

## AGENDA

Eau Claire County Board of Supervisors  
**Tuesday, October 18, 2016 / 7 pm**

Location:  
Courthouse, County Boardroom (Room 1277)  
721 Oxford Ave. Eau Claire, WI

### 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 1<sup>st</sup> Reading

(2) Indicates 2<sup>nd</sup> Reading

1. Call to Order

2. Honoring of the Flag and Moment of Reflection (Supervisor Michael Conlin)

3. Call of the Roll

4. Approval of the Journal of Proceedings (October 4, 2016) (pg. 3-4)

5. **PUBLIC COMMENT**

6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

#### **Department Annual Reports**

- Circuit Courts / by: Honorable William Gabler

#### **County Administrator Update** by: Kathryn Schauf, County Administrator

- Budget Amendment Process
- Economic Summit Update

#### **Written Reports**

- 2016 Contingency Fund Report (pg. 5)
- Alternate Care Report (pg. 6)
- Adult Mental Health & Children's Institution Expense & Revenue Report (pg. 7)
- 3<sup>rd</sup> Quarter Comp Time / Overtime Report (pg. 8-11)

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

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

#### **File No.**

16-17/053 (1)

To Create Section 2.04.140 K. of the Code; General Duties and Powers of Standing Committees (pg. 12-13)

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 Judiciary & Law Enforcement**

**File No.**

16-17/051 (1)

Requesting that Circuit Judges be Given Discretion Regarding Adding the DNA Surcharge to Each and Every County in Criminal Judgments of Conviction (pg. 14-15)

**Committee on Planning & Development**

**File No.**

16-17/029 (2)

Ordering Attachment to the Lake Altoona District (tabled 7/19/16 County Board meeting). **Need Motion to Remove from Table** (pg. 16-24)

16-17/048 (2)

To Renumber Section 18.76.003 A.8 Through 30. As 9. Through 31 of the Code: Definitions; To Create Section 18.76.003 A.8 of the Code: Definitions; To Repeal and Recreate Section 18.77.010 of the Code: Jurisdiction; To Amend Section 18.82.060 B. of the Code: Lot Standards (from 9/20/16 County Board agenda) (pg. 25-29)

**Committee on Parks & Forest**

**File No.**

16-17/050 (2)

To Amend Section 2.04.475 C. of the Code; Committee on Parks and Forest; To Repeal Section 2.04.475 D. of the Code; Committee on Parks and Forest; To Amend Section 16.33.007 A. and B. of the Code: Administration and Promotion; To Amend Section 16.33.030 B. of the Code: Special Charges; To Amend Section 16.33.060 A. of the Code Lease Agreements—Forms and Execution (pg. 30-32)

**Committee on Finance & Budget**

**File No.**

16-17/054 (1)

Authorizing Payment of Vouchers Over \$10,000 Issued During the Month of September 2016 (pg. 33-34)

11. **APPOINTMENTS**

**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, October 4, 2016**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, October 4, 2016, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Roll Call: 25 present: Gary G. Gibson, Sandra McKinney, Douglas Kranig, Stella Pagonis, Carl Anton, Katy Forsythe, Kevin Stelljes, Gordon C. Steinhauer, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Judy Gatlin, Nick Smiar, David P. Mortimer, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, Heather DeLuka, Brandon Buchanan, Kimberly Cronk, Patrick L. LaVelle  
4 absent: Supervisors Steve Chilson, Mike Conlin, Mark Olson, Tami Schraufnagel  
\*Supervisors Chilson and Conlin arrived later in the meeting.

**JOURNAL OF PROCEEDINGS (September 20, 2016)**

On a motion by Supervisor Smiar, seconded by Supervisor Wilkie, the Journal of Proceedings was approved.

**PUBLIC COMMENT**

No one wished to speak.

**REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

Human Services Deputy Director Tom Wirth; City-County Board of Health Director Lieske Giese; and Criminal Justice Collaborating Council (CJCC) Manager Tiana Glenna gave a presentation on mental health.

\*Supervisor Conlin arrived at this time.

\*Supervisor Chilson arrived at this time.

Planning and Development Director Lance Gurney; Highway Commissioner Jon Johnson; Parks and Forest Director Josh Pedersen; and Planning and Development Senior Planner Matt Michels gave an update on the recent flooding in Eau Claire County.

Director of Children's Court Services Rod Fadness presented an oral annual report regarding past accomplishments and future challenges.

Human Services Director Diane Cable presented an oral annual report regarding past accomplishments and future challenges.

**PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

Chair Moore read a proclamation supporting the 2016 *More Kids Drug Free* Campaign, proclaiming the month of October 2016 to be "More Kids Drug Free" month.

On a motion by Supervisor Smiar, seconded by Supervisor Wilkie, the proclamation was approved.

**FIRST READING OF ORDINANCES BY COMMITTEES**

**Ordinance 16-17/048** TO RENUMBER SECTION 18.76.003 A. 8. THROUGH 30. AS 9. THROUGH 31. OF THE CODE: DEFINITIONS; TO CREATE SECTION 18.76.003 A. 8. OF THE CODE: DEFINITIONS; TO REPEAL AND RECREATE SECTION 18.77.010 OF THE CODE: JURISDICTION; TO AMEND SECTION 18.82.060 B. OF THE CODE: LOT STANDARDS

Action on said ordinance was postponed until the next county board meeting.

**Ordinance 16-17/050** TO AMEND SECTION 2.04.475 C. OF THE CODE: COMMITTEE ON PARKS AND FOREST; TO REPEAL SECTION 2.04.475 D. OF THE CODE: COMMITTEE ON PARKS AND FOREST; TO

AMEND SECTION 16.33.007 A. AND B. OF THE CODE: ADMINISTRATION AND PROMOTION; TO AMEND SECTION 16.33.030 B. OF THE CODE: PAYMENT OF RENT AND DEPOSITS; TO AMEND SECTION 16.33.040 OF THE CODE: SPECIAL CHARGES; TO AMEND SECTION 16.33.060 A. OF THE CODE: LEASE AGREEMENTS—FORM AND EXECUTION

Action on said ordinance was postponed until the next county board meeting.

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

**Committee on Administration**

**Ordinance 16-17/037** TO AMEND SECTION 2.04.435 A. OF THE CODE: COMMITTEE ON ADMINISTRATION; TO AMEND SECTION 2.04.445 OF THE CODE: COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT; TO REPEAL AND RECREATE SECTION 2.12.140 OF THE CODE

Motion by Supervisor Miller, seconded by Supervisor Willett for enactment.

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

**UW Extension Education Committee**

**Resolution 16-17/026** APPROVING EXTENSION OF THE YOUTH IN GOVERNANCE PROGRAM FOR THE COMMITTEES ON UW-EXTENSION EDUCATION, JUDICIARY AND LAW ENFORCEMENT AND EXPANDING THE PROGRAM TO INCLUDE THE PARKS AND FOREST COMMITTEE; AUTHORIZING THE COMMITTEE ON UW-EXTENSION EDUCATION TO ANNUALLY REVIEW THE PROGRAM AND DETERMINE WHETHER IT SHOULD BE CONTINUED

Motion by Supervisor Leary, seconded by Supervisor Dunning for adoption.

On a motion by Supervisor LaVelle, seconded by Supervisor Conlin, Amendment No. 1 was presented as follows:  
On Page 1, Line 31, Insert "BE IT FURTHER RESOLVED that the minimum GPA requirement for participation be reduced from 2.5 to 2.0 and that the youth participating in the program be reimbursed mileage for attending committee meetings."

On a roll call vote, the resolution was unanimously adopted as amended once.

The Board adjourned at 8:57 p.m.

