.91
Us Bank Voyager Fleet Systems	Mar-2019 fuel costs	10,243.53
	TOTAL FUND: GENERAL	\$ 1,982,595.05
Brotoloc Inc	Contracted Services	\$ 124,451.83
Lutheran Social Services Inc	Positive Avenues Clubhouse	57,733.92
Dungarvin Wisconsin LLC	Contracted Services	56,318.32
Chileda Institute Inc	Contracted Services	51,771.24
Caillier Clinic Inc	Contracted Services	51,727.83
Northwest Counsel & Guidance Clinic Inc	Crisis Training/Supervision	50,349.89
Northwest Passage Ltd	Contracted Services	46,758.44
Lutheran Social Services	Contracted Services	44,788.53
Lutheran Social Services	Contracted Services	43,159.15
Caillier Clinic Inc	Contracted Services	41,782.05
Rawhide Inc	Contracted Services	38,120.70
Synergy Group of Eau Claire S.C.	Contracted Services	36,027.22
Lutheran Social Services	Contracted Services	26,880.78
Cooperative Educational Service Agency	ED/Itinerant Teaching	22,964.48
Caillier Clinic Inc	Contracted Services	22,622.50
Trinity Equestrian Center	Contracted Services	19,093.21
Lutheran Social Services	Contracted Services	17,524.61
Lutheran Social Services	Contracted Services	16,757.17

New Hope Hallie Inc	Contracted Services	16,616.00
Mille Lacs Academy	Contracted Services	16,465.65
Oconomowoc Development Training Center	Contracted Services	14,561.94
Habilitation Center	Contracted Services	13,950.00
Synergy Group of Eau Claire S.C.	Contracted Services	13,659.82
Community Care Resources Inc	Contracted Services	13,456.90
Family Innovations Inc	Contracted Services	13,129.76
Gerard Academy	Contracted Services	13,034.57
Brotoloc Inc	Contracted Services	12,838.00
Career Development Center	Contracted Services	12,738.40
Western Dairyland Economic Opport. Inc	March Daytime Crisis Services	12,688.19
Family Innovations Inc	Contracted Services	12,364.68
Clinicare Corporation	Contracted Services	12,041.02
Garlick's CBRF Inc	Contracted Services	10,803.50
Tomorrow's Children	Contracted Services	10,354.00
Synergy Group of Eau Claire S.C.	Contracted Services	10,047.90
	TOTAL FUND: DHS	\$ 977,582.20
Advanced Disposal	Dropbox March	\$ 43,955.38
Boxx Sanitation LLC	Boxx Mar 19	28,947.66
City of Eau Claire Treasurer	Feb 2019 Paratransit Services	12,509.08
Provyro Waste Services LLC	Provyro Mar	12,359.04
Waste Management Northern WI - Mn	Waste March	12,324.50
	TOTAL FUND: RECYCLING	\$ 110,095.66
Netsmart Technologies Inc	Joxel myAvatar Optimization - DHS	\$ 61,625.00
Friends of Beaver Creek Reserve	Beaver Creek Capital Projects	46,866.01
Lake Eau Claire Protection &	Aeration and Sediment Removal Cost Share	37,293.49
Dell Marketing Lp	Dell Latitude 5490 Dell Universal Dock	18,997.88
State of Wisconsin	Bike Ped. Plan	16,684.19
Inspectwiz	InspectWiz 5 user license, install - P&D	10,000.00
	TOTAL FUND: CAPITAL PROJECTS	\$ 191,466.57
State of Wisconsin	FAA AIP 41/42	\$ 17,754.02
City of Eau Claire Treasurer	Water/Sewer - Quarter 1	13,224.21
Xcel Energy	Terminal Electric - March	12,139.53
	TOTAL FUND: AIRPORT	\$ 43,117.76
Van Ert Electric Company Inc	Electrical Work USH 12/STH 312/ CTH EE	\$ 136,624.12
Us Bancorp Government Leasing & Finance	Pmt Vogelle asphalt paver 5203-2l	53,278.42
John Deere Financial Power Plan	Rental	40,338.78
Fuel Service Dj's Mart LLC	Diesel	18,870.00
Countryside Cooperative	Diesel	18,403.04
Mid State Truck Service Inc	Engine Repair on Truck 110	17,152.61
	TOTAL FUND: HIGHWAY	\$ 284,666.97
Municipal Property Insurance Company	Property Insurance 4/1/2019-4/1/2020	\$ 128,898.00
Integrity Mutual Insurance Company	Policy IMP 2674653 - 4/01/19-4/01/20	98,491.00
Wisconsin Municipal Mutual Ins Company	Workers Comp Claim Trans	32,387.73
Wisconsin Municipal Mutual Ins Company	Workers Comp Claim Trans	24,414.37
	TOTAL FUND: RISK MANAGEMENT	\$ 284,191.10
County of Polk Dept of Human Services	Consortia Payment	\$ 116,599.00
County of Douglas	Consortia Payment	104,946.00
County of Barron	Consortia Payment	71,433.00
County of Chippewa	Consortia Payment	47,445.00
Washburn County	Consortia Payment	17,889.00
	TOTAL FUND: Trust and Agency	\$ 358,312.00
	GRAND TOTAL	<u>\$ 4,232,027.31</u>

PROCLAMATION

WHEREAS, Juneteenth is the oldest known celebration commemorating the Emancipation Proclamation, the document which ended slavery in the United States; and


WHEREAS, June 19, 1865 is recorded in history as the date when word of the Emancipation brought freedom to the last remaining slaves in the country; and

WHEREAS, this occasion in the United States has grown into a global celebration which encourages self-development and appreciation for all races and cultures; and

WHEREAS, many area organizations and community members have organized a celebration to heighten awareness of this observance and to provide an opportunity for all people in the community to get together and share in an atmosphere of respect and inclusion; and

WHEREAS, this celebration marks the eighteenth annual Juneteenth celebration in the City of Eau Claire and will be held at Carson Park (Pine Pavilion) in Eau Claire on Wednesday, June 19, 2019.

NOW, THEREFORE, THE EAU CLAIRE COUNTY BOARD OF SUPERVISORS hereby proclaims Wednesday, June 19, 2019, as Juneteenth Day in the City of Eau Claire and encourages all residents to join in recognizing this day of unity, freedom and opportunity and to honor the diversity of all racial and ethnic groups in our community.


Nick Smiar, Chair
Eau Claire County Board of Supervisors





Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse - Room 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5212
(715) 839-4741

Building Inspection
839-2944
Emergency Management
839-4736
Geographical Information Systems
839-4730
Land Conservation
839-6226
Land Records
839-4742
Land Use Management
839-4743
Planning
839-5055
Recycling
839-2756

May 1, 2019

RECEIVED
MAY 03 2019
COUNTY CLERK

Report to the Eau Claire County Board of Supervisors

The Eau Claire County Department of Planning and Development has received the following application for rezoning:

Owner: Virginia Anklam Estate

Applicant: Cynthia K Cramer

File Number: 19-20/018

Legal Description: LOT 2 OF CSM V.12 PG.213-214 (#2276)

Site Address: The parcel is located south of Cedar Road and west of Balsam Road, Eau Claire County.

Date Received: 4/30/2019

Regards,

Cheryl Cramer
Administrative Specialist, Planning and Development

**FACT SHEET
TO FILE NO. 19-20/019**

Human Resources requested an update to the Employee Policy Manual to add the definition of Casual Employee. Casual Employee is defined as follows:

Casual Employees. Casual employees are not regularly scheduled and work on an on-call basis. Casual Employees are not eligible for regular employment benefits. At a minimum, casual employees must have worked hours on at least two occasions every six-months, but not more than 19 hours in a pay period.

With this policy update, Human Resources is requesting an update to Section 3.15.030; subsections B & C of the County Code to add reference to this new employment status.

Respectfully Submitted,



Jamie Gower
Human Resources

1 **Enrolled No.**

2 **ORDINANCE**

3 **File No. 19/20-019**

4 - AMENDING SECTION 3.15.030 B. & C. OF THE CODE: POSITION AND FULL
5 TIME EQUIVALENCY (FTE) ESTABLISHMENT -
6


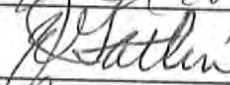
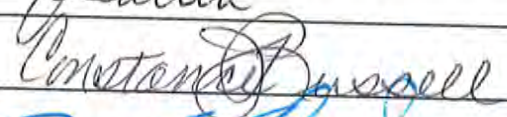
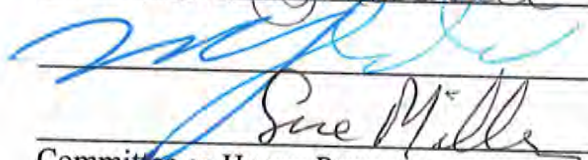
7 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
8

9 **SECTION 1.** That Subsections B & C. of Section 3.15.030 of the code be amended to
10 read:
11

12 B. Authorization for all temporary part-time, casual, and seasonal positions or changes
13 therein shall be approved by the director, subject to departmental budgetary constraints.

14 C. Each full time equivalency within a position title shall be determined and designated
15 as regular, temporary part-time, casual, or seasonal.
16

17 **ADOPTED:**

18
19
20 
21 
22 
23
24 
25
26
27
28 **Committee on Human Resources**

29 SM/at

30
31
32 Dated this 10th day of May, 2019.
33
34
35

ORDINANCE 19/20-019

APPROVED BY
CORPORATION COUNCIL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

FACT SHEET

TO FILE NO. 19-20/012

This ordinance repeals Chapter 17.04 Animal Waste Storage and recreates Chapter 17.04 Agricultural Performance Standards and Manure Storage.

This ordinance incorporates the recommendations of the Ag Ordinance Review Special Committee, which was created by the Board of Supervisors and appointed by County Board Chair. The Special Committee included members who represented livestock and cash crop agriculture, environmental and conservation organizations, and representatives of towns, villages, cities, and the Board of Supervisors of Eau Claire County. The Special Committee performed the action items outlined in Section 8 of File No. 18-19/065 Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities.

This ordinance incorporates the Wisconsin Administrative Code NR 151 – Agricultural Performance Standards and Prohibitions as they apply to Eau Claire County. This ordinance also updates and clarifies the permitting process for construction, modification, or closure of manure storage facilities and associated structures.

The ordinance also amends Section 4.35.165 B, which is in relation to the fees associated with Chapter 17.04.

Fiscal impact: None

Respectfully submitted,



Gregory R. Leonard
Land Conservation Manager
Land Conservation Division – Planning and Development

GRL

AG ORDINANCE REVIEW SPECIAL COMMITTEE

Recommendations

Members: Gary Gibson, Tami Smith-Schroeder, Robin Leary, Derrick Nelson, Ed Gorell, Steve Strey, Roland Fischer, Andy Ferguson, Eleanor Wolf, Paul La Liberte, Jody Wilhelm, Mark Zuber, Dane Zook, Kate Beaton, Todd Meyer, Cynthia Anderegg

Alternates: Tami Schraufnagel, Jon Nicolet

The Ag Ordinance Review Special Committee (AORSC) was appointed by County Board Chair Nick Smiar to proceed with the action items contained within the Large-Scale Livestock Moratorium adopted by the Eau Claire County Board in October of 2018.

The AORSC first met in November 2018 and took tours of local farms. Since the initial meeting, the AORSC has met eight additional times. The AORSC meetings have included educational and background presentations on:

- Local zoning, erosion control, stormwater and shoreland protection ordinances
- Wisconsin's Ag Performance Standards and Prohibitions (NR-151)
- Eau Claire County's Animal Waste Storage Ordinance
- Eau Claire County's State of the Groundwater Report
- Wisconsin's Concentrated Animal Feeding Operations (CAFO) regulations (NR-243)
- Wisconsin's Livestock Facility Siting regulations (ATCP-51)

These presentations are recorded and available at:

<https://www.co.eau-claire.wi.us/government/boards-commissions-and-councils/ag-ordinance-review-committee>

Following the educational and background information process, the AORSC began a comprehensive discussion concerning the above outlined topics. The following is a summary of the action items and recommendations made by the Ag Ordinance Review Special Committee:

ACTION: Motion by Smith-Schroeder/Zuber to recommend incorporation of NR-151 Ag Performance Standards and Prohibitions into County Code. Discussion to clarify how NR-151 would be adopted, such as an operations ordinance, part of livestock siting, or part of the animal waste storage ordinance. The motion is to recommend incorporating NR-151 into County Code only, but the placement and type of ordinance will be part of future meeting recommendations. Motion carried, 9-1-0.

ACTION: Motion by Gibson to incorporate the NRCS 634 Waste Transfer Standard into the ordinance update. Motion carried, 12-0-0.

Consensus by the whole group: in support of updating and changing the definition of "idle facility" in the ordinance, while allowing well-constructed facilities to be retained for emergency situations.

Consensus by the whole group: In support of incorporating the NRCS 360 Waste Facility Closure standard into the ordinance.

Consensus by the whole group: "written proof of land availability" should accompany a Nutrient Management Plan when stored manure will be applied on land not owned by the farm operator.

AG ORDINANCE REVIEW SPECIAL COMMITTEE

Recommendations

Zook: the manure storage ordinance should not apply in the incorporated areas of Eau Claire County.

Consensus by the whole group: future updates to NRCS standards referenced in the ordinance are adopted with LCC approval.

Consensus by the whole group: allow double fees for after the fact permits.

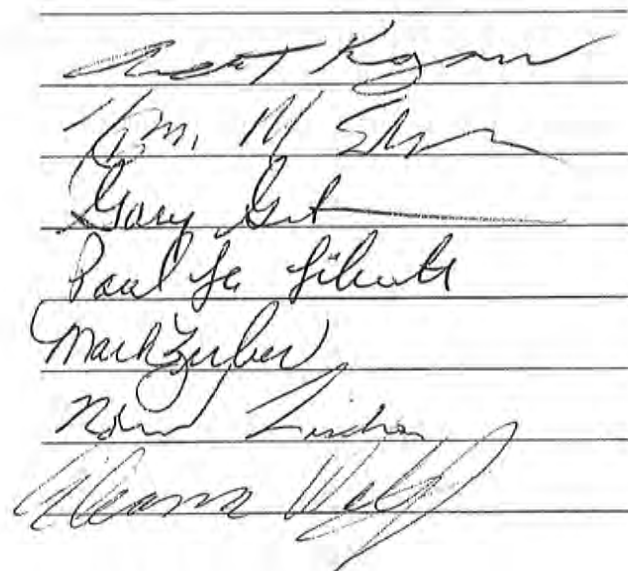
Consensus by the whole group: submittal of a partial nutrient management plan is acceptable during initial manure storage construction permit issuance if a certificate of use will later be granted.

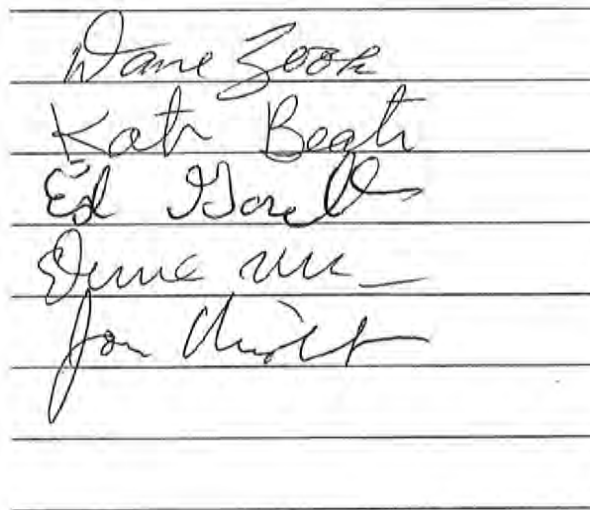
Consensus by the whole group: incorporate a Certificate of Use into the ordinance.

ACTION: Motion by Ed Gorell to recommend not adopting livestock siting into county ordinances. Motion carried, 12-0-0.

ACTION: Motion by Mark Zuber to approve the above action items, consensuses, and recommendations. Motion carried, 12-0-0.

Signatures:





Signed this 26th day of March, 2019.

2
3 - TO AMEND SECTION 4.35.165 B. OF THE CODE: LAND CONSERVATION FEES; TO
4 REPEAL AND RECREATE CHAPTER 17.04 OF THE CODE -

5
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 SECTION 1. That Subsection B. of Section 4.35.165 be amended to read:

- 9
- 10 B. ~~Animal waste~~ Manure storage permit fees
- 11 1. ~~Manure storage~~ New or modified permit fee \$540.00
- 12 a. with a footprint of the liner less
- 13 than 60,000 square feet \$450.00
- 14 b. with a foot print of the liner of
- 15 of 60,00 square feet or greater \$750.00
- 16 2. ~~Abandonment~~ Closure permit fee \$220.00

17
18 SECTION 2. That Chapter 17.04 be repealed and recreated to read:

19
20 Chapter 17.04

21
22
23 AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE

24
25
26 Sections:

27 SUBCHAPTER I. GENERAL PROVISIONS

- 28
- 29
- 30 17.04.001 Authority and name.
- 31 17.04.005 Findings and declaration of policy.
- 32 17.04.010 Purpose.
- 33 17.04.020 Interpretation.
- 34 17.04.030 Severability clause.
- 35 17.04.040 Applicability.