Respectfully submitted,



Janet K. Loomis  
County Clerk

TO: Honorable Eau Claire County Board of Supervisors  
 FROM: Committee on Finance and Budget  
 DATE: October 12, 2016  
 SUBJ: **2016 Contingency Fund**

Pursuant to Section 2.04.485(C) of the Code of General Ordinances, the following is the status of the 2016 Contingency fund as of noon on October 12, 2016:

Jan 1 2016	2016 Contingency/Risk Pool Budget Allocation	\$ 100,000.00
Jan 1 2016	2016 Contingency/Potential Class Comp Adjustments	<u>\$ 26,000.00</u>
	Total	\$ 126,000.00
Jan 19 2016	Supporting the Strengthening of Internal Controls . . . (File No. 15-16/116)	<u>\$ (50,000.00)</u>
Balance Available:		<b>\$ 76,000.00</b>



Eau Claire County  
 DEPARTMENT OF HUMAN SERVICES  
 721 Oxford Avenue, PO Box 840  
 Eau Claire WI 54702-0840  
 (715) 831-5700 • Fax (715) 831-5658  
 www.co.eau-claire.wi.us  
 Diane Cable, Director



**ALTERNATE CARE REPORT**  
**For the Eight Months Ending August 31st, 2016**  
 9/28/2016

Level of Care	Number of New	Number of	Number	Number of New	Number of	Number of	Average Cost
	Placements	Clients	of Days	Placements			
	Aug-16	Aug-16	Aug-16	YTD			*not adjusted for revenue
Foster Care	1	92	2,746	59	135	19,483	\$42
Therapeutic Foster Care	6	26	658	17	36	4,597	\$155
Group Home	0	5	126	7	9	835	\$226
Residential Care Center	1	11	261	16	22	2,101	\$450
<b>Corrections:</b>							
Corrections-Institution	1	5	148	2	7	873	\$347
Corrective Group Home	0	0	0	0	0	0	
180 Day Program	0	0	0	0	0	0	
Corrections AfterCare	0	0	0	0	1	9	\$0
Corrective Sanctions	0	0	0	0	0	0	
Correction Res. Care Ctr.	0	0	0	0	0	0	
Corrections TFC*	0	0	0	0	0	0	
Corrections SPRITE	0	0	0	0	0	0	
<b>TOTAL</b>	<b>9</b>	<b>139</b>	<b>3,939</b>	<b>101</b>	<b>210</b>	<b>27,898</b>	

Level of Care	Adjusted	YTD	Percent	Revenue	YTD	Percent	Projected
	Budget	Expense	Used	Budget	Revenue	Collected	Annualized
							Net Expense
Foster Care	850,100	811,272	95.43%	89,500	95,697	106.92%	\$1,073,363
Therapeutic Foster Care	862,550	712,815	82.64%	25,700	25,022	97.36%	\$1,031,690
Group Home	50,333	188,667	374.84%	8,000	7,897	98.71%	\$271,155
Residential Care Center	1,610,288	946,079	58.75%	20,700	31,464	152.00%	\$1,371,923
<b>Corrections:</b>							
Corrections-Institution	\$250,692	303,022		\$5,000	\$228		
Corrections AfterCare							
180 Day Program							
Corrective Group Home		-					
Corrective Sanctions		-					
Correction Res. Care Ctr.		-					
Corrections TFC*		\$0					
Corrections SPRITE		\$0					
Corrections Totals:	250,692	303,022	120.87%	5,000	228	-	\$454,191
<b>TOTAL</b>	<b>3,623,963</b>	<b>2,961,855</b>	<b>81.73%</b>	<b>148,900</b>	<b>160,308</b>	<b>107.66%</b>	<b>\$4,202,321</b>

Net Budget	Net Estimated 2016 Exp.	Year End Estimate Overspent
\$3,475,063	\$4,202,321	(\$727,258)

At current usage DHS estimated alternate care spending for 2016 to be:

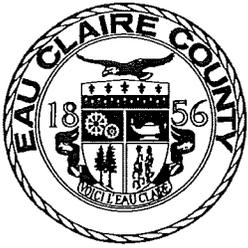
\*TFC = Therapeutic Foster Care

Percentage of Yr. through 08/31/2016 66.67%

Eau Claire County Department of Human Services  
 Adult Mental Health Residential and Institutional Expenses and Revenues  
 Children's Institution for Mental Disease Expenses and Revenues  
 For the Eight Months Ending August 31, 2016

Standard Program Categories	Expense Annual Budget	YTD	YTD	YTD	Revenue Annual Budget	YTD	YTD	YTD
		8/31/2016 Expense Budget	8/31/2016 Actual Expenses	8/31/2016 Expense Budget		8/31/2016 Revenue Budget	8/31/2016 Actual Revenue	8/31/2016 Revenue Budget
Adult Family Homes	384,600	256,400	178,225	78,175	13,805	9,203	20,495	(11,292)
Community Based Care/Treatment Center	954,934	636,623	830,907	(194,285)	53,143	35,429	107,875	(72,446)
Developmentally Disabled Center/Nursing Home	-	-	15,226	(15,226)	-	-	-	-
Institutions for Mental Disease, aka, Winnebago Health Institution and Trempealeau County Health Care Center ***	551,782	367,855	342,572	25,283	-	-	3,744	(3,744)
Supportive Home Care	146,033	97,355	100,457	(3,102)	-	-	-	-
Totals	2,037,349	1,358,233	1,467,388	(109,155)	66,948	44,632	132,114	(87,482)
Adult Programs Excess (Deficiency) of Revenue over Expenditures	(21,673)							
Children's Institution for Mental Disease Expenses and Revenues ***	75,000	50,000	-	50,000	-	-	11,934	(11,934)
Children's Program Excess (Deficiency) of Revenue over Expenditures	61,934							

\*\*\* Winnebago Health Institute performs collection activities. This report reflects the expense and revenue; however, we do not receive the revenue, we are charged the next expense.



# FINANCE DEPARTMENT



R. SCOTT RASMUSSEN, CPA  
FINANCE DIRECTOR  
SCOTT.RASMUSSEN@CO.EAU-CLAIRE.WI.US  
(715) 839-2827

AMY SIRES  
PAYROLL & BENEFITS MANAGER  
AMY.SIRES@CO.EAU-CLAIRE.WI.US  
(715) 839-2959

To: The Honorable Eau Claire County Board of Supervisors

From: Finance Department

Date: September 30, 2016

Re: Required Statistical Reports – 3<sup>rd</sup> Quarter 2016

Please find the following 3<sup>rd</sup> Quarter 2016 reports:

- Overtime Utilization
- Compensatory Time Utilization
- Number of Employees

County of Eau Claire

3rd Quarter 2016 Overtime Report - Regular

Department	Budget Amount	Period Amount	YTD Expended	Budget Balance	% Spent
Airport	15,000.00	1,078.33	3,538.37	11,461.63	23.59%
Child Support	-	-	110.72	(110.72)	100.00% +
Clerk of Courts	100.00	-	-	100.00	0.00%
District Attorney	-	-	309.26	(309.26)	100.00% +
Expo Center	-	-	308.85	(308.85)	100.00% +
Facilities	14,500.00	1,955.87	4,453.04	10,046.96	30.71%
Finance	1,000.00	42.43	499.95	500.05	50.00%
Highway	156,600.00	49,581.01	111,433.45	45,166.55	71.16%
Human Resources	-	-	1,496.97	(1,496.97)	100.00% +
Human Services	-	9,815.66	62,223.48	(62,223.48)	100.00% +
Juvenile Div	2,000.00	-	206.30	1,793.70	10.32%
Juvenile Jail	15,500.00	6,655.20	12,557.82	2,942.18	81.02%
Parks & Forest General & Admin	300.00	73.00	313.85	(13.85)	100.00% +
Parks & Forest: County Forest	250.00	-	79.92	170.08	31.97%
Parks & Forest: Lake Altoona	320.00	444.94	444.94	(124.94)	100.00% +
Parks & Forest: Lake Eau Claire	40.00	-	-	40.00	0.00%
Parks & Forest: Tower Ridge	1,500.00	-	-	1,500.00	0.00%
Planning & Development	-	204.56	395.10	(395.10)	100.00% +
Planning & Development: Emergency Management	-	1,053.42	1,084.76	(1,084.76)	100.00% +
Planning & Development: Housing Authority	1,000.00	161.41	269.92	730.08	26.99%
Sheriff: Huber	65,014.00	15,609.56	54,294.30	10,719.70	83.51%
Sheriff: Investigative	48,457.00	15,097.18	36,286.43	12,170.57	74.88%
Sheriff: Anti -Drug Grant	18,768.00	4,504.58	12,671.20	6,096.80	67.51%
Sheriff: Civil Process	7,259.00	3,076.51	7,785.40	(526.40)	100.00% +
Sheriff: Courthouse Security	14,519.00	4,309.54	11,291.55	3,227.45	77.77%
Sheriff: Crime & Comm Caretkg	110,248.00	33,655.55	93,535.47	16,712.53	84.84%
Sheriff: Jail Secure	217,307.00	57,808.62	178,332.57	38,974.43	82.06%
Sheriff: Traffic Control & Enf	73,108.00	24,278.88	67,151.75	5,956.25	91.85%
Treasurer	2,000.00	191.57	473.67	1,526.33	23.68%
U.W. Extension	2,000.00	-	924.21	1,075.79	46.21%
<b>Total Regular O/T</b>	<b>\$ 766,790.00</b>	<b>\$ 229,597.82</b>	<b>\$ 662,473.25</b>	<b>\$ 104,316.75</b>	<b>86.40%</b>

3rd Quarter 2016 Overtime Report - Temporary

Department	Budget Amount	Period Amount	YTD Expended	Budget Balance	% Spent
Human Services: Child Protective Services	-	254.90	254.90	(254.90)	100.00% +
Parks & Forest	20.00	-	104.40	(84.40)	100.00% +
Parks & Forest: Lake Altoona	-	8.45	16.90	(16.90)	100.00% +
Parks & Forest: Big Falls	20.00	-	-	20.00	0.00%
<b>Total Temporary O/T</b>	<b>\$ 40.00</b>	<b>\$ 263.35</b>	<b>\$ 376.20</b>	<b>\$ (336.20)</b>	<b>100.00%</b>

NOTE: A more detailed report can be obtained from the Finance Department/Payroll, if desired.

COMPENSATORY TIME  
3rd Quarter 2016

<u>Department</u>	<u>Hours Earned</u>	<u>Hours Paid Out</u>
Administration	27.60	0.00
Aging Disability & Resource Center	20.00	0.00
Airport	7.60	0.00
Circuit Court Operations	1.50	0.00
Clerk of Courts	2.50	0.00
Corporation Counsel / Child Support	16.80	0.00
District Attorney	9.70	0.00
Finance	9.50	0.00
Highway	199.50	33.90
Human Resources	9.00	0.00
Human Services Org Svcs Div	44.00	0.00
Human Services Adult Svcs	73.90	1.00
Human Services Emp & Econ Unit	123.00	3.00
Human Services Family Svcs	370.00	66.20
Human Services Fiscal Div.	28.10	3.20
Information Systems	55.10	0.00
Juvenile Court Intake	28.20	0.00
Juvenile Detention	49.90	0.00
Maintenance	34.40	6.90
Parks & Forest	189.10	3.80
Planning & Development	27.30	42.90
Purchasing	1.10	0.00
Sheriff - Administration	36.30	0.00
Sheriff - Field Svcs Division	503.80	11.50
Sheriff - Security Svcs Division	178.40	41.40
 TOTAL	 <u>2,046.30</u>	 <u>213.80</u>

Eau Claire County Finance Department  
 Number of Employees as of September 30, 2016

<u>Department / Division Name</u>	<u>Permanent</u>	<u>Non-Permanent</u>
Administration	7	6
Aging & Disability Resource Center	26	0
Airport	7	0
Circuit Court Operations	5	0
Clerk of Courts	20	0
Corporation Counsel & Child Support	21	0
County Clerk	4	1
County Treasurer	4	5
DHS: Adult Services Unit	29	0
DHS: Employment & Econ Resource Unit	37	0
DHS: Family Services Unit	42	0
DHS: Fiscal Services Unit	7	0
DHS: Organizational Services Division	16	0
District Attorney	13	1
Finance	10	0
Highway Administration	3	1
Highway Labor	49	4
Highway Supervisory	7	0
Human Resources	5	0
Information Systems	11	1
Juvenile Court Intake	5	0
Juvenile Detention	19	0
Maintenance	14	0
Parks & Forest	10	11
Planning & Development	27	1
Purchasing	6	0
Register in Probate	4	0
Register of Deeds	4	0
Sheriff, Administration	8	0
Sheriff, Field Services Division	30	0
Sheriff, Reserve Officers/Special Deputies	0	15
Sheriff, Security Services Division	69	0
U.W. Extension	2	1
Veterans Services	3	0
Total	524	47

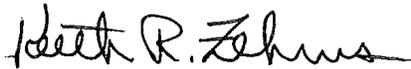
**FACT SHEET**

**TO FILE NO. 16-17/053**

This ordinance requires standing committees, including the human services board, the aging and disability resource center board and the land conservation commission to include a public comment period as an agenda item at the outset of each committee agenda. The comment period would last up to 15 minutes total and up to 3 minutes per individual with the ability of the chair to extend the time limit by his or her discretion. Except for the requirement to sign in prior to the meeting which applies to public comment for the county board under Section 2.04.095 this public comment requirement closely follows the process for the county board.

Fiscal Impact: None.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.053 Fact

1 Enrolled No.

2 ORDINANCE

3 File No. 16-17/053

4 - TO CREATE SECTION 2.04.140 K. OF THE CODE: GENERAL DUTIES AND  
5 POWERS OF STANDING COMMITTEES -

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

7  
8 SECTION 1. To create Subsection K. of Section 2.04.140 of the code:

9  
10 K. All committees shall include a public comment item on each agenda at the outset  
11 of the meeting. The purpose of public comment is to provide non county board members with an  
12 opportunity to present information to the committee. It is not intended to provide for interactive  
13 debate or for the cross examination of nonmembers. Any person who is not a member of the  
14 county board shall be given, subject to the chair's discretion, up to 3 minutes to speak to the  
15 committee during the public comment time period. The public comment time period will be  
16 limited to no more than 15 minutes per meeting. All speakers must follow the guidelines  
17 established by the chair. The 15-minute public comment time period may be extended at the  
18 discretion of the chair. The land conservation commission shall be considered a standing  
19 committee within the meaning of this subsection.  
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21 ADOPTED:

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27 APPROVED BY  
28 CORPORATION COUNSEL  
29 AS TO FORM.  
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Kathleen Clark  
Committee on Administration

34 KRZ/yk

37 Dated this 11 day of October, 2016.

40 ORDINANCE/16-17.053

**FACT SHEET**

**TO FILE NO. 16-17/051**

This Resolution requests a change in Wisconsin Statutes to allow circuit judges discretion regarding adding the DNA surcharge to each and every count in criminal judgments of conviction.

Wis. Stat. § 973.046(1r) mandates the addition of the DNA surcharge, as an item of court costs, for each and every count for which a defendant is convicted.

The surcharge is \$200 for misdemeanors and \$250 for felonies and the total court costs for each misdemeanor count are \$443 and for each felony count are \$518. The DNA test is only given one time for each individual. The County receives \$10 for each test. This is an underfunded state mandate since the \$10 DNA test fee does not cover the staffing expense to administer the test.

If a tax intercept collection action is filed priority for payment includes child support and restitution before fines including court costs such as the DNA surcharge. When money is collected for fines including court costs it is first applied to monies owed the State of Wisconsin and then to monies owed the County.

Proceeds of the DNA surcharges go to the State of Wisconsin DNA data bank, used for activities related to drug law enforcement, drug law violation prosecution including training prosecutors in using DNA analysis and activities of the state and regional crime laboratories.. For the period July 1, 2015 through June 30, 2016 the State Department of Justice collected \$5,122,737.93 for the DNA surcharge.

Fiscal Impact: None for County since the \$10 fee is only for the DNA test which is a one-time charge. Reduction for State is assumed, but the amount is unknown..