36
37
38 17.04.001 Authority and name. This ordinance is adopted under authority granted by
39 Wis. Stat. §§ 59.70, 59.02, 59.03, 92.15, and 92.16, and Wisconsin Administrative Code ("Wis.
40 Admin. Code") Wis. Admin. Code ch. ATCP 50.56 and NR 151.05. This ordinance shall be
41 known as, referred to, and may be cited as the "Eau Claire County Agricultural Performance
42 Standards and Manure Storage Ordinance" and is hereinafter referred to as the "ordinance".

43
44 17.04.005 Findings and declaration of policy. The Eau Claire County Board of
45 Supervisors finds that the following conditions may threaten the county's natural and water
46 resources, cause harm to the health, safety and welfare of people within the county, and
47 adversely impact the property tax base of the county:
48

1 b. Nutrient management plans for croplands in watersheds that
2 contain impaired surface waters or in watersheds that contain outstanding or exceptional resource
3 waters shall meet the following criteria:

4 i. unless otherwise provided in this subsection, the plan shall
5 be designed to manage soil nutrient concentrations so as to maintain or reduce delivery of
6 nutrients contributing to the impairment of impaired surface waters and to outstanding or
7 exceptional resources waters.

8 ii. The plan may allow for an increase in soil nutrient
9 concentrations at a site if necessary to meet crop demands

10 iii. For lands in watersheds containing exceptional or
11 outstanding resource waters, the plan may allow an increase in soil nutrient concentrations if the
12 plan documents that any potential nutrient delivery to the exceptional or outstanding resource
13 waters will not alter the background water quality of the exceptional or outstanding resource
14 waters. For lands in watersheds containing impaired waters, the plan may allow an increase in
15 soil nutrient concentrations if a low risk of delivery of nutrients from the land to the impaired
16 water can be demonstrated.

17 4. In this ordinance, impaired surface waters are waters identified as
18 impaired pursuant to 33 U.S.C. § 1313(d)(1)(A) and 40 C.F.R. § 130.7. Outstanding and
19 Exceptional Resource Waters are defined in Wis. Admin. Code Ch. NR 102.

20 5. An updated nutrient management plan and checklist shall be submitted to
21 the land conservation division annually to ensure the plan meets requirements of this section.

22 E. Clean Water Diversion. All livestock producers within a water quality
23 management area shall comply with this section. Runoff shall be diverted away from contacting
24 feedlot, manure storage areas and barnyard areas within water quality management areas except
25 that a diversion to protect a private well under Wis. Admin. Code § NR 151.015 (18) (a) is
26 required only when the feedlot, manure storage area, or barnyard area is located upslope from the
27 private well.

28 F. Manure Management Prohibitions. All livestock producers shall comply with this
29 section as follows:

30 1. A livestock operation shall have no overflow of manure storage structures.
31 2. A livestock operation shall have no unconfined manure piles within a
32 water quality management area.

33 3. A livestock operation shall have no direct runoff from a feedlot or stored
34 manure to waters of the state. Stored manure not contained within a manure storage facility shall
35 meet the standards for stacking or piling manure.

36 4. A livestock operation may not allow unlimited access by livestock to
37 waters of the state in a location where high concentrations of animals prevent the maintenance of
38 adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly
39 designed, installed and maintained livestock or farm equipment crossings.

40 G. Process Wastewater Handling. All livestock producers shall comply with this
41 section.

42 1. There may be no significant discharge of process wastewater to waters of
43 the state.

44 2. The land conservation division shall consider all of the following factors
45 when determining whether a discharge of process wastewater is a significant discharge to waters
46 of the state:

47 a. Volume and frequency of the discharge.
48 b. Location of the source relative to receiving waters.
49 c. Means of process wastewater conveyance to waters of the state.

- 1 d. Slope, vegetation, rainfall, and other factors affecting the
2 likelihood of process wastewater discharge to waters of the state.
3 e. Available evidence of discharge to a surface water of the state or to
4 a direct conduit to groundwater.
5 f. Whether the process wastewater is discharged to a site that is
6 defined as a site that is susceptible to groundwater contamination.
7 g. Other factors relevant to the impact of the discharge on water
8 quality standards of the receiving water or to groundwater standards.

9 H. Manure Storage Facilities. All livestock producers building new manure storage
10 facilities, substantially altering manure storage facilities, or choosing to abandon their manure
11 storage facilities shall comply with this section.

12 1. New construction and alterations.

13 a. New or substantially altered manure storage facilities shall be
14 designed, constructed, and maintained to minimize the risk of structural failure of the facility and
15 to minimize leakage of the facility in order to comply with groundwater standards. The levels of
16 materials in the storage facility may not exceed the margin of safety level. Storage facilities that
17 are constructed or significantly altered on or after January 1, 2011, shall be designed and
18 operated to contain the additional volume of runoff and direct precipitation entering the facility
19 as a result of a 25-year, 24-hour storm.

20 b. A new manure storage facility means a facility constructed after
21 October 1, 2002.

22 c. A substantially altered manure storage facility is a manure storage
23 facility that is substantially altered after October 1, 2002.

24 2. Closure.

25 a. Closure of a manure storage facility shall occur when an operation
26 where the facility is located ceases operations or manure has not been added or removed from
27 that facility for a period of 24 months. Manure facilities shall be closed in a manner that will
28 prevent future contamination of groundwater and surface waters.

29 b. The owner or operator may retain the facility for a longer period of
30 time by demonstrating to the land conservation division that all of the following conditions are
31 met:

32 i. The facility is designed, constructed and maintained in
33 accordance with 17.04.080 (H)(1)a of this ordinance.

34 ii. Retention of the facility is warranted based on anticipated
35 future use.

36 3. Existing Facilities. Manure storage facilities in existence as of October 1,
37 2002, that pose an imminent threat to public health or fish and aquatic life, or are causing a
38 violation of groundwater standards, shall be upgraded, replaced, or abandoned in accordance
39 with this section. Levels of materials in manure storage facilities may not exceed the margin of
40 safety level.

41 I. Human Household Wastewater Prohibited. Human household wastewater shall
42 not be discharged into manure storage facilities.

43
44 17.04.090 Standards.

45 A Standards for Evaluating Sheet, Rill, and Wind Erosion. The standards for
46 evaluating sheet, rill, and wind erosion shall be the Revised Universal Soil Loss Equation II
47 (RUSLE2) equation or the Wind Erosion Prediction System (WEPS) models published by
48 NRCS. Copies of RUSLE2 and the WEPS models are on file with the land conservation
49 division.

1 B. Standards for Design and Construction of Manure Storage Facilities. The
2 standards for design and construction of manure storage facilities shall be the current standards
3 in the NRCS Technical Guide, including but not limited to 313 Waste Storage Facility; 367
4 Roofs and Covers; 520 Pond Sealing or Lining, Compacted Soil Treatment; 521 Pond Sealing or
5 Lining, Geomembrane or Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558
6 Roof Runoff Structure; 634 Waste Transfer; and 629 Waste Treatment and any amendments to
7 these standards.

8 C. Standards for Nutrient Management. The standards for management of manure
9 and nutrients applied to cropland and pastures shall be the current standards in the NRCS
10 Technical Guide, including 590 Nutrient Management and any amendments.

11 D. Standards for Closure of Manure Storage Facility. The standards for closure of an
12 unused manure storage facility shall be the current standards in the NRCS Technical Guide,
13 including 360 Waste Facility Closure and any amendments.

14 E. Standards for Stacking or Piling Manure. The standards for stacking or piling
15 manure shall be the current standards in the NRCS Technical Guide, including 318 Short Term
16 Storage of Animal Waste and By-Products and 313 Waste Storage Facility, and any
17 amendments.

18 F. Standards for Determination of Significant Discharge and Direct Runoff. The
19 standards for determination of direct runoff shall be the "BARNY runoff prediction model"
20 which is the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April
21 1982 version with modifications as of August 2005, or an equivalent predictive model for
22 manure runoff as approved by the land conservation division. An Excel computer spreadsheet
23 version of the BARNY model is available at
24 <https://datep.wi.gov/Documents/BARNYSpreadsheet.xls>.

25 G. Standards for the Determination of Adequate Sod or Self-Sustaining Vegetative
26 Cover. Standards for determination of adequate sod or self-sustaining vegetative cover shall be
27 the standards outlined in the NRCS Technical Guide 528 Prescribed Grazing, and any
28 amendments, or vegetative measurement by grid sample shall show at least 70 percent living
29 plant material cover.

30 H. Subsequent Modification of Standards. The standards of the NRCS Technical
31 Guide are adopted and by reference made a part of this chapter as if fully set forth herein. Any
32 future amendment, revision or modification of the standards incorporated herein are made a part
33 of this chapter upon adoption by the Eau Claire County Land Conservation Commission. Copies
34 of the current standards are available at the land conservation division.

35
36 17.04.100 Cost share required. An owner or operator of an agricultural facility or
37 practice that is in existence before October 1, 2002, may not be required to comply with the
38 performance standards, prohibitions, conservation practices or technical standards under this
39 subchapter unless cost-sharing is available from any source, to the owner or operator. A
40 determination that cost-sharing is available to meet the performance standards, prohibitions,
41 conservation practices or technical standards under this subchapter will be determined in
42 accordance with Wis. Admin. Code § NR 151.09(4)(d) or § NR 151.095(5)(d) when funding is
43 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin.
44 Code ch. ATP 50 when funds are from any other source. Cost sharing under this subchapter is
45 only required for the minimum practice necessary to meet the performance standards and
46 prohibitions.

1 SUBCHAPTER IV. MANURE STORAGE FACILITY PERMIT, USE
2 AND SPECIFICATIONS
3
4

- 5 17.04.110 Application for issuance of permits.
6 17.04.120 Certificate of use.
7
8

9 17.04.110 Application for Issuance of Permits.

10 A. Permit Required. No person may do any of the following without first obtaining a
11 permit in accordance with this Subchapter:

12 1. Construct a new manure storage facility or substantially alter an existing
13 manure storage facility, including the construction or substantial alteration of waste transfer
14 systems connected to a manure storage facility.

15 2. Upgrade, repair or replace a manure storage facility that has been
16 identified as posing an imminent threat to public health, fish and aquatic life, or groundwater
17 under 17.04.080(H)(3).

18 3. Close an existing manure storage facility, including conversion of its use,
19 regardless of whether the facility must be closed in accordance with 17.04.080(H)(3).

20 B. No Permit Required. Manure storage facilities in place as of the date of passage
21 of this ordinance shall be determined to be existing storage facilities subject to the rules in place
22 at the time of construction and shall not be required to obtain a permit unless they are being
23 substantially altered or closed after the date of passage. Owners of existing storage facilities
24 may, at their discretion, apply for a Certificate of Use.

25 C. Exception to Permit Requirement. Emergency repairs such as repairing a broken
26 pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a
27 permit. A report shall be made to the land conservation division within 2 work days of the
28 emergency for a determination by the land conservation division on whether a permit will be
29 required for any additional alteration or repair to the facility.

30 D. Onsite Investigation Required. Each application for a permit under this section
31 shall require an onsite inspection prior to permit issuance and include a summary report on site
32 conditions. The site inspection shall be conducted by the land conservation division staff.

33 E. Fees. The nonrefundable fees for a permit under this ordinance shall be based
34 upon the footprint of the liner(s) and as listed in 4.35.165. A double permit fee shall be charged
35 by the land conservation division if activity requiring approval under 17.04.110(A) commences
36 prior to obtaining a permit. Such double fee shall not release the responsible party from full
37 compliance with this chapter nor from prosecution for violation of this chapter.

38 F. Manure Storage Facility Plan Requirements. Each application for a manure
39 storage permit under this section shall include the completion of the county permit application
40 and a detailed manure storage facility construction plan. The applicant can employ the services
41 of a private design consultant or a registered professional engineer to prepare the plan. Technical
42 assistance for plan development may be made available to applicants upon request through the
43 land conservation division, as available staff time will allow.

44 G. Manure Storage Construction Plan Requirements. A complete permit application
45 for a new or modified storage facility shall meet or exceed the minimum established limits and
46 specific criteria within NRCS Technical Standard 313 Waste Storage Facility, and additional
47 Technical Standards, including, but not limited to; 367 Roofs and Covers; 520 Pond Sealing or
48 Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining, Geomembrane or Geosynthetic

1 Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof Runoff Structure; 634 Waste
2 Transfer; and 629 Waste Treatment where they apply. The plan shall include all the following:

3 1. The number, type, and size of animals for which storage is provided and
4 the duration for which storage is to be provided.

5 2. The type and amount of bedding to be used in the operation and all aspects
6 of handling and recovery of this bedding material.

7 3. The type and quantity of flush water, milk house waste, or other additives
8 which will be added to the manure storage facility.

9 4. A general location map drawing of the site which shall include the
10 location of structures in relation to buildings, homes, property lines, roads, wells, karst features,
11 public or private drainage ditches and creeks, flowages, rivers, streams, lakes, floodplains, or
12 wetlands within one thousand (1,000) feet of the proposed facility or system. The map will
13 include the scale of the drawing, a north arrow, and the date the general location map was
14 prepared.

15 5. The soil test pit locations, elevations, and soil descriptions to a depth as
16 required for the planned structure according to the NRCS Technical Standard 313 Waste Storage
17 Facility. Soil test pits must be verified by land conservation division staff at the time of
18 investigation.

19 6. The elevation of groundwater, bedrock or seasonally saturated conditions
20 if encountered in the soil profile and the date of any such determinations.

21 7. Engineering design drawings of the manure storage facility or waste
22 transfer system which shall include:

23 a. Specific design components that shall comply with NRCS
24 Technical Standard 313 Waste Storage Facility, and additional applicable NRCS Technical
25 Standards such as 634 Waste Transfer.

26 b. A recoverable benchmark(s) including elevation(s) expressed in
27 feet and tenths.

28 c. The scale of the drawings and the north arrow. The engineering
29 design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100)
30 feet.

31 d. The date the engineering design drawings were prepared.

32 8. The structural details, including but not limited to dimensions, cross-
33 sections, concrete thickness, concrete joint design and placement, design loads, design
34 computations, reinforcement schedules, thickness and placement of groundwater protection
35 liners, and all material specifications.

36 9. Provisions for adequate drainage and control of runoff to prevent
37 pollution of surface water and groundwater.

38 10. An erosion control and/or storm water management plan as defined in
39 Chapter 17.05 and 17.06.

40 11. Estimated start of construction and construction schedule.

41 12. A safety plan that identifies hazards to animals and people in the
42 production area, and design features to minimize those hazards.

43 13. An operation and maintenance plan for installed practices.

44 14. An emergency response plan identifying the names and phone numbers of
45 individuals or others to be notified in the event of any leaks, spills or other system failures that
46 could discharge manure.

47 15. A certification by a professional engineer registered in the State of
48 Wisconsin, or an engineering practitioner certified by the Wisconsin Department of Agriculture,

1 Trade and Consumer Protection (DATCP) or the NRCS that the plans meet technical and
2 ordinance standards.

3 16. A nutrient management plan that complies with Wis. Admin. Code §
4 ATCP 50.04. The nutrient management plan must be prepared by a nutrient management planner
5 qualified under Wis. Admin. Code § ATCP 50.04 (3)(c) and submitted prior to issuance of the
6 permit. If the nutrient management plan indicates manure will be applied to land not owned by
7 the applicant, the nutrient management plan must include a copy of a lease, manure spreading
8 agreement, or written proof of land availability. The nutrient management plan must be based on
9 current soil analyses that comply with Wis. Admin. Code § ATCP 50.04. If current soil analyses
10 are not available due to frozen soils or other conditions beyond the control of the applicant, the
11 land conservation division may accept, at its discretion, an incomplete nutrient management plan
12 at permit submission. A complete nutrient management plan that complies with Wis. Admin.
13 Code § ATCP 50.04 (3) (d) must be submitted and a Certificate of Use must be issued prior to
14 use of the manure storage facility.

15 17. Any other additional information required by the land conservation
16 division to protect water quality and determine compliance with this section.

17 H. Safety Devices. Safety devices as outlined within NRCS Technical Standard 313
18 Waste Storage Facility or related standards will be installed prior to issuance of the Certificate of
19 Use.