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.051 Fact

4 - REQUESTING THAT CIRCUIT JUDGES BE GIVEN DISCRETION REGARDING  
5 ADDING THE DNA SURCHARGE TO EACH AND EVERY COUNT IN CRIMINAL  
6 JUDGMENTS OF CONVICTION -

7 WHEREAS, the collection of DNA is a valuable tool in investigating, prosecuting and  
8 solving crimes;

9 WHEREAS, Wis. Stat. § 973.046(1r) mandates the addition of the DNA surcharge, as an  
10 item of court costs, for each and every count for which a defendant is convicted; and

11 WHEREAS, the surcharge is \$200 for misdemeanors and \$250 for felonies and the total  
12 court costs for each misdemeanor count are \$443 and for each felony count are \$518; and

13 WHEREAS, adding the DNA surcharge to each and every count in a criminal conviction can  
14 add a substantial financial burden on those persons convicted, who in many cases are already  
15 financially disadvantaged; and

16 WHEREAS, allowing the Circuit Court Judges handling cases to utilize their discretion based  
17 on the facts of each particular case to determine the number of counts the DNA surcharge should be  
18 added to ensures justice will be done in each case.

19 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors that  
20 circuit court judges be given the discretion to decide whether the DNA surcharge be added to each  
21 and every count in criminal judgments of conviction.

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

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Reviewed by Finance Dept  
for Fiscal Impact

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

\_\_\_\_\_  
Sue Miller  
\_\_\_\_\_  
Lorinda McKinney  
\_\_\_\_\_  
Donald G. Laska  
\_\_\_\_\_

Committee on Judiciary and Law Enforcement

KRZ/yk

Dated this 6<sup>th</sup> day of October, 2016.

4 - ORDERING ATTACHMENT TO THE LAKE ALTOONA DISTRICT -

5  
6  
7 WHEREAS, a petition to attach two properties to the Lake Altoona District was submitted to  
8 the Eau Claire County Clerk on May 4, 2016 pursuant to Wis. Stat. 33.33(2) by the Lake Altoona  
9 Board of Commissioners and forwarded to the Eau Claire County Committee on Planning and  
10 Development for review and public hearing, and;

11  
12 WHEREAS, written notice of a public hearing identifying the properties affected by the  
13 proposed attachment was mailed to the last known address of each landowner within the lake district  
14 in addition to the two property owners and a Class 1 public hearing notice was published on May 17,  
15 2016 pursuant to Wis. Stat. 33.26 (1) & (2) and;

16  
17 WHEREAS, the Eau Claire County Committee on Planning and Development considered the  
18 attachment petition at a public hearing held on May 24, 2016 at 7:00 p.m. at the Eau Claire County  
19 Courthouse at which time the public was invited to attend and be heard. Written comments and  
20 additional testimony have also been accepted up to an including a subsequent meeting of the  
21 Committee on Planning and Development on July 12, 2016.

22  
23 WHEREAS, in review of the testimony and comments received, the Eau Claire County  
24 Committee on Planning and Development is able to make the following findings pursuant to Wis.  
25 Stat. 33.26 (3):

- 26  
27 1. That the petition has been properly brought forth by the Board of  
28 Commissioners for the Lake Altoona District in accord with Wis. Stat. 33.33  
29 (2)(b).  
30 2. That the district is necessary. – reaffirming Resolutions #277-74 adopted  
31 December 17, 1974 and Resolution 79-80/#290 adopted December 4, 1979.  
32 3. That the public health, comfort, convenience, necessity or public welfare will  
33 be promoted by the establishment of the district - reaffirming Resolutions  
34 #277-74 adopted December 17, 1974 and Resolution 79-80/#290 adopted  
35 December 4, 1979.  
36 4. That the property included in the district will be benefited by the district’s  
37 establishment, and;

38  
39 WHEREAS, the Eau Claire County Committee on Planning and Development recommends  
40 the petition to attach two properties to the Lake Altoona District be granted and the attached order be  
41 approved.

42  
43 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors  
44 makes the following findings:

- 45  
46 1. That the petition to attach properties to the Lake Altoona District has been properly  
47 brought forth in accord with Wis. Stat. 33.33 (2).

- 1                   2. That the district is necessary.  
2                   3. That the public health, comfort, convenience, necessity or public welfare will be  
3                   promoted by the establishment of the district.  
4                   4. That the property included in the district will be benefited by the district's  
5                   establishment.  
6

7                   BE IT FURTHER RESOLVED that pursuant to Wis. Stat. 33.26 the Eau Claire County  
8 Board of Supervisors orders the attachment of properties to the Lake Altoona District.  
9

10                  BE IT FURTHER RESOLVED that the boundaries of the district shall be amended to include  
11 the following described parcels through attachment:  
12

13                  Parcel 1:       Lots 3 & 4, Block 2, Lake View Addition, Town of Washington, Eau  
14                               Claire County, Wisconsin

15                               Further described as: Tax Parcel 024-2006-05-000  
16  
17

18                  Parcel 2:       Lot 8, Block 2, Lake View Addition, Town of Washington, Eau Claire  
19                               County, Wisconsin

20                               Further described as: Tax Parcel 024-2006-10-000  
21  
22

23                  BE IT FURTHER RESOLVED that any person aggrieved by the County Board's decision  
24 may petition for circuit court review within 30 days of the decision.  
25

26                  ADOPTED:

27  
28  
29  
30                  APPROVED BY  
31                  CORPORATION COUNSEL  
32                  AS TO FORM  
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36                               \_\_\_\_\_  
37                               \_\_\_\_\_  
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39                               \_\_\_\_\_  
40                               \_\_\_\_\_  
41                               \_\_\_\_\_

Committee on Planning and Development

Dated this 12 day of July, 2016.

YK/LG

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



## EAU CLAIRE COUNTY COMMITTEE ON PLANNING & DEVELOPMENT STAFF ANALYSIS AND RECOMMENDATION

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### PETITION TO ATTACH TERRITORY TO THE LAKE ALTOONA DISTRICT:

PUBLIC HEARING DATE: May 24, 2016

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STAFF CONTACT: Lance J. Gurney, Director

APPLICANT: Board of Commissioners – Lake Altoona District

PUBLIC HEARING DATE: May 24, 2016

REQUEST: Petition to attach two contiguous properties to the Lake Altoona District

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### SUMMARY

The Board of Commissioners for the Lake Altoona District submitted a petition to attach two properties to the District's boundary to the County Clerk for Eau Claire County on May 4, 2016. The mechanism for attachment of property to a lake district is set forth in Wis. Stat. §33.33(2), which refers to the procedures and standards provided in Wis. Stat. §33.26(3). For attachment proceedings, the County Board is charged with appointing a committee to conduct the hearing (P&D Committee appointed via Resolution 16-17/013) within 30 days of receipt of the petition, which was conducted on May 24, 2016. The P&D Committee has three months from the date of the hearing to report to the County Board of its findings and recommendations. Within 6 months of the date of the hearing, the County Board shall issue its order either approving or denying the attachment as supported by its findings.

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### BACKGROUND

#### Lake Altoona District:

On December 10, 1974, a petition was filed with Eau Claire County requesting establishment of a public inland lake protection and rehabilitation district for Lake Altoona. Following the required public hearing held in accordance with Wis. Stat. §33.26, the County Board issued its finding of facts to support the creation of the Lake District and adopted Resolution #277-74 ordering creation of the Lake Altoona District as of January 3, 1975. This order was reaffirmed on December 4, 1979 by Resolution 79-80/#290 by the Eau Claire County Board of Supervisors.

The two properties that are the subject of this attachment petition were included within the official boundary and map adopted as part of the creation in both 1974 and 1979.

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### APPLICABLE STATUTORY REQUIREMENTS

**Wis. Stat. §33.33 (2) Attachment.** Contiguous territory may be attached to a district upon petition by the owner or motion of the commissioners.

- (a) *Petition.* A petition by an owner, directed to the district and requesting attachment, may be accepted by a majority vote of the commissioners, upon which the attachment shall become effective.

- (b) *Motion*. If the commissioners by motion initiate attachment proceedings, they shall notify the owners of the territory contemplated for attachment and the county board. The County Board shall schedule a hearing on the motion, using the procedure of s. 33.26 as far as is applicable. Following the hearing, the board shall make a finding on the necessity of attachment of territory, using the standards of s. 33.26(3), and shall declare the territory to be either attached or not. Appeals of the board's decision shall be taken under s. 33.26(7).

History: 1973 c. 301; 1975 c. 197; 1981 c. 20; 1989 a. 159; 2003 a. 275.

It is not always necessary for the petitioner in a detachment proceeding to prove that there has been a change in circumstances since the district was created. The finding of benefit to property required under s. 33.26(3) in forming a district is not the same as the finding that the property is not benefited required under s. 33.33(3) to detach a property from the district. The s. 33.26(3) finding is general and predictive. Section 33.33(3) requires an individualized evaluation of property under present circumstances. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

Although not specified, the right to review under sub. (3) is by statutory certiorari. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

***Wis. Stat. §33.26 Hearings, time, notice, boundaries, approval, limitations.***

(1) Upon receipt of the petition the county board shall arrange a hearing to be held not later than 30 days from the date of presentation of the petition, and shall appoint a committee to conduct the hearing. At the hearing all interested persons may offer objections, criticisms or suggestions as to the necessity of the proposed district as outlined and to the question of whether their property will be benefited by the establishment of such district. Any person wishing to object to the organization of such district may, before the date set for the hearing, file objections to the formation of such district with the county clerk.

(2) Notice announcing the hearing and stating the boundaries of the proposed district shall be published in a paper of general circulation in the county in which the proposed district is located as a class 1 notice, under ch. 985, and shall be mailed by the county board to the last-known address of each landowner within the proposed district.

(3) The committee shall report to the county board within 3 months after the date of the hearing. Within 6 months after the date of the hearing, the board shall issue its order under this subsection. If the board finds, after consideration of the committee's report and any other evidence submitted to the board, that the petition is signed by the requisite owners as provided in s. 33.25, that the proposed district is necessary, that the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district, and that the property to be included in the district will be benefited by the establishment of the proposed district, the board, by order, shall declare its findings, shall establish the boundaries and shall declare the district organized and give it a corporate name by which it shall be known. Thereupon the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out this chapter. If the board does not so find, the board, by order, shall declare its findings and deny the petition.

(5) The department shall be notified in writing of the hearing for the creation of the district at the time the hearing date is set.

(6) In establishing the district, the county board may change the boundaries from those originally proposed. However, lands not originally proposed for inclusion may not be included until a public hearing is held under this section.

(7) Any person aggrieved by the action of the board may petition the circuit court for judicial review. A verified petition shall be presented to the court not more than 30 days after the decision of the board, and shall specify the grounds upon which the appeal is based.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

Although not specified, the right to review under sub. (7) is by statutory certiorari. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

## FINDINGS/STANDARDS

*Wis. Stat. §33.26(3) sets forth four standards or findings that must be verified and made by Eau Claire County in order to approve the attachment request, as follows:*

*a. The petition is signed by the requisite number of owners, or in this case is made by the Lake District Board of Commissioners in accord with Wis. Stat. §33.33(2).*

The Board of Commissioners for the Lake Altoona District did properly initiate attachment proceedings as provided by statute to cause the matter to come before the Eau Claire County Board of Supervisors.

*b. The district is necessary.*

The Eau Claire County Board, on two separate previous occasions, has determined that the creation and existence of the Lake Altoona District is necessary, as is evidenced by Resolution #277-74 adopted in 1974 and Resolution 79-80/#290 adopted in 1979.

*c. The public health, comfort, convenience, necessity or welfare would be promoted by the establishment of the district.*

Eau Claire County has a long history of working cooperatively with the Lake Altoona District to maintain and improve water quality and access to the lake by implementation of a variety of projects including but not limited to: water quality monitoring for bacteria, lake management planning, sediment mitigation, installation of fish habitat, and boat ramp enhancements. Many of these projects continue on an annual basis in order to counteract the impacts land use impacts continue to have within the lake's and river systems watershed.

In the case of both (b) and (c), Wis. Stat. §33.33(2) recognizes that not all of the standards or findings may be applicable in the case of Attachment. Given that the district has already been created by order by the Eau Claire County Board of Supervisors with findings that support both requirements, staff believes these findings have been fully satisfied.

*d. The property included in the district would benefit from the establishment of the district.*

For purposes of this review and action, considerable attention has been paid to this particular standard as it relates to the matter before the County Board for consideration. Of note, the courts have differentiated the definition of "benefit" between attachment and detachment petitions, as evidenced in the Donaldson case highlighted in the footnotes under Wis. Stat. §33.33 in the previous section. For creation or attachment proceedings, this standard or finding is determined to be "general and predictive" rather than an "individualized evaluation" for detachments.

During the public hearing held on May 24, 2016, representatives of both properties subject to the attachment petition appeared in opposition and provided testimony to contest the action to attach their respective properties to the Lake Altoona District. Both testimonies centered largely on a decision rendered against the Lake Altoona District from 2007 with regard to the Board of Commissioners denial of petitions for detachment from the Lake Altoona District. In that case, Judge Gabler concluded that the Lake Altoona District had failed to evaluate each property individually and consider the specific benefits to remain in the district boundaries separately, therefore exercising its will instead of its judgement. In rendering his decision, Judge Gabler often cites the Donaldson case

and the need to consider each detachment petition on its own merits based on the evidence presented on record. In the end, Judge Gabler ruled against the Lake Altoona District's denial of the detachment petitions of five property owners brought before the Branch 3 of the Circuit Court and orders the Lake District to grant the petitioners request. Following the ruling, the Lake Altoona District Board of Commissioner reconsidered the petitions for detachment for the five property owners enjoined through the Circuit Court proceedings and subject to the order for relief, as well as the petition of 19 additional property owners. The Lake Altoona District decided to detach all parcels that were part of the original detachment request in 2007.

This background information is particularly helpful in determining benefit in this case of attachment for several reasons, including:

- The standard for finding of "benefit" under Wis. Stat. §33.26(3) for creation or attachment to a district is "general and predictive" while the standard for detachment under Wis. Stat. §33.33(2) is based on an "individualized evaluation". Therefore, Eau Claire County is not required to determine "benefit" to each specific property in this matter. This is clarified and supported in the Donaldson case. In essence, the county board's decision is considered a legislative decision, which is an exercise of judgement and policy taking into account the board's knowledge of the community.
- Each of the properties that were specifically reviewed as part of the Circuit Court case in 2007 were non-riparian owners, meaning that "benefit" did not include direct access to the water within the established boundaries of the Lake Altoona District. In this matter of Attachment, both property owners do indeed own frontage on the Eau Claire River, which serves as the incoming headwaters to Lake Altoona. The Eau Claire River does not exist independently of Lake Altoona, nor does Lake Altoona exist independently of the Eau Claire River. Lake Altoona is an impoundment of the Eau Claire River. Therefore, the two features are interconnected and interrelated.
- The properties included within this attachment petition brought forth by the Lake Altoona District Board of Commissioners were included within the original boundaries of the Lake Altoona District and are currently surrounded by riparian property owners who remain in the district boundaries. In fact, all privately-owned riparian property owners on Lake Altoona and the Eau Claire River upstream within two miles have been included in the boundary, except for the two properties subject to this attachment petition that were detached in 2007. According to "People of the Lakes – A Guide for Wisconsin Lake Organizations" public in 2006 by the WDNR and UW-Extension, "boundary changes should only be made at the edge of a district, deletions should not create holes in the district and noncontiguous property should not be added" (page 52). The Lake Altoona District's petition to "reattach" the two subject properties will again ensure all benefited riparian owners will be included within the established Lake Altoona District boundary, thereby ensuring equality with other private riparian owners. A decision to issue an order denying the attachment would in essence, continue or maintain a hole within the district boundary with respect to riparian owners.
- A second predominate argument provided by both property owners at the public hearing focused on use of the "lake" versus the "river". One property owner indicated that he does not utilize the lake at all, but rather boats within the river itself. The second property owner testified that he seldom uses the lake and therefore is not benefitted by its existence. In both cases, the property owner attempts to include "use" in the definition of "benefit". Although benefit is not defined by state statutes, it can mean many things, including but not limited to use. Having direct access or view to a healthy waterbody can be considered a benefit. Removal of sediment to maintain navigation corridors can be considered a benefit. Installation of habitat structures for fish and other aquatic species that maintain or enhance the recreational opportunities for the entire lake system can be considered a benefit.