20 I. Manure Storage Facility Closure Application Requirements. A complete permit
21 application for waste storage facility closure shall meet all standards as outlined in NRCS
22 Technical Standard 360 Waste Facility Closure and shall specify:

- 23 1. Provisions to remove and properly dispose of all accumulated wastes in
24 the manure storage facility.
- 25 2. Provisions to remove any concrete or synthetic liner, or properly use
26 pieces of the concrete or synthetic liner as clean fill at the site.
- 27 3. Provisions to remove and properly dispose of any soil saturated with waste
28 from the manure storage facility.
- 29 4. Provisions to remove any soils to the depth of significant manure
30 saturation. When contaminated soils are found, they must be removed to the extent necessary
31 with a minimum depth of 6 inches.
- 32 5. Provision to remove or permanently plug the waste transfer system serving
33 the manure storage facility.
- 34 6. Covering all disturbed area with topsoil, seeding the areas with a grass
35 mixture, and mulching the seeded area. This section does not apply if an alternative use of the
36 site is authorized under a closure plan approved by the county as part of the permit.
- 37 7. Any other additional information required by the land conservation
38 division to protect water quality and determine compliance with this section.

39 J. Review of Application. The land conservation division shall receive and review
40 all permit applications. The land conservation division shall determine if the proposed facility
41 meets required standards set forth in 17.04. Within 30 business days after receiving the
42 completed application and fee, the land conservation division shall inform the applicant in
43 writing whether the permit application is approved or disapproved. If additional information is
44 required, the land conservation division shall so notify the permit applicant. The land
45 conservation division has 14 business days from the receipt of the additional information in
46 which to approve or disapprove the application. No construction may commence without the
47 final approval form being executed by the land conservation division.

48 K. Permit Conditions. All permits issued under this ordinance shall be issued
49 subject to the following conditions and requirements:

1 1. Manure storage facility design, construction, closure, management and
2 utilization activities shall be carried out in accordance with the manure facility plan and
3 applicable standards specified in 17.04.

4 2. The permittee shall give 5 working days' notice to the land conservation
5 division before starting any construction or closure activity authorized by the permit.

6 3. Written approval from the land conservation division must be obtained
7 prior to any modifications to the permitted plans.

8 4. Activities authorized by permit must be completed within 2 years from the
9 date of issuance, after which the permit shall be void. Permits may be extended upon written
10 request of the applicant, subject to the corresponding fee, with approval from the land
11 conservation division.

12 5. Following completion of construction and prior to issuance of a Certificate
13 of Use, an agricultural or civil engineer registered in the State of Wisconsin or a DATCP, NRCS,
14 or land conservation division engineering practitioner and the permittee, and, if applicable, the
15 contractor shall certify in writing that all facilities and systems were installed as planned,
16 including as-built drawings and authorized changes or modifications made during construction.

17 6. The permittee, engineer and contractor shall participate in a pre-
18 construction conference with land conservation division staff before initiating construction of a
19 new facility to outline the requirements and responsibilities of all the involved parties.

20 7. The land conservation division shall provide onsite inspection prior to
21 issuance of the Certificate of Use. To receive a Certificate of Use, a manure storage facility must
22 be fully constructed as designed, including the marking of the maximum operating level and
23 implementation of all safety devices.

24 8. No permitted manure storage facilities may receive manure until the land
25 conservation division provides its final approval. No manure may be emptied from a permitted
26 manure storage facility until the land conservation division approves the nutrient management
27 plan submitted by the applicant.

28
29 17.04.120 Certificate of use.

30 A. Certificate requirement. No person may operate or use a manure storage facility
31 or any portion of a manure storage facility that was constructed after the effective date of this
32 ordinance unless the person has a valid Certificate of Use for the storage facility or portion of the
33 manure storage facility that is being operated or used.

34 B. Issuance. The land conservation division will issue a Certificate of Use upon
35 receipt of the written certification required by 17.04.110(K)(5). The Certificate of Use will not
36 be subject to fees.

37 C. Operating requirements. The operator of a manure storage facility is in
38 compliance with the Certificate of Use if the person does all the following:

39 1. Updates and follows an annual nutrient management plan that complies
40 with requirements in this ordinance and includes all manure land applied from the manure
41 storage facility covered by the certification of use.

42 2. Provides a nutrient management plan, including the Nutrient Management
43 Checklist, annually to the land conservation division by April 15th to document compliance with
44 ordinance requirements. The land conservation division may take appropriate action authorized
45 by this chapter if the submitted nutrient management plan does not reasonably substantiate a
46 checklist answer.

47 3. Properly operates the storage facility in accordance with performance
48 standards in 17.04.080 (H) and consistent with the recommended operating methods as defined

1 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook and NRCS-
2 Engineering Field Handbook.

3 4. Properly maintains the storage facility free from visible and serious
4 damage, erosion, or deformities that would impair the facility's safety or function as determined
5 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook, and the
6 NRCS-Engineering Field Handbook.

7 5. Properly maintains the safety devices for a manure storage facility.

8 6. Provides the land conservation division proof of compliance with the
9 requirements in 17.04 upon request and submits to periodic inspections of the storage facility
10 with 2 business days advance notice from the land conservation division.

11 7. Develops and implements a plan for closure of the manure storage facility
12 when the operator ceases use of the facility or closure is required based on conditions specified
13 in this ordinance.

14 D. Certificate Revocation. The land conservation division may revoke a certificate
15 of use if there is a misrepresentation of any material fact in the permit application, a
16 misrepresentation of any material fact in the manure storage facility plan, a misrepresentation of
17 any material fact in the nutrient management plan, a failure to comply with the nutrient
18 management plan requirement, a failure to provide the land conservation division with a copy of
19 the nutrient management plan upon request, or for multiple or repeat violations of this ordinance.
20 The land conservation division will immediately provide written notice of the revocation, the
21 reason for the revocation, and corrective actions required.

22 E. Permit Revocation. The land conservation division may revoke the permit issued
23 under this ordinance if the holder of the permit has misrepresented any material fact in the permit
24 application or manure facility plan, or if the holder of the permit violates any of the conditions of
25 the permit.

26
27
28 SUBCHAPTER V. ADMINISTRATION, VIOLATIONS AND
29 APPEALS

30
31
32 17.04.130 Administration.

33 17.04.140 Violations.

34 17.04.150 Appeals.

35
36
37 17.04.130 Administration.

38 A. Delegation of Authority. Eau Claire County hereby designates the Eau Claire
39 County Land Conservation Division to administer and enforce this ordinance.

40 B. Administrative Duties. In the administration of this ordinance, the land
41 conservation division shall:

42 1. Keep an accurate record of all permit applications, animal waste facility
43 plans, permits issued, inspections made, and other official actions.

44 2. Review permit applications and issue permits in accordance with
45 17.04.110.

46 3. Inspect animal waste facility construction to insure the facility is being
47 constructed according to plan standards and specifications.

48 4. Investigate complaints relating to compliance with the ordinance.

49 5. Perform other duties as specified in this ordinance.

1 C. Inspection Authority. The land conservation division is authorized to enter upon
2 any lands affected by this ordinance to inspect the land prior to or after permit issuance to
3 determine compliance with this ordinance. If permission cannot be received from the applicant
4 or permittee, the permit may be denied or entry by the land conservation division shall be
5 according to Wis. Stat. § 66.0119.

6 D. Enforcement Authority. The land conservation division is authorized to post an
7 order stopping work upon land which has had a permit revoked or on land currently undergoing
8 activity in violation of this ordinance. Notice is given by both posting upon the land where the
9 violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the
10 order by certified mail to the person whose activity is in violation of this ordinance. The order
11 shall specify that the activity must cease immediately and be brought into compliance within 5
12 working days. Any permit revocation or order stopping work shall remain in effect unless
13 retracted by the board of land use appeals, the land conservation division, or by a court of
14 general jurisdiction; or until the activity is brought into compliance with the ordinance. The land
15 conservation division is authorized to refer any violation of this ordinance or of an order
16 stopping work issued pursuant to this ordinance to the corporation counsel for commencement of
17 further legal proceedings.

18
19 17.04.140 Violations.

20 A. Penalties. Any person who violates, neglects, or refuses to comply with or resists
21 the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of up to
22 \$200.00 plus costs of prosecution for each violation. An unlawful violation includes failure to
23 comply with any standard of this ordinance or with any condition or qualification attached to the
24 permit. Each day that a violation exists shall be a separate offense.

25 B. Enforcement of injunction. As a substitute for or as an addition to forfeiture
26 actions, Eau Claire County may seek enforcement of any part of this ordinance by court actions
27 seeking injunctions or restraining orders.

28
29 17.04.150 Appeals.

30 A. Authority. Under authority of Wis. Stat. Ch. 68, the Eau Claire County Board of
31 Land Use Appeals, created under Wis. Stat. § 59.694, and under 18.31.020 and acting as an
32 appeal authority under Wis. Stat. § 59.694, is authorized to hear and decide appeals where it is
33 alleged that there is error in any order, requirement, decision or determination by the land
34 conservation division in administering this ordinance.

35 B. Procedure. The rules, procedures, duties and powers of the board of land use
36 appeals and Wis. Stat. Ch. 68, shall apply to this ordinance.

37 C. Who May Appeal. Appeals may be taken by any person having a substantial
38 interest which is adversely affected by the order, requirement, decision or determination made by
39 the land conservation division.

40
41
42 SUBCHAPTER VI. DEFINITIONS

43
44
45 17.04.160 Purpose.
46 17.04.170 Word usage.
47 17.04.180 Definitions.
48
49

1 17.04.160 Purpose. To define words, terms, and phrases contained in this chapter that are
2 essential to the understanding, administration, and enforcement of this chapter.

3
4 17.04.170 Word usage. For the purposes of this chapter, certain words and terms are
5 used as follows:

- 6 • Words used in the present tense include the future.
- 7 • Words in the singular include the plural.
- 8 • Words in the plural include the singular.
- 9 • The word “shall” is mandatory and not permissive.

10
11 17.04.180 Definitions. For the purposes of this chapter, certain words and terms are
12 defined as follows:

13 A. “Adequate sod, or self-sustaining vegetative cover” means maintenance of
14 sufficient vegetation types and densities that provide 70% coverage such that the physical
15 integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes
16 grasses, forbs, sedges and duff layers of fallen leaves, and woody debris.

17 B. “Applicant” means any person who applies for a permit under this ordinance.
18 “BARNY” means the BARNY runoff prediction model which is the NRCS “Evaluation System
19 to Rate Feedlot Pollution Potential,” ARM-NC-17 (April 1982 version with modifications as of
20 August 2005. An Excel computer spreadsheet version of the BARNY model is available at
21 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

22 C. “Best management practices (BMPs)” mean structural or nonstructural measures,
23 practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants
24 carried in runoff to waters of the state.

25 D. “Direct conduit to groundwater” means wells, sinkholes, swallets, fractured
26 bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater,
27 quarries, cenotes, or depressional groundwater recharge areas over shallow fractured bedrock.

28 E. “Direct runoff” means any of the following:

29 1. Runoff of stored manure, including manure leachate, that discharges a
30 significant amount of pollutants to surface waters of the state or to a direct conduit to ground
31 water.

32 2. Runoff from a feedlot that can be predicted to discharge a significant
33 amount of pollutants to surface waters of the state or a direct conduit to groundwater.

34 3. Discharge of a significant amount of leachate from stored manure to
35 waters of the state.

36 4. Construction of a manure storage facility in permeable soils or over
37 fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR
38 154.04(3).

39 F. “Footprint of the liner” means the area measured in square feet located beneath
40 the liner of the manure storage facility, including the waste transfer system.

41 G. “Feedlot” means a barnyard, exercise area, or other outdoor area where livestock
42 are concentrated for feeding or other purposes and self-sustaining vegetative cover is not
43 maintained. “Feedlot” does not include a winter grazing area or a bare soil area such as a cattle
44 lane or a supplemental feeding area located within a pasture, provided that the bare soil area is
45 not a significant source of pollution to waters of the state as determined by the BARNY runoff
46 prediction model or an equivalent predictive model for manure runoff utilized by the land
47 conservation division.

48 H. “Land application” means the physical transfer of manure from any animal
49 confinement area or manure storage facility to fields for purposes of fertilization or disposal.

1 I. "Land Conservation Commission" means the Commission which is designated by
2 the county board pursuant to Wis. Stat. § 92.06.

3 J. "Land Conservation Division" means the Eau Claire County Land Conservation
4 Division of the Planning and Development Department.

5 K. "Landowner" means any of the following:

6 1. A person who owns a parcel of land.

7 2. A person who rents, controls, or uses a parcel of land for agricultural
8 purposes.

9 L. "Livestock" means all domestic animals, including deer, elk, or any fenced-in
10 animals.

11 M. "Livestock operation" means a feedlot or other facility or a pasture where animals
12 are fed, confined, maintained, or stabled.

13 N. "Livestock producer" means an owner or operator of a livestock operation.

14 O. "Manure" means livestock excreta. "Manure" includes the following when
15 intermingled with excreta in normal farming operations: debris including bedding, water, soil,
16 hair, and feathers; processing derivatives including separated sand, separated manure solids,
17 precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process
18 water; and runoff collected from barnyards, animal lots, and feed storage areas.

19 P. "Manure storage" means physically transferring manure from the livestock
20 production area, feedlot, or place of origin to another location, manure storage facility, or
21 unconfined manure pile. Manure storage does not include transferring manure for land
22 application.

23 Q. "Manure storage facility" means an impoundment made by constructing an
24 embankment or excavating a pit or dugout or by fabricating a structure to contain manure and
25 other animal or agricultural waste.

26 R. "Natural Resources Conservation Service (NRCS)" means an agency of the
27 United States Department of Agriculture (USDA) which, for purposes of this chapter, provides
28 the Land Conservation Commission and the land conservation division with technical assistance
29 and information on the design criteria, size, shape, engineering strength, and other necessary
30 technical data for the proper and safe installation of a manure storage facility.

31 S. "Navigable waters" means any body of water that is navigable under the laws of
32 the state as defined in Wis. Stat. § 30.01(4m).

33 T. "Nutrient management plan" means a plan that balances the nutrient needs of a
34 crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The
35 requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP
36 50.04(3).

37 U. "Nutrients" means plant nutrients derived from commercial fertilizers, manure,
38 organic wastes, soil reserves, legumes, or other sources.

39 V. "Ordinary high-water mark" means the point on the bank or shore up to which the
40 presence and action of surface water is so continuous as to leave a distinctive mark such as by
41 erosion, destruction or prevention of terrestrial vegetation, or other easily recognized
42 characteristic. Where the bank or shore at any particular place is of such character that it is
43 difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may
44 be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to
45 determine whether a given stage of water is above or below the ordinary high-water mark.

46 W. "Pasture" means land on which livestock graze or otherwise seek feed in a
47 manner that maintains the vegetative cover over the grazing area. Pasture may include limited
48 areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas
49 are not significant sources of pollution to waters of the state.

1 X. "Permit" means the signed, written statement issued by the land conservation
2 division under this ordinance authorizing the applicant to construct, install, substantially alter,
3 close, or reuse a manure storage facility, and to use or dispose of waste from the facility.

4 Y. "Permitted manure storage facility" means a facility that was permitted under this
5 ordinance.

6 Z. "Permittee" means any person to whom a permit is issued under this ordinance.

7 AA. "Person" means any individual, owner, operator, corporation, limited liability
8 company, partnership, association, municipality, interstate agency, state agency, or federal
9 agency pursuant to Wis. Stat. § 283.01(11).

10 BB. "Phosphorus index" or "PI" means the State's agricultural land management
11 planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to
12 surface waters.

13 CC. "Pollutant" means any dredged, spoil, solid waste, incinerator residue, sewage,
14 garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive
15 substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial,
16 municipal, and agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

17 DD. "Pollution" includes contaminating or rendering unclean or impure the waters of
18 the state, or making the same injurious to public health, harmful for commercial or recreational
19 use, or deleterious to fish, bird, animal or plant life.

20 EE. "Process wastewater" means wastewater from the production area directly or
21 indirectly used in the operation of animal feeding operation that results from any or all of the
22 following:

- 23 1. Spillage or overflow from animal or poultry watering systems.
- 24 2. Washing, cleaning, or flushing pens, barns, manure pits, or other animal
25 feeding operation facilities.
- 26 3. Direct contact swimming, washing, or spray cooling of animals or dust
27 control.
- 28 4. Water that comes into contact with any raw materials or animal
29 byproducts including manure, feed, milk, eggs, or bedding.

30 FF. "Recoverable benchmark" means a readily identifiable, relatively permanent
31 benchmark that is intended to maintain its elevation without change over a long period of time
32 and will not be influenced by disturbing activities.

33 GG. "Runoff" means storm water or precipitation including rain, snow, ice melt or
34 similar water that moves on the land surface via sheet or channelized flow.

35 HH. "Safety devices" means constructed measures designed to protect humans and
36 livestock from hazards associated with a manure storage facility.