Enhanced property values with access to a lake can also be considered a benefit. In all of these examples, the Lake Altoona District has established a history of active management of the lake for the benefit of property owners, particularly riparian owners.

- Finally, it should be noted that not all of the activities of the Lake Altoona District have been focused on the lake itself. In order to better address concerns of sedimentation of Lake Altoona (which is a common occurrence for impoundments) the Lake Altoona District constructed a sediment trap upstream of the lake. This sediment trap is located less than 1/4 mile upstream of the subject properties and is valuable in ensuring that navigation remain possible to the lake. Even more, the Lake Altoona District completed a significant sediment removal project this last winter at the mouth (delta) of Lake Altoona to maintain and improve access to and from the Eau Claire River upstream.

---

**STAFF RECOMMENDATION AND FINDINGS:**

In evaluating this attachment petition, the Board must consider the four standards for creating or attaching properties to a lake district found in Wis. Stat. §33.26(3) and relevant Wisconsin case law. An order to approve or deny the petition to attach must state its reasoning why an application did or did not meet the statutory criteria.

Staff has reviewed the petition for attachment submitted by the Board of Commissioners for the Lake Altoona District, information and testimony provided at the public hearing, additional written information provided since the date of the hearing on May 24, 2016, Chapter 33 of the Wisconsin Statutes, and relevant case law including both the 2007 Gabler decision as well as the 2004 Donaldson decision.

Based on this information and the information contained within this report, staff believes a recommendation for approval of the attachment petition by the Lake Altoona District is supported by the findings of the four standards found in Wis. Stat. §33.26(3). Specifically, as in the contested finding of benefit by the property owners, staff finds that:

- the Lake Altoona District engages in lake management projects encompassing both the lake and inflowing river to maintain and enhance water quality, recreational use, and protection of property.
- The subject properties are both riparian owners, surrounded by riparian property owners who are included within the district boundaries. An order to deny the attachment would continue to support a hole in the boundary and cast inequitable benefit to individual property owners.
- Use is a personal choice and not a fair gauge of benefit onto the property itself. The standard for consideration is whether or not the property is benefitted for inclusion in the district boundary, not the individually property owner. Staff concludes that the particular properties in question for the attachment are indeed benefitted from the activities of the Lake Altoona District.
- The standard for determining benefit is "predictive and general", meaning it is an exercise of judgement and policy. Both property owners have inaccurately presented information based on the findings that must be made in a detachment proceeding which require an "individualized evaluation" of benefit upon their respective properties.

Therefore, staff recommends the Planning and Development Committee issue findings in support of the Petition for Attachment to the Lake Altoona District as brought forth by the Board of Commissioners and recommend approval of the Order to the Eau Claire County Board of Supervisors.

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## FACT SHEET

### TO FILE NO. 16-17/048

The Committee on Planning and Development held a public hearing on September 27, 2016 to review ordinance 16-17/048 to amend Section 18.76.003 of the County Code: Definitions; to amend Section 18.77.010 of the County Code: Jurisdiction; and to amend Section 18.82.060 of the County Code: Size;

Ordinance 16-17/048 is an ordinance to clarify the jurisdiction of the subdivision control code and reinstates exemptions of Wis. Stats. 236.45 (2)(am)(3) in the county code. The ordinance clarifies that a certified survey is required for land divisions that are less than 40 contiguous acres. This language is clear and simple to understand by both the property owners and surveyors. Under current rule, if a land division divided any quarter (1/4) quarter (1/4) section, it would require a certified survey, even if the lot was greater than 40 acres. Finally, the last section of the ordinance amends the lot size provisions to comply with local comprehensive plans and also with the proposed shoreland update.

Staff solicited comments on the proposed changes from professional land surveyors working in Eau Claire County. On September 2, 2016, staff held a meeting with the surveyors to discuss the proposed ordinance. The ordinance as proposed is supported by the surveyors.

After considering the staff's recommendation, the committee deliberated the matter and voted 5-0 to approve ordinance 16-17/048. No one spoke at the public hearing. Corporation Counsel has reviewed the proposed ordinance.

There are no fiscal impacts anticipated.

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



Rod Eslinger, Land Use Manager  
Land Use Controls Division

1 Enrolled No.

2 ORDINANCE

3 File No. 16-17/048

4 - TO RENUMBER SECTION 18.76.003 A. 8. THROUGH 30. AS 9. THROUGH 31 OF THE  
5 CODE: DEFINITIONS; TO CREATE SECTION 18.76.003 A. 8. OF THE CODE:  
6 DEFINITIONS; TO REPEAL AND RECREATE SECTION 18.77.010 OF THE CODE:  
7 JURISDICTION; TO AMEND SECTION 18.82.060 B. OF THE CODE: LOT STANDARDS -

8 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
9

10 SECTION 1. To renumber paragraphs 8. through 30. of Subsection A. of Section 18.76.003 of  
11 the code as 9. through 31.

12 SECTION 2. That paragraph 8. of Subsection A. of Section 18.76.003 of the code be created to  
13 read:  
14

15 8. Contiguous. Lots or parcels shall be considered contiguous if they share a  
16 common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots  
17 or parcels divided by public roads shall not be considered contiguous.  
18

19 SECTION 3. That Section 18.77.010 of the code be repealed and created to read:  
20

21 18.77.010 Jurisdiction. This chapter shall apply to any division of a lot, parcel, or tract of land,  
22 including divisions under land contract, for the purpose of transfer of ownership or building construction  
23 where the act of division creates a lot of less than 40 contiguous acres, excluding one quarter (1/4) of  
24 one quarter (1/4) section as defined by the original Public Land Survey System, and condominium  
25 developments, all located within the unincorporated areas of the county. However, these regulations  
26 shall not apply to:  
27

- 28 A. Transfers of interests in land by will or pursuant to court order;
- 29 B. Leases for a term not to exceed 10 years, mortgages, or easements;
- 30 C. The sale or exchange of parcels of land between adjoining property owners if additional  
31 lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by  
32 the zoning code or other applicable laws and ordinances.  
33

34 SECTION 4. That Subsection B. of Section 18.82.060 of the code be amended to read  
35

36 B. Size. Lot area shall conform to the provisions of Title 18 except that within the  
37 extraterritorial jurisdiction of the City of Eau Claire where municipal sewer services are not readily  
38 available and within unzoned towns, outside of the shoreland overlay district, the minimum lot area shall  
39 be 1.5 acres. In unzoned towns, within the shoreland overlay district, the minimum lot size will conform  
40 to the underlying zoning district lot size requirements.  
41

42 APPROVED BY  
43 CORPORATION COUNSEL  
44 AS TO FORM  
45

I certify that the foregoing correctly represents the action  
taken by the undersigned committee on September 27,  
2016 by a vote of 5 for, 0 against.