37 II. "Site that is susceptible to groundwater contamination" under Wis. Stat. § 281.16
38 (1)(g) means any one of the following:

- 39 1. An area within 250 feet of a private well.
- 40 2. An area within 1000 feet of a municipal well.
- 41 3. An area within 300 feet upslope or 100 feet downslope of a direct conduit
42 to groundwater.
- 43 4. A channel that flows to a direct conduit to groundwater.
- 44 5. An area where the soil depth to groundwater or bedrock is less than 2 feet.
- 45 6. An area where the soil does not exhibit one of the following soil
46 characteristics:
 - 47 a. At least a 2-foot soil layer with 40% fines or greater above
48 groundwater and bedrock.

1 b. At least a 3-foot soil layer with 20% fines or greater above
2 groundwater and bedrock.

3 c. At least a 5-foot soil layer with 10% fines, or greater above
4 groundwater and bedrock.

5 JJ. “Stored manure” means manure that is kept in a manure storage facility or an
6 unconfined manure pile.

7 KK. “Substantially alter or significantly alter” means a change initiated by a
8 landowner or operator that results in a relocation of a structure or facility or changes to the size,
9 depth or configuration of a structure or facility including any of the following:

- 10 1. Replacement of a liner of any type in a manure storage facility.
- 11 2. An increase in the volumetric capacity or area of a manure storage facility.
- 12 3. A change in a manure storage facility related to a change in livestock
13 management from one species of livestock to another such as cattle to poultry.
- 14 4. The addition of a new pipe penetration or waste transfer system that
15 requires an alteration to the manure storage facility.

16 LL. “Surface waters” means all natural and artificial named and unnamed lakes and all
17 naturally flowing streams within the boundaries of the state, but not including cooling lakes,
18 farm ponds and facilities constructed for the treatment of wastewaters.

19 MM. “Tolerable soil loss” or “T” means the maximum average annual rate of soil
20 erosion, in tons per year, allowable for particular soils and site conditions that will maintain soil
21 productivity.

22 NN. “Technical guide” means the United States Department of Agriculture (USDA)
23 Natural Resources Conservation Service (NRCS) Technical Guide as adopted by the Land
24 Conservation Commission, including subsequent amendments or additions.

25 OO. “Top of the channel” means an edge or point on the landscape landward from the
26 ordinary high-water mark of a surface water of the state, where the slope of the land begins to be
27 less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually
28 for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the
29 ordinary high-water mark.

30 PP. “Unconfined manure pile” means a quantity of manure that is at least 175 cubic
31 feet in volume and which covers the ground surface to a depth of at least 2 inches and is not
32 confined within a manure storage facility, livestock housing facility or barnyard runoff control
33 facility or covered or contained in a manner that prevents storm water access and direct runoff to
34 surface water or leaching of pollutants to groundwater.

35 QQ. “Waste transfer system” means components such as pumps, pipes, conduits,
36 valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and
37 milking center wastes from livestock structures to a storage structure, loading area, or treatment
38 area. Waste transfer system may include permanently installed conveyance systems necessary to
39 transfer material from the source to a storage facility, treatment facility or system, loading area,
40 or cropland, and does not include vehicles, temporary surface pipes or hoses.

41 RR. “Water pollution” means any act or condition contaminating or rendering unclean
42 or impure the ground or surface waters of the state, or making the same injurious to public
43 health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant
44 life.

45 SS. “Water Quality Management Area (WQMA)” means land that includes any of the
46 following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond,
47 or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area
48 that is susceptible to groundwater contamination, or has the potential to be a direct conduit for
49 contamination to reach groundwater.

1 TT. "Waters of the state" mean those portions of Lake Michigan and Lake Superior
2 within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells,
3 impounding reservoirs, marshes, water courses, drainage systems and other surface water or
4 groundwater, natural or artificial, public or private within the state or under its jurisdiction,
5 except those waters which are entirely confined and retained completely upon the property of a
6 person.

7 UU. "Winter grazing area" means a cropland or pasture where livestock feed on
8 dormant vegetation or crop residue, with or without supplementary feed, during the period of
9 October 1 to April 30.

10
11 SECTION 3. This ordinance is effective upon adoption.

12
13 ENACTED:

14 Gary G...
15 James O'Rourke
16 Jeffrey T. Knight
17 Robin J. Leary

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
Committee on Planning & Development

Robin J. Leary
Gary G...
Heather D. Sch...
Tom M. C...
Richy D. Strouch
Ray L. Hend...
Gloria Adams

Land Conservation Commission

GL/yk

Dated this 14th day of May, 2019.

ORDINANCE/19-20/012

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

FACT SHEET

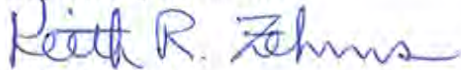
TO FILE NO. 19-20/008

Abandoned vehicles are no longer impounded at the highway shop in Altoona. In most cases abandoned vehicles are stored at the towing company at the expense of the owner. Some vehicles are stored on county owned or leased property. Vehicles which are evidence are stored at secure locations.

This ordinance updates the county code to be consistent with the current practice and to accommodate changes made in the future regarding the impoundment of vehicles. This ordinance deletes specific references to requiring the impoundment of vehicles at the highway department yard in Altoona, while preserving but not requiring vehicles to be stored on county owned or leased property. The discretion as to where the vehicles are towed is the responsibility of the sheriff's department. For those vehicles the county retains the right to collect impoundment and storage charges.

Fiscal Impact: None.

Respectfully Submitted,



Keith R. Zehms
Corporation Counsel

2
3 - TO AMEND SECTION 10.20.005 A. OF THE CODE: DEFINITIONS; TO AMEND
4 SECTION 10.20.010 A. 1. AND 3. OF THE CODE: ABANDONMENT PROHIBITED—
5 IMPOUNDMENT AUTHORIZED; TO AMEND SECTION 10.20.010 B. OF THE CODE:
6 ABANDONMENT PROHIBITED—IMPOUNDMENT AUTHORIZED; TO REPEAL
7 SECTION 10.20.015 OF THE CODE: COUNTY VEHICLE POUND; TO AMEND SECTION
8 10.20.030 B. OF THE CODE: IMPOUNDMENT AND STORAGE CHARGES; TO AMEND
9 SECTION 10.20.035 OF THE CODE: DISPOSITION OF ABANDONED VEHICLES -

10
11 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

12 **SECTION 1.** That Subsection A. of Section 10.20.005 of the code be amended to read:

13
14 A. "Department" means the county ~~highway~~sheriff's department.

15
16
17 **SECTION 2.** That paragraphs 1. and 3. of Subsection A. of Section 10.20.010 of the
18 code be amended to read:

19
20 1. The sheriff, sheriff's deputy or the officer in charge who discovers any
21 vehicle which has been abandoned shall cause it to be removed ~~to the county vehicle pound as~~
22 ~~provided in A.2.~~ The officer shall notify the sheriff of the abandonment and location of the
23 impounded vehicle.

24
25
26 3. The expense of all vehicle towing and impoundment authorized in this
27 chapter on county owned or leased property shall be charged as provided in 4.09.040.

28
29 **SECTION 3.** That Subsection B. of Section 10.20.010 of the code be amended to read:

30
31 B. If a vehicle is left unattended on county property without the permission of
32 the officer in charge and it jeopardizes public safety by creating an unsafe condition,
33 significantly hindering the efficient movement of traffic or interfering with parking of vehicles in
34 county lots, the officer in charge of the property on which it stands or the sheriff may authorize
35 the immediate removal, towing and impoundment of the vehicle ~~at the vehicle pound.~~

36
37 **SECTION 4.** That Section 10.20.015 of the code be repealed.

38
39 **SECTION 5.** That Subsection B. of Section 10.20.030 of the code be amended to read:

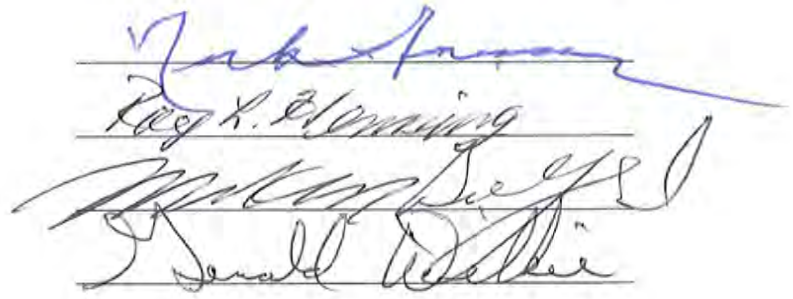
40
41 B. The owner or lienholder of record of any vehicle impounded or stored ~~at the~~
42 ~~vehicle pound~~on county owned or leased property pursuant to this chapter shall be assessed
43 \$30.00 for each day the vehicle remains in storage, plus towing costs in addition to any civil
44 forfeiture.

1 **SECTION 6.** That Subsection B. of Section 10.20.035 of the code be amended to read:

2
3 B. Notice of the sale shall be publicly posted by the department at the office of the
4 sheriff, the courthouse and the department office, and shall be published at least once in the
5 official newspaper in the same form as the certified mail notice sent to the owner under Wis.
6 Stat. § 342.40 (3) (c). The department shall conduct the sale and transfer in accord with Wis.
7 Stat. § 342.40 (3) (c) and (3). If all bids are rejected or none are received, the department may
8 readvertise the sale or sell the vehicle at a private sale or annual county auction. Vehicle sales
9 shall be grouped where practical.

10
11 ENACTED:

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48



The image shows three handwritten signatures in blue ink, each written over a horizontal line. The signatures are: 1. Top signature: 'John ...' (partially obscured). 2. Middle signature: 'Ray H. Blomberg'. 3. Bottom signature: 'Donald Walker'.

Committee on Administration

KRZ/ylk

Dated this 9 day of April, 2019.

APPROVED BY
CORPORATION COUNSEL

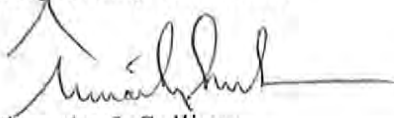
Reviewed by Finance Dept.
for Fiscal Impact

FACT SHEET

TO FILE NO. 19-20/014

This resolution refers to resolutions adopted by the county board beginning with the June 2018 meeting, which took positions on proposed state legislation or issues under consideration by the state legislature or which the board recommended for consideration by the state legislature. If the recommendations in county board resolutions were acted on by the state legislature they have not been included. If adopted a copy of this resolution and the resolutions referred to will be forwarded to the Wisconsin Counties Association for review by the appropriate steering committee and consideration at the 2019 WCA Annual Business Meeting.

Respectfully submitted,



Timothy J. Sullivan
Corporation Counsel

TS/yk

Ordinance/19-20/014 Fact

4 - REQUESTING RESOLUTIONS TO BE CONSIDERED AT THE 2019 WCA ANNUAL
5 BUSINESS MEETING -

6 WHEREAS, each year counties can submit resolutions to be considered at the annual WCA
7 Convention; and

8 WHEREAS, the deadline for submitting resolutions to be considered at the 2019 WCA
9 Annual Business Meeting is June 24, 2019; and

10 WHEREAS, the following adopted resolutions, beginning with the July 2018 meeting are
11 appropriate to be forwarded for consideration at the 2019 WCA Annual Business Meeting.

12 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors
13 recommends that the following resolutions and any resolutions adopted at the June meeting, be
14 sent to WCA for consideration at the 2019 WCA Annual Business Meeting.

15 1. Resolution File No. 18-19/053 – RESOLUTION URGING THE GOVERNOR
16 AND WISCONSIN LEGISLATURE TO FIND A SUSTAINABLE SOLUTION TO FUND
17 WISCONSIN'S TRANSPORTATION SYSTEM (August 21, 2018, Agenda pp. 121-123)

18 2. Resolution File No. 18-19/057 – REQUESTING AND SUPPORTING THE
19 EFFORTS OF WISCONSIN, THE FEDERAL GOVERNMENT, CITIES AND VILLAGES IN
20 EAU CLAIRE COUNTY TO REGULATE CONVERSION THERAPY AND PROHIBIT PAID
21 CONVERSION THERAPY BY MENTAL HEALTH PROFESSIONALS TO PERSONS
22 UNDER THE AGE OF 18 (September 18, 2018, Agenda pp. 37-45)

23 3. Resolution File No. 18-19/068 – RESOLUTION SUPPORTING AN INCREASE
24 IN COUNTY CHILD SUPPORT FUNDING (October 16, 2018, Agenda pp. 17-19)

25 4. Resolution File No. 18-19/076 - REQUESTING INCREASED FUNDING AND
26 OVERSIGHT REFORMS FOR WISCONSIN'S CHILD PROTECTIVE SERVICES SYSTEM
27 (November 7, 2018, Agenda pp. 24-26)

28 5. Resolution File No. 18-19/078 - RESOLUTION URGING THE STATE OF
29 WISCONSIN TO INCREASE COMPENSATION FOR DEFENSE COUNSEL ASSIGNED BY
30 THE STATE PUBLIC DEFENDER (December 18, 2018, Agenda pp. 15-17)

31 6. Resolution File No. 18-19/085 – RESOLUTION SUPPORTING THE UW-EAU
32 CLAIRE SCIENCE AND HEALTH SCIENCES BUILDING PROJECT (November 20, 2018,
33 Agenda pp. 26 – 33)

34 7. Resolution File No. 18-19/103 - REQUESTING SUPPORT FOR LEGISLATION
35 AIMED AT DECREASING THE LEVEL OF CHILD POVERTY AND RACIAL DISPARITIES
36 IN THE STATE OF WISCONSIN (March 5, 2019, Agenda pp. 6-10)

37 BE IT FURTHER RESOLVED that the county clerk, before June 24, 2019 send certified
38 copies of this resolution and the above-named resolutions with a cover letter to Mark D. O'Connell,
39 WCA Executive Director, requesting that the above resolutions be considered at the 2019 WCA
40 Annual Business Meeting.
41
42
43
44
45
46
47
48
49
50
51
52

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ADOPTED:

[Handwritten signature]
Donald Wilkie
[Handwritten signature]
Kay & Fleming
[Handwritten signature]
Calleen Dater

Committee on Administration

TS /yk Dated this 14 day of May, 2019. ORDINANC 19-20/014

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

- URGING THE GOVERNOR AND WISCONSIN LEGISLATURE TO FIND A SUSTAINABLE SOLUTION TO FUND WISCONSIN'S TRANSPORTATION SYSTEM -

WHEREAS, local government in Wisconsin is responsible for about 90% of the road miles in the state; and

WHEREAS, Wisconsin's diverse economy is dependent upon county and town roads as well as city and village streets and transit systems across the state and

WHEREAS, Eau Claire County and other local governments across Wisconsin have been highlighting our unmet transportation needs in many different avenues including events such as the historic Turnout for Transportation event in September of 2016 where local governments in every region of this state held simultaneous meetings calling on the state legislature to prioritize transportation and pass a sustainable funding package; and

WHEREAS, while the increase in transportation funding for locals in the last budget was certainly appreciated, many still aren't back to 2011 levels when you adjust for inflation; and

WHEREAS, locals, including Eau Claire County continue to struggle to meet even the most basic maintenance needs for our transportation system; and

WHEREAS, states surrounding Wisconsin and across the country have stepped up with sustainable funding plans for their state and local roads; and

WHEREAS, Wisconsin will be at a competitive disadvantage if it does not implement a revenue and spending plan that addresses both our Interstates that were built in the 1950's and 60's and our local and state roads; and

WHEREAS, levy limits do not allow local government to make up for the deterioration of state funding; and

WHEREAS, local governments would not be forced to turn to local wheel taxes or increased borrowing or exceeding their levy limits if the state would finally pass a sustainable funding plan for transportation; and

WHEREAS, the Eau Claire County Board recognizes that our state highway and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin. Both local and state roads need to be properly maintained in order for our economy to grow; and

WHEREAS, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees.

NOW THEREFORE BE IT RESOLVED, that the Eau Claire County Board of Supervisors urges the Governor and Legislature to Just Fix It and agree upon a sustainable solution: one that includes a responsible level of bonding and adjusts our user fees to adequately and sustainably fund Wisconsin's transportation system.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County and the Wisconsin Counties Association.

ADOPTED: August 21, 2018

Janet K. Loomis
County Clerk

- REQUESTING AND SUPPORTING THE EFFORTS OF WISCONSIN, THE FEDERAL GOVERNMENT, CITIES AND VILLAGES IN EAU CLAIRE COUNTY TO REGULATE CONVERSION THERAPY AND PROHIBIT PAID CONVERSION THERAPY BY MENTAL HEALTH PROFESSIONALS TO PERSONS UNDER THE AGE OF 18-

WHEREAS, contemporary science recognizes that being lesbian, gay, bisexual or transgender is part of the natural spectrum of human identity and is not a disease, disorder or illness; and;

WHEREAS, "conversion therapy" is defined as any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender; and

WHEREAS, conversion therapy does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity; and

WHEREAS, conversion therapy has been rejected by every mainstream medical and mental health organization, including the American Psychological Association, American Psychiatric Association, American Medical Association, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Counselor Association, American School Health Association, National Association of Social Workers and the Pan American Health Organization; and

WHEREAS, this resolution is adopted to promote the health, safety and welfare of the people of the County of Eau Claire, especially the physical and psychological well-being of minors, including lesbian, gay, bisexual and transgender youth, and to protect them against the exposure to serious harms caused by conversion therapy; and

WHEREAS, it is well documented that the prevailing opinion of the medical and psychological community is that conversion therapy has not been shown to be effective and that it creates a potential risk of serious harm to those who experience it; and

WHEREAS, the Therapeutic Fraud Prevention Act, which bans conversion therapy nationwide, has been introduced in the 114th United States Congress and the 115th United States Congress. 14 states and 44 counties, municipalities and communities, including Madison & Milwaukee in Wisconsin, have passed legislation making the practice of conversion therapy for minors illegal, with six additional states proposing similar legislation which is pending; and

WHEREAS, in the recently completed Wisconsin legislative session, Assembly Bills 349 and 261 seeking to prohibit mental health providers from engaging in conversion therapy of minors in Wisconsin were introduced. However, neither of these bills made it out of committee and conversion therapy remains unregulated by the State of Wisconsin; and

"WHEREAS, Eau Claire Healthy Communities has prioritized Mental Health as a top priority in 2018. Data from Eau Claire County and State of WI Youth Risk Behavior Survey (YRBS) done in 2017 indicates 10% of sample of high school 10th/12th graders that were surveyed from 5 school districts indicated that they identified as gay, lesbian, or bisexual. 69% of those that identified as gay, lesbian, bisexual indicated that they felt sad/hopeless in the past 12 months vs. 24% of those that identified as heterosexual/straight. State YRBS data (no local data available) indicates that 41% of youth surveyed that are LGBT have considered suicide vs.16.4% overall.

WHEREAS, the Eau Claire City-County Health Department has as its mission "Keeping people in all Eau Claire City/County communities safe and healthy". On August 22nd the Eau Claire City-County Board of Health passed a resolution stating "BE IT RESOLVED that the Board of Health encourages stakeholders in Eau Claire County and in the State of Wisconsin to explore best practices and regulations related to preventing harm associated with conversion therapy."

NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors requests and supports the efforts of the State of Wisconsin, the Federal Government, cities and villages in Eau Claire County to regulate conversion therapy and support bills or ordinances introduced in the Senates or Assembly's and local cities and villages that would regulate and prohibit paid conversion therapy by mental health professionals to persons under the age of 18.

BE IT FURTHER RESOLVED, that elected representatives at the state, federal and local level representing Eau Claire County receive copies of this resolution. In addition, Eau Claire County shall provide this resolution to the Wisconsin Counties Association, requesting their advocacy to regulate conversion therapy and prohibit paid conversion therapy by mental health professionals to persons under the age of 18.

ADOPTED: September 18, 2018

Janet K. Loomis
County Clerk

- SUPPORTING AN INCREASE IN COUNTY CHILD SUPPORT FUNDING-

WHEREAS, Eau Claire County administers the Child Support Enforcement Program on behalf of the state, providing services to Eau Claire County residents including paternity establishment, obtaining child support and health insurance orders for children, and enforcing and modifying those orders; and

WHEREAS, Our children's well-being, economic security and success in life are enhanced by parents who provide financial and emotional support; and

WHEREAS, Eau Claire County's Child Support Agency ensures that parents take responsibility for the care and well-being of their children, supports the involvement of parents in their children's lives and provides services to both custodial and noncustodial parents; and

WHEREAS, The Child Support Enforcement Program is an effective investment in Wisconsin's future as child support increases self-sufficiency, reduces child poverty, and has a positive effect on children's well-being; and

WHEREAS, Wisconsin's Child Support Enforcement Program is ranked 2nd in the nation for collecting current support; and

WHEREAS, Wisconsin's Child Support Enforcement Program is incredibly cost-effective, collecting an average of \$6.76 in support for every dollar invested in the program; and

WHEREAS, County child support agencies collected \$934 Million in child support during 2017, 95% of which went directly to families while 5% reimbursed public assistance programs; and

WHEREAS, Child support agencies help save taxpayer dollars by establishing health insurance orders for 97% of cases, which reduces state Medicaid costs by moving children from public assistance to private insurance; and

WHEREAS, State funding for county child support services has not increased above the 2007 funding level while county agency costs have steadily increased due to growing caseloads, inflation and new federal regulations; and

WHEREAS, Wisconsin's strong performance in child support is at risk without additional state funding. Diminished performance would result in reduced federal funding to Wisconsin; and

WHEREAS, Decreased federal funding would lead to less funding for Eau Claire County's child support agency. This could lead to reductions in child support enforcement staff and services and reduced child support collections; and

WHEREAS, New state investments in child support are amplified by a generous federal match. Every \$1 of state GPR invested in the Child Support Program generates \$2 in federal matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors respectfully requests that state funding for county child support agencies be increased by \$1.5 million GPR in each fiscal year of the 2019-21 Wisconsin state budget, which will generate approximately \$3 million in additional federal funding each year. This investment will ensure that counties can continue to effectively provide economic support to our children.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the County Clerk to the Governor of the State of Wisconsin, State Senators and State Representatives representing Eau Claire County, the Secretary of the Wisconsin Department of Administration, and the Wisconsin Counties Association for consideration.

ADOPTED: October 16, 2018

Janet K. Loomis
County Clerk

– REQUESTING INCREASED FUNDING AND OVERSIGHT REFORMS FOR
WISCONSIN'S CHILD PROTECTIVE SERVICES SYSTEM –

WHEREAS, the Wisconsin child welfare system is county operated and state supervised, except Milwaukee County, where the system is administered by the Wisconsin Department of Children and Families (DCF), Division of Milwaukee Child Protective Services (DMCPS); and

WHEREAS, the State of Wisconsin, through DCF, provides insufficient funding to counties for the provision of child abuse and neglect services including prevention, assessment, intervention, treatment response, and recovery services for families and children wellbeing and out-of-home placement costs, though the state has primary responsibility for compliance with federal requirements and shares liability for ensuring the system is meeting its obligations to children and families in all 72 counties; and

WHEREAS, in recent years the state of Wisconsin added numerous mandates and practice expectations which increased county child protective services (CPS) workload and costs; and

WHEREAS, the opioid and methamphetamine epidemics have brought Wisconsin's child welfare system to a point of crisis, with increasing concern about the system's ability to meet its obligations to children and families; and

WHEREAS, rising county contributions to the Child Welfare system have far outpaced increases to the DCF Children and Family Aids allocation and counties have used reserve funding to cover Child Welfare expenses; and

WHEREAS, maintaining sufficient resources for Wisconsin's child welfare system is critical to secure the safety, wellbeing, and future of our children; and

WHEREAS, without a proportional increase in the DCF Children and Family Services allocation, the CPS system has been stressed for over a decade, causing caseloads to grow, contributing to staff turnover in some counties and an overrun of out-of-home care costs above what counties can sustain within available resources; and

WHEREAS, Wisconsin's CPS system leaves significant gaps in state-level oversight for all counties except Milwaukee County, including the absence of caseload standards, no process for regular legislative evaluation and prioritization of CPS needs and the absence of a legislative committee that provides regular policy guidance concerning CPS system issues such as adequate funding, performance, cost sharing and long-term stability; and

WHEREAS, along with DMCPS, all eleven of Wisconsin's peer states with county-administered CPS systems have either adopted caseload standards for CPS caseworkers, completed thorough workload studies or have made significant recommendations related to keeping CPS workloads manageable; and

WHEREAS, the children within Wisconsin's CPS system are too important to allow the current level of under resourcing, oversight gaps and, disparity of attention, while shifting the burden to property taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors does hereby request that the state of Wisconsin increase the Children and Family Aids Allocation to counties in the 2019-21 state biennial budget by \$30 million annually in order to cover services and resources to support the Child Welfare System and support infrastructure for counties to operationalize so all of Wisconsin's 72 Counties CPS systems can meet their obligations; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association urges the state of Wisconsin to close critical oversight gaps by creating legislative mechanisms to review the CPS resource needs of all counties as part of the biennial budget process and ensure an appropriate committee provide ongoing policy guidance to respond to emerging CPS trends and ongoing system needs; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Scott Walker, Department of Children and Families Secretary Eloise Anderson, Department of Administration Secretary Ellen Nowak, area legislators, and the Wisconsin Counties Association.

ADOPTED: November 7, 2018

Janet K. Loomis
County Clerk

- RESOLUTION URGING THE STATE OF WISCONSIN TO INCREASE COMPENSATION FOR DEFENSE COUNSEL ASSIGNED BY THE STATE PUBLIC DEFENDER -

WHEREAS, both the United States Constitution and the Wisconsin State Constitution provide that persons accused of a crime have the right to counsel. In Wisconsin the Office of the State Public Defender, SPD, provides counsel to those persons meeting income eligibility guidelines for services. Where SPD is unable to provide representation, due to conflict or other reasons, the SPD appoints private attorneys to provide representation. Almost 40% of all SPD cases are appointed to private attorneys; and

WHEREAS, the compensation rate for private bar appointed attorneys in Wisconsin has not been increased since 1995 and currently stands at \$40.00 per hour. It is the lowest in the nation, failing to even cover an appointed attorney's overhead costs. As a result, private attorneys are increasingly declining to accept SPD appointments, which is creating an increasing burden on the courts and Wisconsin Counties. Costs to counties are increasing as circuit court judges are being forced to appoint counsel at county expense and accused persons are being held in jail longer pending appointment of counsel. These delays also lead to inefficiency for courts and law enforcement agencies, and additional delay for obtaining justice for victims; and,

WHEREAS, in May of 2018 the Wisconsin Supreme Court authorized an increase in the hourly rate from \$70.00/hr. to \$100.00/hr. for attorney's appointed by the county, this increase to go into effect on January 1, 2020; and,

WHEREAS, the increase authorized to private attorneys, at county expense, may cost Eau Claire County approximately \$116,000 annually depending on case load, and complexity; and,

WHEREAS, the disparity created between the two rates, SPD \$40.00/hr, County \$100.00/hr., will cause private attorneys to refuse SPD cases, and

WHEREAS, other counties in Wisconsin are passing resolutions similar to this one, including, Dunn, Barron, Burnett and La Crosse; and

NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Office of the Public Defender to ensure the criminal justice system operates effectively and efficiently, including increasing the rate of reimbursement for private attorneys appointed by the Public Defender to a market rate that will ensure prompt appointment of counsel and that cases are handled in a timely and efficient manner, by at minimum, increasing the hourly rate paid to SPD appointed private attorneys to the same amount as those recently authorized by the Wisconsin Supreme Court.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County, the Wisconsin Bar Association, the Office of the Wisconsin Attorney General, the Office of the State Public Defender, the Wisconsin Supreme Court and the Wisconsin Counties Association.

ADOPTED: December 18, 2018

Janet K. Loomis
County Clerk

- SUPPORTING THE UW-EAU CLAIRE SCIENCE AND HEALTH SCIENCES
BUILDING PROJECT.-

WHEREAS, the University of Wisconsin-Eau Claire has a significant impact on the recruitment and retention of high-talent students to northwestern Wisconsin and,

WHEREAS, UW-Eau Claire's science, technology, engineering, and mathematics (STEM) and health sciences graduates possess crucial skillsets that meet talent needs for this region; and

WHEREAS, UW-Eau Claire's current science building, Phillips Hall, was constructed in 1963 and 1966 and was not designed to accommodate modern scientific instruction and inquiry; and

WHEREAS, Phillips Hall's infrastructure is so obsolete and inefficient that, while it is only one of 33 buildings maintained by UW-Eau Claire, it accounts for 27 percent of all annual campus work orders; and

WHEREAS, Phillips Hall's teaching and research spaces are inflexible and do not allow for the interdisciplinary collaboration with outside industries that typify a modern STEM education; and

WHEREAS, conducting research alongside industry partners provides valuable experience to undergraduates that, in turn, makes them more attractive to prospective employers; and

WHEREAS, these experiences also expose students to professional settings and business organizations in the surrounding area, increasing the likelihood that they choose to live and work in this region after graduation; and

WHEREAS, the inability to meet the existing demand for academic research and laboratory spaces is a challenge for industry innovation and student recruitment and retention; and

WHEREAS, the UW System Board of Regents has approved a plan to replace Phillips Hall with a new UW-Eau Claire Science and Health Sciences building; and

WHEREAS, UW-Eau Claire's Science and Health Sciences building project requires \$109 million in the 2019-21 state budget, including approval for \$13.7 million in private philanthropy; and

WHEREAS, this building project requires advanced enumeration of \$147 million in the 2021-23 budget, bringing the project's total budget to \$256 million; and

WHEREAS, providing state funding for a new Science and Health Sciences building at UW-Eau Claire would allow for the construction of critical economic infrastructure to support northwestern Wisconsin's talent recruitment and retention needs in STEM and health sciences fields; and

WHEREAS, state support for a new Science and Health Sciences building at UW-Eau Claire would allow for the construction of a state-of-the-art facility that embodies the university's commitment to environmental sustainability and technological innovation, replacing one of the most inefficient buildings on campus.

NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors supports the inclusion of UW-Eau Claire's Science and Health Sciences building in the 2019-21 Wisconsin State Budget as recommended by the UW System Board of Regents.

BE IT FURTHER RESOLVED that advanced enumeration for funding in the 2021-23 Wisconsin State Budget is essential to ensure this project is completed without additional inflation and that Phillips Hall can be demolished in a timely manner to eliminate ongoing maintenance and operational expenses.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors encourages the construction of a building that achieves high energy efficiency and environmental standards, in keeping with sustainability goals shared by UW-Eau Claire and the County and recognizing the significance of the proposed building site neighboring the Putnam Park State Natural Area and the scenic Chippewa River.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County, the Wisconsin Counties Association and the UW System Board of Regents.

ADOPTED: November 20, 2018

Janet K. Loomis
County Clerk

- REQUESTING SUPPORT FOR LEGISLATION AIMED AT DECREASING THE LEVEL OF CHILD POVERTY AND RACIAL DISPARITIES IN THE STATE OF WISCONSIN -

WHEREAS, policy experts and recent research has led to a consensus that poverty in Wisconsin is a moral crisis that demands action; and

WHEREAS, facts uncovered by a broad-based team show that children are now the poorest Americans and that child poverty is expanding in every region of Wisconsin; and

WHEREAS, racial disparities also impact this issue in Eau Claire and across the state. In Wisconsin compared to white children, African American children are almost 5 times more likely to be poor; Latino children are 3 times more likely to be poor; and Native American children 4 times more likely to be poor. The poverty rate for our African American children is 8% above the national average for black child poverty; and

WHEREAS, the study concurred that high rates of poverty are not a result of individual moral failings, that kids are clearly not responsible for their own plight and that poverty is a result of human-made economic and social structures; and

WHEREAS, 42% households in Eau Claire County struggle to cover the costs of living and working at the most basic level and 42% of children in the Eau Claire School District qualify for free or reduced price lunch; and

WHEREAS, childhood poverty contributes to the development of mental illness, substance abuse, incarceration, and chronic disease later in life; which deprives our society of the potential contributions of our citizens and creates significant burdens for our community; and

WHEREAS, the significant social and financial costs of childhood poverty could be decreased by investing in early childhood support; and

WHEREAS, out of these ongoing conversations on poverty emerged bold, but attainable, goals that every person in Wisconsin is invited to endorse.

NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors requests and supports the efforts of the State of Wisconsin to endorse and support bills introduced into the Senate or Assembly that would achieve the following goals:

- Decrease the level of child poverty and racial disparities by 50% over the next 10 years
- Implement policies and programs at the scale necessary to achieve that goal
- Establish annual, evidence-based evaluation of progress for accountability

BE IT FURTHER RESOLVED, that the Eau Claire County Board supports and encourages ongoing education and opportunity for dialogue about childhood poverty, hunger, and discriminatory economic and social structures in Wisconsin.

BE IT FURTHER RESOLVED, that the Eau Claire County Board directs the county clerk to forward a copy of this resolution to state legislators representing Eau Claire County, Governor Tony Evers and local elected officials within Eau Claire County. In addition, the county clerk is directed to provide a copy of this resolution to the Wisconsin Counties

Association, requesting their advocacy to support these goals.

ADOPTED: March 5, 2019

Janet K. Loomis
County Clerk

FACT SHEET

FILE NO. 19-20/016

The Finance Department is granted authority to review and initially approve department requests to carryforward funds from the prior budget year into the current budget year. To be eligible for carryforward funding based on the policy, the following conditions must be satisfied:

1. Funds must be available in the requesting department's previous year's unspent balance;
2. Carryforward is needed for the completion of projects or the purchase of specific items approved in the previous year's budget but not accomplished;
3. Carryover is required to meet existing County Board policy or comply with accounting requirements.