46 Gary Gibson / rje  
47 Gary Gibson, Chair  
48 Committee on Planning & Development

49 RE/yk Dated this 28<sup>th</sup> day of September, 2016. ORDINANCE/16-17.048



**Eau Claire County**  
**DEPARTMENT OF PLANNING**  
**AND DEVELOPMENT**  
Eau Claire County Courthouse, Rm. 3344  
721 Oxford Avenue  
Eau Claire, Wisconsin 54703-5481  
(715) 839-4741

Housing & Community Development  
839-6240  
Emergency Services Management  
839-4736  
Real Property Description  
839-2984  
Land Use Controls  
839-4743  
Building Inspection  
839-2944  
Land Conservation  
839-6226  
Planning  
839-5055  
County Surveyor  
839-4742

**REPORT:**

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Rod Eslinger, Manager Land Use Controls Division

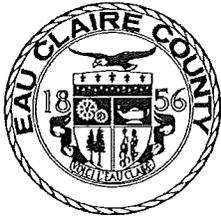
DATE: September 20, 2016

RE: File No. 16-17/048 - To amend Section 18.76.003 of the Code: Definitions, To amend Section 18.77.010 of the Code: Jurisdiction; to amend Section 18.82.060 of the Code: Lot Standards

Ordinance 16-17/048 is an ordinance to clarify the jurisdiction of the subdivision control code and reinstates exemptions of Wis. Stats. 236.45 (2)(am)(3) in the county code. When a land division creates a parcel less than 40 contiguous acres it will be required to be surveyed. This language is clear and simple to understand by both the property owners and surveyors. Under current rule, if a land division divided any quarter (1/4) quarter (1/4) section, it would need to be surveyed, even if the lot was greater than 40 acres. Finally, the last section of the ordinance amends the lot size provisions to comply with local comprehensive plans and also with the proposed shoreland update.

Staff solicited comments on the proposed changes from surveyors working in Eau Claire County. On September 2, 2016, staff held a meeting with the surveyors to discuss the proposed ordinance. The proposed ordinance has been supported by the surveyors.

Attached to this report is an opinion from Richard Eaton, Assistant Corporation Counsel regarding exempting CSM requirements for sales/exchanges between adjoining owners. Mr. Eaton supports the amendments as well.



## OFFICE OF CORPORATION COUNSEL

EAU CLAIRE COUNTY  
EAU CLAIRE COUNTY COURTHOUSE  
721 OXFORD AVE., SUITE 3520  
EAU CLAIRE, WI 54703

PH: (715) 839-4836 Fax: (715) 839-6243



CORPORATION COUNSEL

*Keith R. Zehms*

ASSISTANT  
CORPORATION COUNSEL

*Timothy J. Sullivan  
Sharon G. McIlquham  
Richard A. Eaton*

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### MEMORANDUM

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TO: Planning and Development  
FROM: Richard A. Eaton, Assistant Corporation Counsel  
DATE: March 25, 2016  
SUBJECT: CSM Requirement for Sales/Exchanges Between Adjoining Owners

Dean Roth made the following request of me.

*I have been posed the question/opinion by a private surveyor:*

*"I don't understand how we can create requirements for a "review process" that utilize the same process that is exempted by state law. I believe Chapter 236.45(2) is very clear on this. I also believe OAG-01-14 is very clear. To require a CSM as a part of the review process, to determine if a CSM is required, is an extreme mis-interpretation of OAG-01-14."*

*Can you help me understand the process by which this passed through Corp Counsel and subsequently on to County Ord., and what your Office's opinion/response might be to this surveyor's concerns?*

This surveyor is correct in that we cannot *require* a CSM to add land to an existing subdivision, assessor's plat or CSM. The language of Wis. Stats. 236.45(2)(am)(3) precludes this.

I reviewed the memo completed by Heather Wolske on 4/22/13 addressed to Matt Janiak. I believe that memo was misunderstood, and the "CSM requirement" language was an oversight. The questions asked and answered in that memo are as follows.

- 1. Whether Eau Claire County Code of Ordinances Section 18.77.010 C. can be removed regarding the sale or exchange of parcels of land between owners of adjoining property? If Section 18.77.010 C. cannot be removed, then how does the Department of Planning and Development deal with owners of adjoining property selling or exchanging parcels of land which do not create additional lots?*

2. *Whether the County Code can be amended to add a requirement that the Department of Planning and Development review all reconfigurations of existing parcels?*

Ms. Wolske concluded that "language can be added to the Eau Claire County Code requiring that all reconfigurations of existing parcels shall be reviewed and approved by the Eau Claire County Planning and Development Department." I believe the language used by Ms. Wolske for 18.81.035 Reconfigurations is the major issue in the 4/22/13 memo. However, I don't believe Ms. Wolske contemplated the question or implications of requiring CSM's contrary to Wis. Stats 236.45(2)(am)(3). Ms. Wolske reviewed OAG-01-14 and never once mentioned a CSM requirement. The question asked was whether Eau Claire County could amend the ordinance to require review of all reconfigurations of existing parcels. In reviewing emails regarding subdivision review from the WCCA Board "Google Group" (see Subdivision Amendments file), it appears the responses from numerous other P&D departments was that a CSM requirement is contrary to state law. I do not know if the question was ever asked of Corp. Counsel: Can we require CSMs as part of the review process in reconfigurations? On that front, I will inquire further.

A few months ago, in the fall of 2015, I was asked by Rod Eslinger if I agreed with Ms. Wolske's analysis in the 4/22/13 memo. I advised Rod that I agreed. I maintain that Ms. Wolske is correct in her analysis, and that the language regarding a CSM requirement is an oversight.

Regardless of where the miscommunication occurred, the ordinance needs to be addressed at this point.

RAE

**Reviewed by Finance Dept.  
for Fiscal Impact**

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## FACT SHEET

### TO FILE NO. 16-17/050

This ordinance combines the exposition center advisory committee with the parks and forest advisory committee. Disbanding the exposition advisory committee was approved on August 24, 2016 in a joint meeting of the parks and forest committee, the parks and forest advisory committee and the exposition center advisory committee.

**Section 1.** Adds a specific reference to the exposition facility to the parks and forest advisory section of the code.

**Section 2.** Repeals the exposition center advisory committee code provision.

**Section 3.** Updates the code by deleting the reference to the exposition director position which no longer exists as well as to the collection and deposit of revenues which is surplus.

**Section 4.** Deletes surplus language regarding what is the responsibility of the parks and forest director.

**Sections 5 and 7.** Adds the special charges to the existing rental provisions for all exposition charges in 16.33.020, updates the hourly charge to offset the staff plus equipment cost and deletes section 16.33.040 which currently addresses the special charges.

**Section 6.** Updates the code to reflect responsibility lies with the parks and forest department.

**Section 8.** Allows the parks and forest director to determine who signs leases for the exposition center of one year or less.

Fiscal Impact: Savings of less than \$250 annually for mileage paid to exposition facilities advisory committee members.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.050 Fact

2  
3 - TO AMEND SECTION 2.04.475 C. OF THE CODE: COMMITTEE ON PARKS  
4 AND FOREST; TO REPEAL SECTION 2.04.475 D. OF THE CODE: COMMITTEE ON  
5 PARKS AND FOREST; TO AMEND SECTION 16.33.007 A. AND B. OF THE CODE:  
6 ADMINISTRATION AND PROMOTION; TO AMEND SECTION 16.33.030 B. OF THE  
7 CODE: PAYMENT OF RENT AND DEPOSITS; TO AMEND SECTION 16.33.040 OF  
8 THE CODE: SPECIAL CHARGES; TO AMEND SECTION 16.33.060 A. OF THE  
9 CODE: LEASE AGREEMENTS--FORM AND EXECUTION -

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

12  
13 SECTION 1. That Subsection C. of Section 2.04.475 of the code be amended to read:

14  
15 C. The committee shall appoint an advisory committee, approved by the county  
16 board chair, whose function it shall be to actively participate in the formulation of the yearly and  
17 long range plans for the Eau Claire County parks and forest including the exposition facility. It  
18 shall be composed of 11 members experienced or interested in the management and development  
19 of the county parks and forest and broadly representative of the county population. No members  
20 of the county board shall be appointed thereto.

21  
22 SECTION 2. That Subsection D. of Section 2.04.475 of the code be repealed.

23  
24 SECTION 3. That Subsection A. of Section 16.33.007 of the code be amended to read:

25  
26 A. ~~The exposition center director parks and forest department,~~ under the auspices of  
27 the county administrator shall administer this chapter. ~~The exposition center director or county~~  
28 ~~extension office shall collect and deposit all revenues due thereunder as provided in Chapter~~  
29 ~~4.05.~~

30  
31 SECTION 4. That Subsection B. of Section 16.33.007 of the code be repealed.

32  
33 SECTION 5. That Subsection E. of Section 16.33.020 of the code be created to read:

34  
35 E. Special Services.  
36 Storage or removal of personal property \$25.00  
37 Snow removal or other services \$40/hr.

38  
39 SECTION 6. That Subsection B. of Section 16.33.030 of the code be amended to read:

40  
41 A. Rental amounts and security deposits shall be payable to the Eau Claire County  
42 treasurer and delivered to the ~~county extension office~~ parks and forest office. The treasurer shall  
43 deposit all receipts in the revenue account designated by the finance director.

44  
45 SECTION 7. That Section 16.33.040 of the code be repealed.



2

3

-AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF  
SEPTEMBER 2016

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RESOLVED by the Eau Claire County Board of Supervisors that the following accounts are  
allowed and the County Clerk and County Treasurer are authorized to issue County order checks to  
the vendors hereinafter and for the amounts set forth thereafter.

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<u>VENDOR</u>	<u>PAYMENT FOR:</u>	<u>AMOUNT</u>
11 Group Health Cooperative	September Premiums	\$ 584,012.87
12 US Bancorp Government Leasing	Dump Trunk Lease Payment - Hwy	\$ 367,104.73
13 L E Phillips Memorial Public Library	2nd Half Library Services	\$ 278,487.50
14 City of Eau Claire Treasurer	County Portion Law Enforcement Software	\$ 273,105.00
15 State of Wisconsin	August Court Fees	\$ 196,845.09
16 Altoona Public Library	2016 Library Services	\$ 177,496.00
17 Senn Blacktop Inc	County Trunk Highway Patching - Hwy	\$ 162,753.81
18 The Kraemer Co LLC	Base Gravel - Hwy	\$ 131,600.13
19 City of Eau Claire Treasurer	Comm Center Payment - September	\$ 128,006.67
20 Eau Claire City County Health Dept	August Payment	\$ 93,800.00
21 Monarch Paving Company	Hot Mix - Hwy	\$ 90,363.37
22 River States Truck & Trailer	2017 Freightliner Flatbed Truck - Parks	\$ 81,844.00
23 AUL Benefit Trust	PTO/Retiree payouts (12)	\$ 78,346.27
24 John S Olynick Inc	Gravel & Quad Axle Truck Rental - Hwy	\$ 70,484.45
25 Board of Regents of the University	2nd half UW-Extension Contract	\$ 65,361.00
26 US Bank	Procard Payment - August	\$ 65,047.96
27 Xcel Energy	Courthouse Electric/Gas - August	\$ 60,341.48
28 Fall Creek Public Library	2016 Library Services	\$ 53,216.00
29 Lutheran Social Services	August Services - CJCC	\$ 47,085.33
30 Associated Snowmobile Clubs of EC	Snowmobile Assoc Expenses - Parks	\$ 44,513.32
31 Aramark Services Inc.	Inmate Meals - August	\$ 44,359.60
32 Belco Vehicle Solutions LLC	Squad Changeovers to 2016 Ford Utility - Sheriff	\$ 43,481.02
33 Thorn Enterprises Inc	3,000 Gallon Oil Storage Tank - Hwy	\$ 42,007.50
34 Sacred Heart Hospital	Meals - July/August	\$ 41,740.35
35 Correctional Healthcare Company	Monthly Medical -October	\$ 41,239.75
36 Advanced Disposal	Recycling - August	\$ 40,187.14
37 Augusta Memorial Public Library	2016 Library Services	\$ 38,885.00
38 County of Trempealeau	County Trunk Highway-Marking & Road Line Painting -Hwy	\$ 38,527.36
39 Fahrner Asphalt Sealers LLC	Seal Coating at Courthouse and Ag Center	\$ 37,300.00
40 CliftonLarsonAllen LLP	2015 Annual Audit	\$ 29,700.00
41 City of Eau Claire Treasurer	Courthouse Water/Sewer - 3rd Qtr	\$ 27,807.20
42 Netsmart Technologies Inc	Netsmart Program Maintenance	\$ 24,415.02
43 Dell Marketing	Dell Computers -DHS	\$ 23,634.00
44 Boxx Sanitation LLC	Recycling - August	\$ 22,791.94
45 Heartland Business Systems	Network Replace Expansion - Airport	\$ 21,583.67
46 Tractor Central LLC	John Deere Mower - Airport	\$ 20,496.63
47 Bartingale Mechanical Inc	Preventative Maintenance for Sept/October 2016	\$ 20,095.50
48 Wilbur Trucking Inc	Truck Rental - Hwy	\$ 19,773.94
49 OPG-3 Inc	Scanning Software - IS	\$ 17,865.06
50 Delta Dental Plan of Wisconsin	Dental Premiums October	\$ 17,600.47
51 JP Graphics Inc	Presidential Election Ballot Optech IIIP - County Clerk	\$ 16,182.01
52 Friends of Beaver Creek Reserve	September Payment	\$ 15,000.00
53 Fuel Service DJ's Mart	Diesel Fuel - Hwy	\$ 14,532.81
54 Wireless Broadband Services Inc	Labor & Travel Fall Creek Tower Lighting	\$ 14,511.75
55 Waste Management Northern WI	Recycling - August	\$ 14,348.02
56 Chippewa Valley Energy	Diesel Fuel - Hwy	\$ 14,156.25

57	Minnesota Life Insurance Co	October Premiums	\$	12,723.74
58	Lincoln Financial Life Insurance Co	October Disability Premiums	\$	12,628.29
59	TRY Inc	September Payment	\$	11,134.92
60	Xcel Energy	Gas/Electric - Airport	\$	10,866.78
61	Wisconsin Land Information Program	August Land Info Recording Fees	\$	10,479.00
62				
63		<i>subtotal</i>	\$	3,809,869.70
64				
65				
66	County of Barron	<i>IM Consortia Payment</i>	\$	63,519.00
67	County of Burnett	<i>IM Consortia Payment</i>	\$	17,441.00
68	County of Chippewa	<i>IM Consortia Payment</i>	\$	47,575.00
69	County of Douglas	<i>IM Consortia Payment</i>	\$	50,689.00
70	County of Dunn	<i>IM Consortia Payment</i>	\$	91,194.00
71	County of Pierce	<i>IM Consortia Payment</i>	\$	60,556.00
72	County of Polk	<i>IM Consortia Payment</i>	\$	49,877.00
73	County of St Croix	<i>IM Consortia Payment</i>	\$	68,987.00
74	County of Washburn	<i>IM Consortia Payment</i>	\$	13,886.00
75	Brotoloc, Inc.	Contractual Services	\$	60,274.61
76	Career Development Center	Contractual Services	\$	12,586.60
77	Chileda Institute Inc	Contractual Services	\$	36,625.68
78	Clinicare Corporation	Contractual Services	\$	38,529.04
79	Lutheran Social Services	Contractual Services	\$	153,877.69
80	MCHS Eau Claire Clinic	Contractual Services	\$	17,895.15
81	Mt Washington Operator LLC	Contractual Services	\$	24,650.33
82	New Visions Treatment Homes	Contractual Services	\$	28,176.97
83	Northwest Counseling & Guidance	Contractual Services	\$	26,226.71
84	Northwest Passage LTD	Contractual Services	\$	22,937.15
85	Oconomowoc Development Train Ctr	Contractual Services	\$	15,298.34
86	Positive Alternatives Inc	Contractual Services	\$	17,290.00
87	REM Wisconsin III Inc	Contractual Services	\$	42,738.41
88	State of WI Department of Corrections	Contractual Services	\$	34,164.00
89	Trempealeau County	Contractual Services	\$	39,440.07
90	Vantage Point Clinic & Assessment	Contractual Services	\$	11,217.50
91	Western Dairyland Economic Opport	Contractual Services	\$	14,140.14
92				
93		Total	\$	1,059,792.39
94				
95		Grand Total	\$	4,869,662.09

  
 James Dunning - Chairperson  
 Committee on Finance and Budget

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