The Finance Department has reviewed the following attached requests from departments and approved them based on the situational circumstances. Most of the fiscal impact is from capital projects that were not completed by the end of 2018.

The approved carryforwards will be moved forward from 2018 into the 2019 budget.

Fiscal Impact: \$1,775,545.59

Respectfully Submitted

Norb Kirk
Finance Director

2018-2019 Carryforward Summary

			Carryforward	
Fund	Department	Account Description	Request Amount	Reason for the Request
100	Sheriff	Bike Safety Donations	\$ 4,139.32	2018 donation funds remaining
100	Sheriff	DEC Donations	13,858.41	2018 donation funds remaining
100	Sheriff	Law Enforcement Memorial Donations	273.05	2018 donation funds remaining
100	Sheriff	EC Lions Club Donations	830.85	2018 donation funds remaining
100	Sheriff	Kids & Cops Program Donations	56,887.15	2018 donation funds remaining
100	Sheriff	AED Donations	335.23	2018 donation funds remaining
100	Sheriff	DRMSO Vehicle Sales Proceeds	60,416.52	Remaining sales proceeds
		Subtotal: Sheriff's Department	136,740.53	
100	Parks	PARKS Contracted Services	19,500.00	Lake Altoona project was not started until late 2018
100	Parks	Parks Land Sales	15,266.00	Remaining land sales funds
		Subtotal: Parks & Forest	34,766.00	
100	Veterans	Veteran's donations	22,262.00	2018 donation funds above the amount included in the original 2019 budget
100	Veterans	Veteran's 2016 Generous Juror donation	9,169.00	2018 donation funds remaining
		Subtotal: Veteran's Services	31,431.00	
100	Administration	Communication Projects	48,000.00	Communication projects not completed
100	Facilities	VII Security	2,831.98	Remaining work left for 2nd floor security
	Planning &			
100	Development	WLIP Strategic Initiative grant	54,354.90	Grant funds remaining
		Total Fund 100	\$ 308,124.41	
205	DHS	Special Deposits - Drug Court	\$ 5,385.77	2018 donation funds remaining
205	DHS	Special Deposits - Foster Care	769.77	2018 donation funds remaining
205	DHS	Special Deposits - MH Court	863.03	2018 donation funds remaining
205	DHS	Special Deposits - AIM Court	7,084.47	2018 donation funds remaining
205	DHS	Special Deposits - CST	3,565.30	2018 donation funds remaining
205	DHS	Special Deposits - Veteran's Court	13,722.30	2018 donation funds remaining
205	DHS	Special Deposits - Health Initiative	520.19	2018 donation funds remaining
205	DHS	Special Deposits - Employee Spirit Fund	300.25	2018 donation funds remaining
		Total Fund 205	\$ 32,211.08	
				Re-issue check to ECPD for portion Jan - March
212	Sheriff	Methamphetamine Grant	\$ 3,814.33	2018
		Total Fund 212	\$ 3,814.33	
405	Facilities Information	Capital Carryforward Projects - Facilities	\$ 213,795.23	2018 Capital projects not completed
405	Systems	Capital Carryforward Projects - IS	1,180,548.10	2018 Capital projects not completed
405	Parks	Capital Carryforward Projects - Parks	37,052.44	2018 Capital projects not completed
		Total Fund 405	\$ 1,431,395.77	
		Total Fiscal Impact	\$ 1,775,545.59	

1 Enrolled No.

RESOLUTION

File No. 19-20/016

2
3 - AUTHORIZING CARRYFORWARD OF FUNDS FROM 2018 BUDGET INTO 2019
4 BUDGET -
5

6 WHEREAS, various departments have requested specific funds be non-lapsed and
7 transferred into the 2019 accounts from 2018 departmental budgets; and
8

9 WHEREAS, such budget transfers require County Board approval.
10

11 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of
12 Supervisors authorizes amending the 2019 budget by transferring the following amounts into the
13 2019 budget from the 2018 budget.
14

<u>FUND</u>	<u>DEPARTMENT</u>	<u>AMOUNT</u>
15 100	Sheriff's Department	\$ 136,740.53
16 100	Parks & Forest	34,766.00
17 100	Veteran's Services	31,431.00
18 100	Administration	48,000.00
19 100	Facilities	2,831.98
20 100	Planning & Development	<u>54,354.90</u>
21 Total General Fund		\$ 308,124.41
22		
23 205	Human Services	32,211.08
24		
25 212	Sheriff's Department	3,814.33
26		
27 405	Facilities	213,795.23
28 405	Information Systems	1,180,548.10
29 405	Parks & Forest	<u>37,052.44</u>
30 Total Capital Projects Fund		\$ 1,431,395.77
31		
32 Grand Total, All Funds		<u>\$ 1,775,545.59</u>
33		
34		
35		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ADOPTED:

Steve Pagan
James McManis
Robin Leary
Steve Pagan
Ronald Wilkie

Committee on Finance and Budget

AW

Dated this 6th day of May, 2019.

RESOLUTION 19-20/016

APPROVED BY
CORPORATION COUNSEL
AS TO FORM



OFFICE OF COUNTY TREASURER

EAU CLAIRE COUNTY COURTHOUSE
721 OXFORD AVENUE, SUITE 1250
EAU CLAIRE, WI 54703-5478
715-839-4805 • 715-839-6025 FAX



Glenda J. Lyons
County Treasurer

Ericka Frueh
Office Manager

FACT SHEET TO FILE NO. 19-20/013

Resolution File no. 19-20/013 Authorizing participation in the Local Government Investment Pool and designating the "Local Official(s)". This resolution is simply to update our resolution already on file with the LGIP for our current accounts. The form on file is not the suggested resolution format LGIP now requires. Our accounts were opened May 7, 1991.

At this time, we are also updating the "Local Official" which can be done as needed. We do have a new Deputy Treasurer, Ericka Frueh, who will now be able to move funds to and from the Eau Claire County US Bank General Fund only, which is the same authority as the County Treasurer, Glenda Lyons.

Respectfully submitted,

Glenda J. Lyons
County Treasurer

2 - AUTHORIZING PARTICIPATION IN THE LOCAL GOVERNMENT INVESTMENT
3 POOL AND DESIGNATING THE "LOCAL OFFICIAL(S)" -
4

5 WHEREAS, pursuant to Wis. Stat. § 25.50 the State of Wisconsin has a Local Government
6 Investment Pool; and,
7

8 WHEREAS, it may prove beneficial for Eau Claire County to participate in the program;
9 and,
10

11 WHEREAS, Wis. Stat. § 25.50 (1)(e) defines "Local Official" as "*each officer or employee*
12 *of a local government who by law or vote of the governing body of the local government is made the*
13 *custodian of funds.*"
14

15 NOW THEREFORE BE IT RESOLVED that Eau Claire County may participate in the
16 State of Wisconsin's Local Government Investment Pool.
17

18 BE IT FURTHER RESOLVED, that the following officers/officials shall be designated
19 as the "Local Official" authorized to transfer funds to or from the Local Government Investment
20 Pool. Notification of changes in authorized officials may be made to the department of
21 administration in writing without modification to this resolution:
22

- 23
24 1. County Treasurer – Glenda Lyons
25 2. Deputy Treasurer/Office Manager – Ericka Frueh
26

27 BE IT FURTHER RESOLVED, The Local Government Investment Pool is not
28 authorized to accept email requests: including facsimile transmissions, for withdrawal of funds.
29
30
31
32

33
34
35
36
37
38 APPROVED BY
39 CORPORATION COUNSEL
40 AS TO FORM
41

42
43
44
45
46
47
Steve Pagan
James Adkinson
Rodney Leary
Tom [unclear]
David Wilkie

Committee on Finance and Budget

TJS/yk

Dated this 6th day of May, 2019.

ORDINANC/19-20/013

Reviewed by Finance Dept. J

for Fiscal Impact

**FACT SHEET
TO FILE NO. 19-20/015**

The Administration – CJCC Department has submitted a request for a 1.0 FTE Pre-trial Screening Specialist position.

The mission of Pretrial Services is to provide accurate and timely information to assist the Judicial Officers in Eau Claire County with making informed pretrial release decisions and to monitor defendants released on bond to promote compliance with court orders, and to support public safety.

Anticipated Funding Amount: Approximately \$500,000 is available to support EBDM Pretrial Pilot Site Projects. It is anticipated that DOJ will fund approved applications from each agency up to \$100,000. Eligible applicants include the following counties:

- Chippewa County Eau Claire County La Crosse County Marathon County Outagamie County
 Rock County Waukesha County

Please note that through this grant announcement, it is the intent of DOJ to fund these projects for a total project period of up to four years. This announcement is for the first year of the project period. If we receive an award under this grant announcement, we will be eligible to re-apply for the same amount in subsequent years pending continued program performance and availability of federal formula grant funds. Any reduction in the amount of appropriated funds will impact individual program funding in subsequent years within the four-year cycle.

The request is for 1.0 FTE; however, costing has also been provided for .70 FTE (29 hours/week).

Position Title	1.0 FTE - Pay Grade K	.70 FTE - Pay Grade K
Salary for FY 2019 (Hours/year * pay rate)	\$ 48,620	\$ 34,034
FICA (7.65%)	3,719	2,604
WRS Employer (6.55%)	3,185	2,229
Health Insurance (or incentive)	23,102	-
Wellness HSA	2,000	-
Computer Equipment (laptop 2000/desktop 1500)		
Office Furniture -		
Office Supplies		
Other Operating Expenditures (i.e. cell phone)		
Renovation/Relocation Costs		
Revenues (Use Negative #)		
Other		
*TOTAL	\$ 80,626	\$ 38,867

Respectfully Submitted,

Tiana Glenna

Tiana Glenna
Criminal Justice Collaborating Council

Kathryn Schauf

Kathryn Schauf
Administration

Jamie Gower

Jamie Gower
Human Resources Director

RESOLUTION File No. 19-12/015

Enrolled No.

- AUTHORIZING ADDITION OF ONE (1.0 FTE) PRE-TRIAL SCREENING SPECIALIST -

WHEREAS, the Eau Claire County Code of General Ordinances requires that all regular positions or changes therein be submitted to the Board for authorization; and

WHEREAS, at its regularly scheduled meeting on May 10, 2019, the committee on human resources approved a request from the Administration/CJCC Department to add a 1.0 FTE Pre-Trial Screening Specialist position; and

WHEREAS, the addition of this position will have a cost of \$80,626 and will be covered by a grant through the Department of Justice

NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby approves an additional one (1.0 FTE) Pre-Trial Screening Specialist the Administration/CJCC Department.

ADOPTED:

[Handwritten signatures: Paul Melto, J. Gattlin, Constance Russell]

Committee on Human Resources

Dated this 10th day of May, 2019.

/JM

APPROVED
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

**ADDENDUM
TO FACT SHEET**

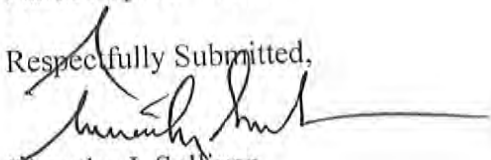
TO FILE NO. 19-20/002

This fact sheet is an addendum to the fact sheet prepared by Keith Zehms.

Federal law no longer requires Eau Claire County to have an Affirmative Action Plan. The Federal Office of Civil Rights (OCR) has developed the Equal Employment Opportunity Plan (EEO) Utilization Report as part of the Equal Opportunity Employment Program (28 C.F.R. 42.301-.308) to help recipients (State or local units of government) to collect employment data under federal regulations. The Utilization Report prompts recipients to collect and analyze employment data organized by race, national origin and sex and other protected status.

Fiscal Impact: None.

Respectfully Submitted,



Timothy J. Sullivan
Corporation Counsel

TJS

Ordinance/19-20.002 Fact Sheet Addendum

**AMENDED
FACT SHEET**

TO FILE NO. 19-20/002

Eau Claire County is committed to a policy of taking affirmative action to employ and advance in employment qualified covered veterans and individuals with disabilities. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training.

The Committee on Human Resources approved several updates to the County Code (Ordinance 18-19/007) at its meeting on April 13, 2018. One change was inadvertently omitted from the Corporation Counsel's previously approved list and that change is Section 1 of 3.10.030 of the County Code related to the Affirmative Action Plan.

Based on a thorough review conducted by the Corporation Counsel, Eau Claire County is not required to have an Affirmative Action Plan; therefore, the section in the County Code which references this Plan needs to be repealed.

Repeal Section 3.10.030 of the Code

Fiscal Impact: None.

Respectfully Submitted,

Keith R. Zehms
Corporation Counsel

KRZ/jnm

Ordinance/19-20.002 Fact

ORDINANCE

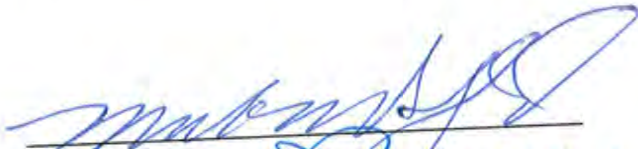
Enrolled No.

- TO REPEAL SECTION 3.10.030 OF THE CODE: AFFIRMATIVE ACTION PLAN
ADOPTED BY REFERENCE -

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Section 3.10.030 of the code is repealed

ENACTED:



 Constantine Bussell

 Eric M. Elm

 Judy Gattlin

 K.A. Kelly

 Committee on Human Resources

KRZ/yk

Dated this _____ day of _____, 2019.

CORPORATION
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

FACT SHEET
File No. 19-20/009

RE: Rezone 3.01 acres +/- of land from RH (Rural Homes) District to C-2 (General Business) to develop commercial businesses on the property. The applicant indicates that potential users include professional office, showroom, and childcare facilities.

Legal Description and Location: Lots 2 and 3, CSM #3179 (Vol 17 Pg. 431 #1131454) in the NE¼ SE¼, Section 10, T26N, R9W, Town of Washington, Eau Claire County, Wisconsin

Size of area to be rezoned: 3.01 acres +/-

ADJACENT ZONING & LAND USES:

LOCATION	ZONING	LAND USE
Subject	RH	Undeveloped
North	RH	Undeveloped; Woodlands
East	RH	Single-family residences
South	C-3	Commercial Offices
West	C-3	Commercial Offices

LAND USE PLANS: The Eau Claire County and Town of Washington Future Land Use Map both include the property in the Rural Commercial (RC) planning area. Following is a description of the intent of the applicable County comprehensive plan future land use category and applicable policies.

Eau Claire County Rural Residential Intent and Description: *The primary intent of this classification is to identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the County and these areas are expected to stay in commercial use. The most appropriate commercial uses will be those that serve rural needs and/or are consistent with the existing rural character, e.g. veterinary clinics, blacksmith/woodworking shops, roadside meat or produce businesses, nurseries, or agricultural implement dealers.*

Staff Conclusions and Recommendation: Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed C-3 zoning district and recommended C-2 zoning district are consistent and therefore allowed within the mapped future land use designation.

Town Board Action: The Washington Town Board considered this rezoning petition on April 18, 2019 and recommended approval (3-0 vote) of the rezoning petition to the **C-2 (General Business) District** rather than C-3 as originally requested by the applicant because they felt that C-2 would have less impacts on adjacent residents.

Committee Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, May 14, 2019 regarding the proposed rezoning. On a vote of 5 in favor and 0 against, the Committee recommends approval of the rezoning petition to **C-2 (General Business) District** to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations. Two members of the public spoke in opposition to the proposed rezoning petition, citing concerns of detrimental impacts to their property values and negative impacts of commercial uses in proximity to their homes.

Respectfully submitted on behalf of the Committee on Planning and Development,

Matt Michels

Matt Michels, AICP
 Senior Planner

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

Enrolled No.

ORDINANCE

File No. 19-20/009

- AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF WASHINGTON -

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1

That the 1982 Official Zoning District Boundary Map for the Town of WASHINGTON, Eau Claire County described as follows:

Lot 2 and Lot 3 Certified Survey Map #3179 Recorded in Volume 17 Pages 431-432 as document 1131454, Town of Washington, Eau Claire County, Wisconsin.

Said described lands contain approximately 3.01 acres, more or less, of land and is subject to the easements and restrictions of record to be reclassified from the RH Rural Homes District to the C-2 General Business District.

SECTION 2

Where a certified survey map is required and may alter the above described property description, the official zoning district map for the town shall be automatically amended to reflect the property description of the certified survey map.

ENACTED: I hereby certify that the foregoing correctly represents the action taken by the undersigned Committee on May 14, 2019 by a vote of 4 for, 0 against.

Gary Gut
Planning & Development Committee, Chairperson

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0008-19 COMPUTER NUMBERS: 024116206020
 024116206030

PUBLIC HEARING DATE: May 14, 2019

STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Daniel & Patricia Green, E 6295 Evergreen Rd., Eleva, WI 54738

REQUEST: Rezone 3.01 acres +/- of land from RH (Rural Homes) District to C-3 (Highway Business) to develop commercial businesses on the property. The applicant indicates that potential users include professional office, showroom, and child care facilities.

LOCATION: East side of Sandstone Road and south of Greenway Street

LEGAL DESCRIPTION: Lots 2 and 3, CSM #3179 (Vol 17 Pg. 431 #1131454) in the NE¼ SE¼, Section 10, T26N, R9W, Town of Washington, Eau Claire County, Wisconsin

RECOMMENDATION Approval of request based on findings outlined on Page 3 of this report

BACKGROUND

SITE CHARACTERISTICS:

- The property is undeveloped
- The property slopes from the northeast to southwest

EXISTING ZONING DISTRICT:

RH Zoning District. The purpose of the R-H District is to "provide for suburban large-lot development with individual on-site water and sewage disposal facilities." Minimum lot size in the RH District is one (1) acre.

REQUESTED ZONING DISTRICT:

C-3 Zoning District. The purpose of the C-3 District is to "provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile traffic which make the uses incompatible with the predominantly retail uses in other commercial districts."

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	RH	Undeveloped
North	RH	Undeveloped; Woodlands
East	RH	Single-family residences
South	C-3	Undeveloped
West	C-3	Commercial Offices

COMPREHENSIVE PLANS:

The Eau Claire County Future and Town of Washington Future Land Use Maps both include the property in the Rural Commercial (RC) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use category and applicable policies.

Eau Claire County:

Rural Commercial Intent and Description: *The primary intent of this classification is to identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the County and these areas are expected to stay in commercial use. The most appropriate commercial uses will be those that serve rural needs and/or are consistent with the existing rural character, e.g. veterinary clinics, blacksmith/woodworking shops, roadside meat or produce businesses, nurseries, or agricultural implement dealers.*

Applicable Policies:

2. *The County or local community might require the use of public sanitary systems (particularly when located in an area where such service is available) or group/alternative on-site wastewater treatment facilities (particularly for businesses with high wastewater/water demands). Responsibility for long-term maintenance of these systems shall be determined prior to approval.*
3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RC areas: C-1 Neighborhood Business District, C-2 General Business District, and the C-3 Highway Business District.*

Town of Washington:

Rural Commercial Intent and Description:

The primary intent of this classification is to identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the Town and these areas are expected to stay in commercial use. Additional commercial land has been outlined along STH 93 and 194. The best uses will be those that serve a rural nature, i.e. veterinarian clinic, greenhouses/nurseries, blacksmiths, or agricultural implement dealer.

Applicable Policies:

1. *In accordance with the policies of this plan, commercial development shall be encouraged to locate near incorporated areas, existing business developments, or along collector & arterial roadways.*
2. *When rezoning is requested, only that portion of land necessary for the contemplated use shall be rezoned.*
3. *The following Eau Claire County zoning districts will be considered for approval within RC areas:*

C-1 Neighborhood Business District, C-2 General Business District, and the C-3 Highway Business District.

FARMLAND PRESERVATION PLAN:

The property is excluded from the Farmland Preservation Plan Map. The property owners are not eligible to claim farmland preservation tax credits on the property.

ANALYSIS

When rezoning land, a finding should be made that the purpose of the proposed zoning district and the uses that are allowed in that district are appropriate for the location and that the rezoning will uphold the purpose of the zoning ordinance. A finding should also be made that the rezone is consistent with the County's Comprehensive Plan.

Town Board Action: The Washington Town Board will consider this rezoning petition on October 10th, 2018 and recommended approval (3-0 vote).

The rezoning petition has been evaluated by County Staff for consistency with the purpose of the C-3 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan.
- Existing uses in the area include highway businesses, single-family residential, and woodlands
- Zoning in the area is predominantly C-3 (Highway Business) and RH (Rural Homes).
- Context-sensitive site design and adequate buffering and screening will be necessary to mitigate any adverse impacts of the commercial development to residential uses to the east.

CONCLUSION

The rezone petition has been evaluated for consistency with the following:

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives and policies
- Eau Claire County Farmland Preservation Plan
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the C-3 District

In addition, the following factors have also been considered:

- Input of surrounding property owners. No correspondence has been received, to date.

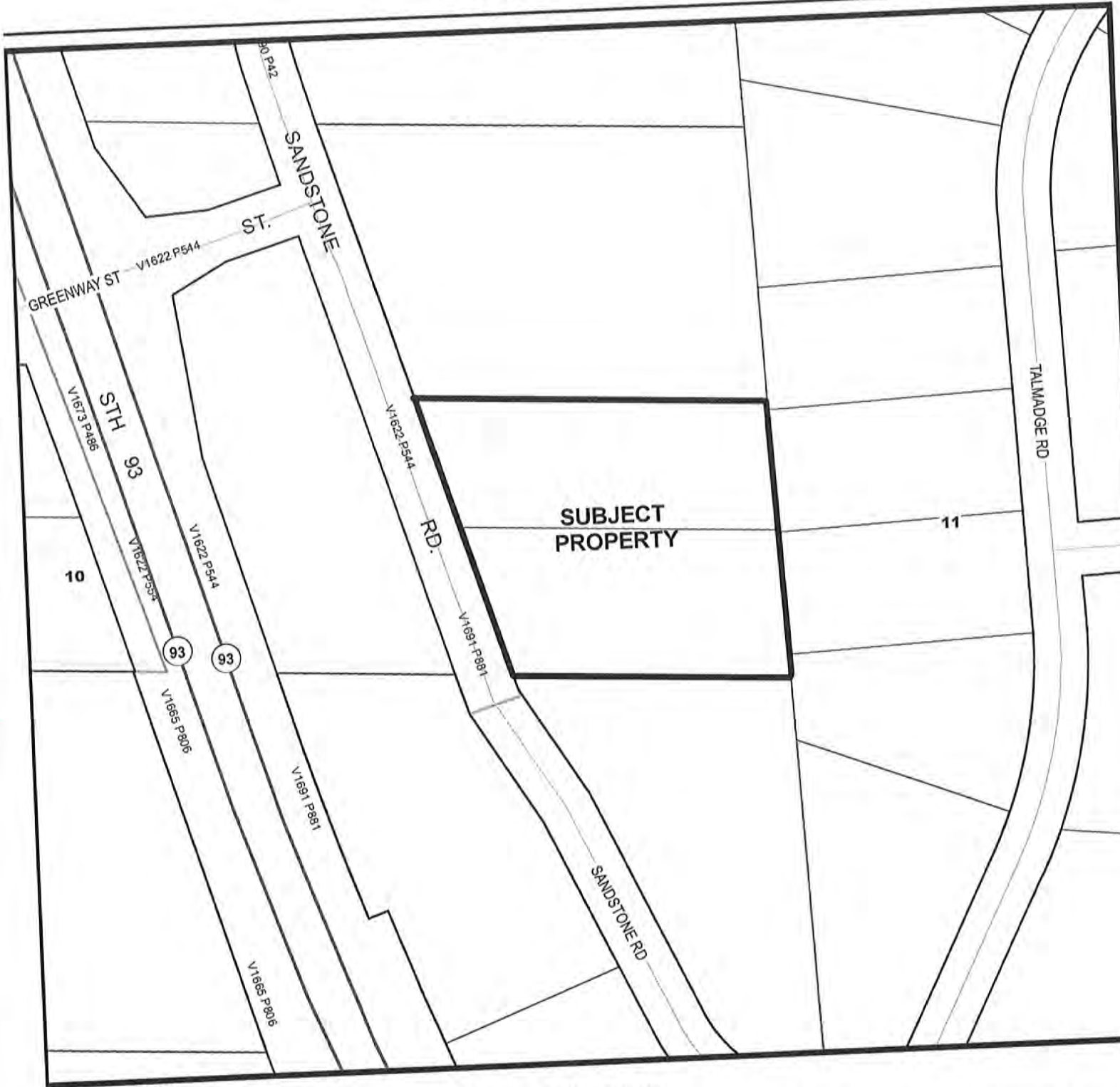
RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone 3.01 acres +/- of land from RH (Rural Homes) District to C-3 (Highway Business) to develop commercial businesses on the property, as depicted on the attached map and described in the attached legal description.

FINDINGS

1. The request is substantially consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. Existing uses in the area include highway businesses, single-family residential, and woodlands
3. Zoning in the area is predominantly C-3 (Highway Business) and RH (Rural Homes).
4. Context-sensitive site design and adequate buffering and screening will be necessary to mitigate any adverse impacts of the commercial development to residential uses to the east.

GREEN REZONING LOCATION MAP



Parcel Mapping Notes:

The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.



Eau Claire County
 Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

RECEIVED

APR 08 2019

Rezoning County CLERK

Sup. Dist 10. Nancy Coffey

Application Accepted:	4/8/2019
Accepted By:	Matt Michels
Receipt Number:	59336
Town Hearing Date:	04/18/2019
Scheduled Hearing Date:	5/14/2019
Application No:	RZN-0008-19
Appl Status:	Pending

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: **RH** Proposed Zoning District(s): **C3** Acres to be Rezoned: **3.01**
 Part Of The Ne1/4 Se1/4 In Section 10, T26N, R9W, Town Of Washington, Eau Claire County, WI

Owner/Applicant Name(s):	Address:	Telephone:
Daniel P Green	(appl) E 6295 EVERGREEN RD ELEVA	715-577-2300(C) 715-833-9001(W)
Daniel P & Patricia L Green	(ow) E 6295 EVERGREEN RD ELEVA	

Site Address(es):

Property Description: Sec 10 Twn 26 Rge 09 **Town of Washington** **Lot Area:** 1.500 ACRES
 1.510 ACRES

Zoning District(s): RH

Overlay District: Shoreland Flood Plain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable

PIN	Alternate No	Parcel No	Legal (partial)	
1802422609104109010	024116206020		LOT 2 CSM 3179 (V17 P431 #1131454)	SEE TRANSFER ON DI
1802422609104109011	024116206030		LOT 3 CSM 3179 (V17 P431 #1131454)	SEE TRANSFER ON DI

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature _____ Date _____

Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
 Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	4/18/19
Accepted By:	mm
Receipt Number:	59336
Town Hearing Date:	4/18/19
Scheduled Hearing Date:	5/14/19

REZONING APPLICATION

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: RH Proposed Zoning District(s): C-3

Acres to be rezoned: 2 LOTS 1.5 ACRES EACH.

Property Owner Name: DANIEL & PATRICIA GREEN Phone# 715-577-9951
 Mailing Address: EG295 EVERGREEN RD. ELEVA, WI 54738
 Email Address: GWHPO.AOL.COM.

Agent Name: X Phone# **RECEIVED**
 Mailing Address: **APR 08 2019**
 Email Address:

SITE INFORMATION COUNTY CLERK

Site Address:

Property Description: NE 1/4 SE 1/4 Sec. 10, T. 26 N, R. 9 W, Town of WASHINGTON

Zoning District: Code Section(s):

Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining

Check Applicable

Computer #(s): 024 - 1162 - 06 - 030
024 - 1162 - 06 - 020

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist must be included.

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature Date 4-8-19

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

REZONING APPLICATION CHECKLIST

Applications are due by Tuesday at 12:00 PM three weeks prior to the Committee on Planning and Development meeting. The application must include the items listed below. After a preliminary review, additional information may be needed. A hearing will not be scheduled until the application is deemed complete. Applications are considered complete when all materials and associated fees are received and approved by staff.

Required Application Items:

- Application must be signed by the property owner(s)
- A legal description of land and address of land to be rezoned
- Complete the attached supplemental rezoning information sheet
 - Describe the reason for the request
 - Describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance
 - Explain and justify why this particular property is under consideration for rezoning
 - For rezoning requests from A-P to any zoning district other than the AR district must consider the factors in Section 18.32.055 A. – D.
 - For rezoning requests from the A-P to the AR zoning district must consider the factors in Section 18.06.050 A. – D.
 - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

The rezoning procedures and details have been outlined in the rezoning brochure, which is available at the Department of Planning and Development.

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

Describe the reason(s) for your rezoning request:

THE LOTS PROPOSED TO BE REZONED HAVE BEEN PURSUED BY BUSINESSES LOOKING FOR PROFESSIONAL OFFICE / SHOWROOM / AND POTENTIAL CHILD CARE FACILITIES IN THAT AREA.

When evaluating a rezoning petition, staff from the Eau Claire County Department of Planning and Development consider whether the purpose of the proposed zoning district and the uses allowed in the district are appropriate for the selected location. Staff also considers whether the change in zoning will uphold the purpose of the zoning ordinance, which is to separate incompatible land uses from one another, to maintain public health and safety, to protect and conserve natural resources, to prevent overcrowding, to preserve property values, and to maintain the general welfare of the citizens. Please describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance.

THE LOTS TO BE REZONED TO C-3 ARE LISTED AS FUTURE COMMERCIAL IN BOTH THE TOWN OF WASHINGTON AND EAU CLAIRE COUNTY COMPREHENSIVE PLANS. THE IS CURRENTLY C-3 TO THE SOUTH AND WEST OF THE LOTS TO BE REZONED.

Rezoning petitions to change the zoning of a parcel from the A-P Agricultural Preservation District to any other District must be based upon findings that consider the following factors:

- 1) The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
- 2) The rezoning is consistent with any applicable comprehensive plans;
- 3) The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

If you are petitioning to rezone land from an A-P District to another district, please describe how the proposed change in zoning will be consistent with the four findings listed here:

Lined area for providing details on zoning consistency.



VOL. 17 OF CSM, PAGE 431

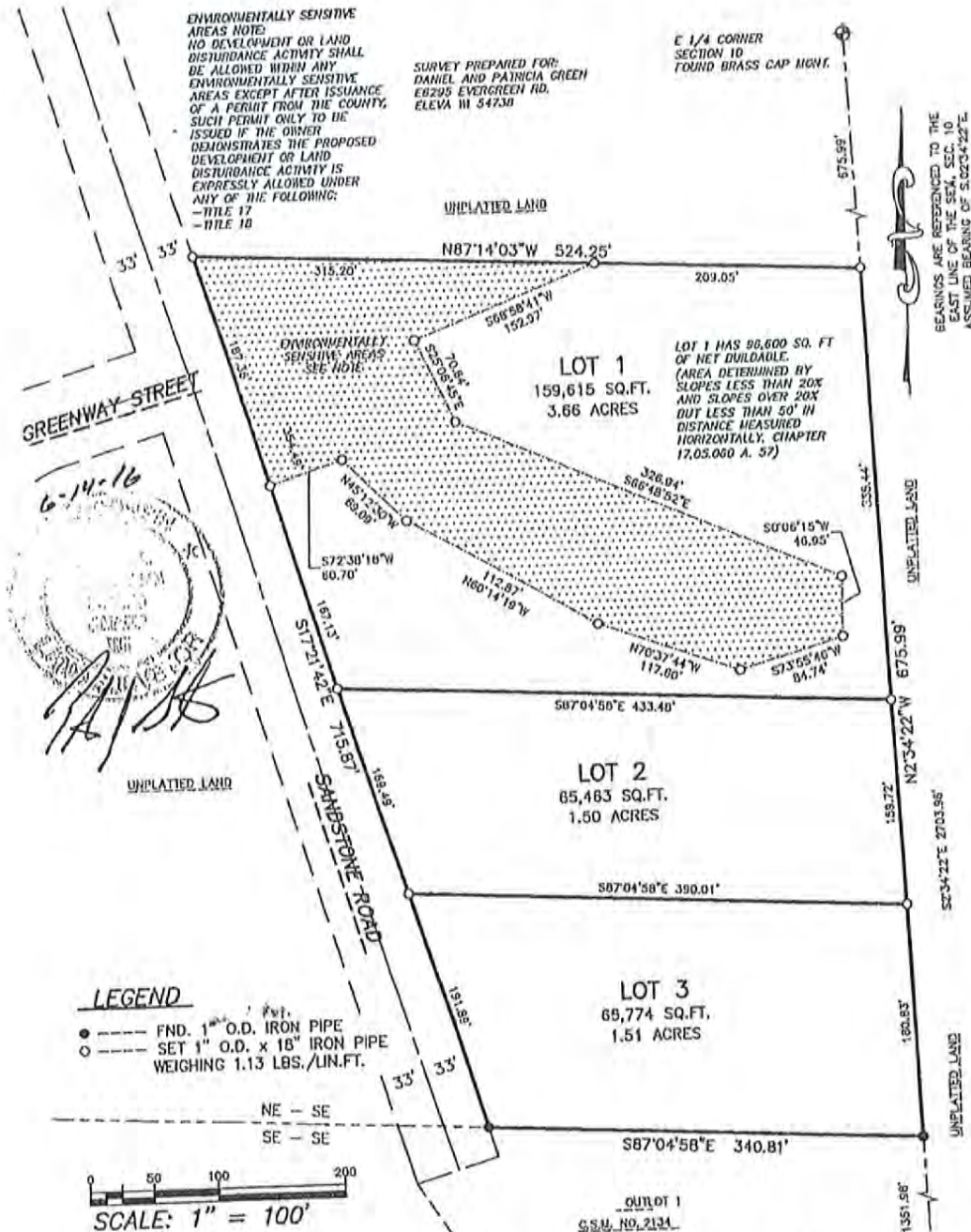
1131454
KATHRYN A. CHRISTENSON
EAU CLAIRE COUNTY, WI
REGISTER OF DEEDS

CERTIFIED SURVEY MAP, No. 3179

IN THE NE 1/4 OF THE SE 1/4,
SECTION 10, T26N, R09W,
TOWN OF WASHINGTON, EAU CLAIRE COUNTY,
WISCONSIN

RECORDED ON
06/15/2016 2:36 PM

REC FEE: 30.00
TRANSFER FEE:
EXEMPT #
PAGES: 2



6-14-16

DANIEL & PATRICIA GREEN

REAL LAND SURVEYING, LLC
835 FAIRFAX ST.
ALTOONA, WI 54720
(715)514-4116
CADD No. 16038

LOT 1
C.S.M. NO. 2134
V. 11 / P. 311-312

PREPARED FOR:
DANIEL & PATRICIA GREEN
E0295 EVERGREEN RD.
ELEVA WI 54738

SHEET 1 OF 2

CERTIFIED SURVEY MAP, NO. 3179

LOCATED IN THE NE¼ OF THE SE¼,
SECTION 10, T26N, R09W,
TOWN OF WASHINGTON,
EAU CLAIRE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

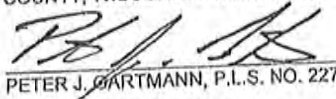
I, PETER J. GARTMANN, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:
THAT BY THE DIRECTION OF DANIEL AND PATRICIA GREEN, I HAVE SURVEYED, DIVIDED AND
MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED SURVEY MAP.
THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS FOLLOWS:
LOCATED IN THE NE¼ OF THE SE¼, SECTION 10, T26N, R09W, TOWN OF WASHINGTON, EAU CLAIRE
COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 10, THENCE S.02°34'22"E. ALONG THE EAST
LINE OF SAID SE ¼ A DISTANCE OF 675.99 FEET TO THE POINT OF BEGINNING;
THENCE N.67°14'03"W. A DISTANCE OF 524.25 FEET TO THE EAST RIGHT OF WAY LINE OF SANDSTONE
ROAD;
THENCE S.17°21'42"E. ALONG THE SAID EAST LINE A DISTANCE OF 715.87 FEET;
THENCE S.87°04'58"E. A DISTANCE OF 340.81 FEET TO THE SAID EAST LINE OF THE SE ¼;
THENCE N.02°34'22"W. ALONG SAID EAST LINE A DISTANCE OF 675.99 FEET TO THE POINT OF
BEGINNING.

AND BEING SUBJECT TO EXISTING EASEMENTS.

THAT THIS CERTIFIED SURVEY MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY
SURVEYED AND DESCRIBED, AND THE DIVISION OF IT.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN
STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF WASHINGTON, EAU CLAIRE
COUNTY, WISCONSIN IN SURVEYING AND MAPPING THE SAME.


 DATED THIS 14th DAY OF June, 2016
PETER J. GARTMANN, P.L.S. NO. 2279



PREPARED FOR:
DANIEL AND PATRICIA GREEN
E6295 EVERGREEN ROAD
ELEVA, WI 54738


CERTIFICATE OF COUNTY PLANNING AND DEVELOPMENT:

I, LANCE J. GURNEY, DIRECTOR OF THE EAU CLAIRE COUNTY DEPARTMENT OF PLANNING AND
DEVELOPMENT, HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP IS APPROVED OF AS
COMPLYING WITH SUBTITLE III, SUBDIVISION CONTROL, OF TITLE 18 OF THE COUNTY CODE OF
GENERAL ORDINANCES.

 DATED THIS 15th DAY OF JUNE, 2016
LANCE J. GURNEY

CERTIFICATE OF CITY DEPARTMENT OF COMMUNITY DEVELOPMENT:

I, DARRYL TUFTE, DIRECTOR OF COMMUNITY DEVELOPMENT, CITY OF EAU CLAIRE, HEREBY
CERTIFY THAT THIS CERTIFIED SURVEY MAP IS APPROVED OF AS COMPLYING WITH TITLE 17, THE
SUBDIVISION ORDINANCE, OF THE MUNICIPAL CODE OF THE CITY OF EAU CLAIRE.

 DATED THIS 13 DAY OF June, 2016
DARRYL TUFTE, DIRECTOR
COMMUNITY DEVELOPMENT

Legend

- 700' Buffer
- Subject Parcels
- Parcels In buffer
- Civil Divisions
- Parcels



ComputerNu	FirstName	LastName	Address	City	State	Zip
24241902000	DANIEL	BAUMANN	4014 TALMADGE RD	EAU CLAIRE	WI	54701-2737
24228507000	JEFFREY	BERGEMAN	PO BOX 167	CHIPPEWA FALLS	WI	54729-0167
24242104000	BRIAN	BERGMAN	4402 SUMAC LN	EAU CLAIRE	WI	54701-7449
24242209000		CMJM PROPERTIES LLC	9305 MURPHY LN	EAU CLAIRE	WI	54703-9173
24116407040		DOWN TO EARTH REAL ESTATE	6025 ARNDT LN	EAU CLAIRE	WI	54701-9742
24242103000	MARK	GILBERTSON	703 CLUB VIEW LN	ALTOONA	WI	54720-2216
24116209050	DANIEL P & PATRICIA L	GREEN	E 6295 EVERGREEN RD	ELEVA	WI	54738-9405
24241809000	DANIEL	HELGESON	3707 CUMMINGS AVE	EAU CLAIRE	WI	54701-7422
24116209030		HILLVIEW PROPERTIES LLC	S 11890 HILLVIEW RD	ELEVA	WI	54738-9157
24116207000	KERRY J & DEBORAH K	KJELSTAD	2301 DEERFIELD RD W	EAU CLAIRE	WI	54701-8969
24228508000	RHONDA	KOHOUT	3717 VOLD CT	EAU CLAIRE	WI	54701-8772
24241907000	MAURO	LAI	6007 WHITE OWL LN	EAU CLAIRE	WI	54701-4489
24241904000	RICHARD	LUDWIKOSKI	3972 TALMADGE RD	EAU CLAIRE	WI	54701-4489
24241901000	MATTHEW	LYONS	4030 TALMADGE RD	EAU CLAIRE	WI	54701-2737
24242102000	MICHAEL	MAGUR	1919 BRACKETT AVE	EAU CLAIRE	WI	54701-4676
24241808000	ADAM	MILLER	4080 TALMADGE RD	EAU CLAIRE	WI	54701-2737
24241908000	ROBERT	MILNE	6031 WHITE OWL LN	EAU CLAIRE	WI	54701-4489
24241810000		N & P PROPERTIES LLC	14439 290TH ST	CORNELL	WI	54732-2603
24116407000		NORVY PROPERTIES LLC	E 9893 408TH AVE	EAU CLAIRE	WI	54703-9407
24228506000	LESLIE	POULOS	3725 VOLD CT	EAU CLAIRE	WI	54701-8772
24116405000		RAETHER PROPERTIES LLC	N 1234 COUNTY HIGHWAY MD	SARONA	WI	54870-9261
24241903000	DEVAEN	RANDALL	3998 TALMADGE RD	EAU CLAIRE	WI	54701-7797
24116206000		SANDSTONE INVESTMENTS LLC	E 6295 EVERGREEN RD	ELEVA	WI	54738-9405
24242101000	BRUCE	SCHERLIN	4650 S OAKWOOD HILLS PKWY	EAU CLAIRE	WI	54701-7797
24116209020	SCOTT	SCHOETTLE	122 E MCKINLEY AVE	FALL CREEK	WI	54742-9650
24241909000	SAMI	TAYLOR	6051 WHITE OWL LN	EAU CLAIRE	WI	54701-4489
24242109000		TOWN OF WASHINGTON	5750 OLD TOWN HALL RD	EAU CLAIRE	WI	54701-8948
24116209040		VECTOR PARTNERS LLC	3653 GREENWAY ST	EAU CLAIRE	WI	54701-5148
24241807000	WILLIAM	WEICH	5848 ALBRIGHT CT	EAU CLAIRE	WI	54701-5045

TO THE HONORABLE EAU CLAIRE COUNTY BOARD OF SUPERVISORS

Highway Committee

File No. 18-19/111

ANALYSIS

The Highway Committee has reviewed the proposed resolution 18-19/111

Planning and Development staff presented the plan to the Highway Committee. The plan is required to apply for grant programs. Currently we do not qualify for grant funding opportunities through the state. Highway Committee Chair Henning pointed out the fact that there is a cost to build bike and pedestrian paths and he is concerned about future maintenance of the facilities. There was also discussion about future financial needs and that those figures are not in the plan. There was discussion on off road trails and who would be responsible for off road trails. Supervisor Gatlin motioned and Supervisor Anderson seconded to send the plan to the Eau Claire County Board for approval. Committee votes were as follows: 2 FOR (Supervisors Gatlin and Anderson) 3 AGAINST (Supervisors Henning, Chilson, Anton),

RECOMMENDATION

BE IT RESOLVED by the Highway Committee that File No. 18-19/111 not be approved by the Eau Claire County Board of Supervisors for a vote.

I hereby certify that the foregoing correctly represents the action taken by the undersigned committee on April 11, 2019 by a vote of 2 for, 3 against.

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Ray Henning, Chair
Highway Committee

Resolution\18-19\111

FACT SHEET
File No. 18-19/111

RE: Resolution Recommending Adoption of the Eau Claire County Bicycle-Pedestrian Plan

Background: In late 2016 Eau Claire County, in cooperation with Dunn and Chippewa Counties, received a Transportation Alternative Program (TAP) grant from the Wisconsin Department of Transportation to develop a county-wide bicycle-pedestrian plan for the unincorporated areas of Eau Claire, Dunn and Chippewa Counties. Each plan is a standalone plan but includes interconnected routes to allow for the creation of a regional network of routes. The county plan will serve as a regional plan that will enable the county to leverage state and federal grant funds to assist in the construction of bicycle and pedestrian improvements and facilities, primarily in the form of widened road shoulders to more safely accommodate bicycles as well as improve the lifespan and safety of county roads.

The plan emphasizes connectivity with existing routes and expanding opportunities for residents of all ages – from children to recreational cyclists to avid cyclists – to more safely and conveniently participate in cycling and walking along existing roadways and paths. The plan includes a range of recommendations for new and enhanced bicycle paths, trails, and routes throughout unincorporated areas of the county, as well as recommendations for developing a wayfinding system for designated routes to enhance user experience and to promote tourism.

Planning Process: The West Central Wisconsin Regional Planning Commission (WCWRPC) was contracted to develop the plan, including facilitation of public outreach and creation of the county-level and regional bicycle and pedestrian plan maps. Eau Claire County has served as the Local Sponsor, which entails administration of the TAP grant on behalf of all three participating counties.

The Eau Claire County Bicycle-Pedestrian Plan has been developed under the guidance of the WCWRPC utilizing a comprehensive public outreach process, including engagement of stakeholders, user groups, formation of an ad hoc Bicycle and Pedestrian Advisory Committee, local units of government, residents, and County Planning & Development Department, City-County Health Department, and Highway Department staff.

Committee Action: The Eau Claire County Committee on Planning and Development considered the proposed resolution on Tuesday, February 26, 2019. On a vote of 4 in favor and 0 against, the Committee recommends adoption of the resolution to the County Board. The committee considered staff's recommendations in their deliberations. No members of the public were in attendance to speak for or against the resolution.

The plan document can be viewed and downloaded by following this link: <https://tinyurl.com/y5ho7g9j>

Note: Please select the 'download' option in the upper-left corner and then 'save' and 'open' the document. The document does not display correctly on the initial screen view.

Respectfully submitted,



Matt Michels, AICP
Senior Planner

4 **APPROVING A BICYCLE-PEDESTRIAN PLAN FOR EAU CLAIRE COUNTY**

5
6 **WHEREAS**, Section 59.69 (1) of Wisconsin Statutes authorizes counties to plan for adequate
7 facilities for residents, including bicycle and pedestrian facilities for transportation and recreational
8 purposes; and,
9

10 **WHEREAS**, Eau Claire County provides bicycle and pedestrian opportunities to its residents and
11 visitors to promote safe and efficient transportation, public health, quality of life of the community, and
12 contribute to the social and economic well-being of the county and its communities; and,
13

14 **WHEREAS**, the Eau Claire County Department of Planning & Development, utilizing a
15 Transportation Alternative Program (TAP) grant and matching funds from the county, contracted with the
16 West Central Wisconsin Regional Planning Commission to prepare a county-wide bicycle-pedestrian plan
17 for unincorporated areas of the county to identify future needs and improvements; and,
18

19 **WHEREAS**, the Bicycle-Pedestrian Advisory Committee, consultant and county staff have
20 gathered input from residents, municipalities, user groups and organizations regarding the location, usage
21 and type of bicycle and pedestrian facilities need in the county; and,
22

23 **WHEREAS**, the Eau Claire County Committee on Planning and Development has held a public
24 hearing on the Eau Claire County Bicycle and Pedestrian Plan, attached, and recommends adoption of the
25 plan; and,
26

27 **WHEREAS**, the County and its municipalities desire to apply to the Wisconsin Departments of
28 Transportation and Natural Resources, and other grant funding sources to obtain matching grants and has
29 determined that an adopted Bicycle-Pedestrian Plan is required to qualify for said funding assistance; and,
30

31 **WHEREAS**, the Eau Claire County Bicycle and Pedestrian Plan addresses and incorporates local
32 municipal bicycle and pedestrian plans and future needs, and as such is a regional plan for purposes of
33 local municipal applications for state and federal grants; and,
34

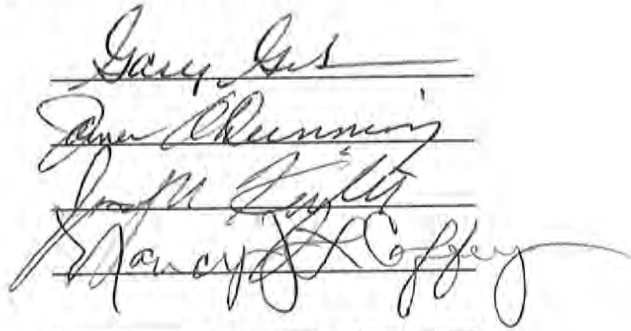
35 **NOW, THEREFORE BE IT RESOLVED**, the Eau Claire County Board adopts the Eau Claire
36 County Bicycle-Pedestrian Plan, attached, pursuant to Section 59.69 (1), Wisconsin Statutes, with the
37 intent of implementing the plan recommendations as funding and resources allow.
38

39
40 ADOPTED:

41
42
43
44
45 REVIEWED BY
CORPORATE COUNSEL
AS TO FORM

46 Reviewed by Finance Dept.

47
48 for Fiscal Impact

49
50
51
52
53


Committee on Planning & Development

MM

Dated this 26 day of February, 2019

Reviewed by Finance Dept.

for Fiscal Impact



Eau Claire County Board of Supervisors

721 Oxford Avenue, Room 3520

Eau Claire, WI 54703

Phone: 715-839-5106

Fax: 715-839-6243



TO: Eau Claire County Board of Supervisors
FROM: Nick Smiar, Chair

RE: Appointment of Members to Various Boards, Commissions and Councils

DATE: May 21, 2019

I certify that the named citizen representatives below have been selected for appointment as follows:

Local Emergency Planning Committee

Tim Boehnan to succeed Diane Hunter
Darrell Christy to succeed himself
Jamie Burkhardt to succeed himself
David Salter to succeed himself
Donald Henning to succeed himself
Derek Thomas to succeed himself
Frank Neibauer to succeed himself

TERM EXPIRES

April 2021
April 2021
April 2021
April 2021
April 2021
April 2021
April 2021

ADRC

Clayton Wagner to succeed Thomas Christopherson
Ruth Adix to succeed herself
Carl Anton to succeed him
Lydia Boerboom to succeed herself

TERM EXPIRES

April 2022
April 2022
April 2022
April 2022

Western Dairyland

Connie Russell to succeed herself
Judy Gatlin to succeed herself

TERM EXPIRES

April 2020
April 2020

Our Mission

To provide quality, innovative, and cost effective services that safeguard and enhance the well-being of residents and resources.