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ORDINANCE 07-01

Rezone 25.500 Acres of Land From Exclusive Agriculture to Primary Agriculture & 40.000 Acres of Land from Exclusive Agriculture to General Rural in the Town of Salem: Scott Zimmer

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Salem is amended to change the zoning from Exclusive Agriculture to Primary Agriculture on 25.500 acres located in part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying south of the Town Road (370th Avenue), AND to change the zoning from Exclusive Agriculture to General Rural on 40.000 acres located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, all in Section 9, T25N, R16W, Town of Salem, Pierce County, WI.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 26th day of June 2007.

(Rezone application was approved by Land Management Committee on June 6, 2007.)

ORDINANCE 07-02

**Rezone 20.000 Acres of Land in the Town of El Paso from Primary Agriculture to General Rural:
Scott & Melissa Ryden**

The Board of Supervisors of Pierce County, Wisconsin does Ordain:

Section 1: The Official Pierce County Zoning Map for the Town of El Paso is amended to change the zoning from Primary Agriculture to General Rural on 20.000 acres located in the W ½ of the NE ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, Wisconsin.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 26th day of June 2007.

(Rezone application was approved by Land Management Committee on June 6, 2007.)

ORDINANCE 07-03

**Rezone 33.000 Acres of Land from Exclusive Agriculture to General Rural in the Town of Salem:
Bruce & Colleen Anderson**

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Salem is amended to change the zoning from Exclusive Agriculture to General Rural on 33.000 acres of land located in the NE ¼ of the NW ¼ lying South of the State Hill Road (370th Avenue)

AND

Located in the SE ¼ of the NW ¼, Lying south and west of 370th Ave and westerly of Cty Rd A, Except the South 300 ft of SE-NW lying westerly of County Road A, all in Section 9, T25N, R16W, Town of Salem, Pierce County, WI.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 28th day of August 2007.

ORDINANCE 07-04
Amend Chapter 241 of the Pierce County Code: Non-Metallic Mining
Chapter 241 - Non-Metallic Mining Reclamation

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ARTICLE I - General

§241-1 Title

This chapter shall be known as the "Nonmetallic Mining Reclamation Ordinance" for Pierce County, hereinafter referred to as "this chapter."

§241-2 Purpose

The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Pierce County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code, and Subchapter I of Chapter 295, Wis. Stats.

§241-3 Statutory authority

This chapter is adopted under authority of §§59.51 and 295.13(1), Wis. Stats. and §NR 135.32, Wisconsin Administrative Code.

§241-4 Restrictions adopted under other authority

The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by §295.12(1)(a), Wis. Stats., as amended, and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

§241-5 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by Wisconsin statutes outside the reclamation requirements for nonmetallic mining sites required by Subchapter I of Chapter 295, Wis. Stats., as amended, and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wis. Stats. or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wis. Stats. and the provisions of Chapter NR 135, Wisconsin Administrative Code. Any future amendments, revisions or modifications of the statutes or administrative rules incorporated herein are intended to be made part of this chapter in order to secure uniform statewide standards for reclamation of nonmetallic mining sites.

§241-6 Severability

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

§241-7 Applicability; exemptions

- A. Overall applicability. The requirements of this chapter apply to all operators of nonmetallic mining sites within Pierce County except as exempted in Subsection B, and for nonmetallic mining sites located in a city, village or town within Pierce County that has adopted an ordinance pursuant to §295.14, Wis. Stats., and §NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of State of Wisconsin, by or on behalf of a municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in §241-14C.
- B. Exemptions. This chapter does not apply to the following activities:
- (1) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under §30.19, 30.195 or 30.20, Wis. Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.
 - (2) Excavations subject to the permit and reclamation requirements of §30.30 or 30.31, Wis. Stats.
 - (3) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
 - (4) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
 - (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
 - (6) Excavations for building construction purposes conducted on the building site.
 - (7) Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
 - (8) Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Wis. Stats.
 - (9) Any activities required to prepare, operate or close a solid waste disposal facility under Chapter 289, Wis. Stats., or a hazardous waste disposal facility under Chapter 291, Wis. Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as

activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(10) Department of Transportation.

- (a) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
- (b) This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
- (c) If a nonmetallic mining site covered under pars. (a) and (b) is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(11) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

(12) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under §30.21, Wis. Stats.

§241-8 Administration

The provisions of this chapter shall be administered by the Pierce County Land Management Department and Land Conservation Department.

§241-9 Effective date

The provisions of this chapter shall take effect on November 13, 2007, or as soon thereafter as adopted by law.

§241-10 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ALTERNATIVE REQUIREMENT: An alternative to the reclamation standards of this chapter provided through a written authorization granted by Pierce County pursuant to §241-18.

APPLICABLE RECLAMATION ORDINANCE: A nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wis. Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority, as defined in this section. If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

BORROW SITE: An area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

CONTEMPORANEOUS RECLAMATION: The sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

DEPARTMENT: The Wisconsin Department of Natural Resources.

ENVIRONMENTAL POLLUTION: Has the meaning in §295.11(2), Wis. Stats.

FINANCIAL ASSURANCE: A commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in §241-14 and is sufficient to pay for reclamation activities required by this chapter.

HIGHWALL: A vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.

LANDOWNER: The person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land if a different person possesses title to that land in fee simple or holds a land contract for that land.

LICENSED PROFESSIONAL GEOLOGIST: A person who is licensed as a professional geologist pursuant to Ch. 470, Stats.

MUNICIPALITY: Any city, town or village.

NONMETALLIC MINERAL: A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

NONMETALLIC MINING or MINING: Includes all of following:

- A. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- B. Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

NONMETALLIC MINING RECLAMATION or RECLAMATION: The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and, if practicable, the restoration of plant, fish and wildlife habitat.

NONMETALLIC MINING REFUSE: Waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining.

NONMETALLIC MINING SITE or SITE: All contiguous areas of present or proposed mining, subject to the qualifications in Subsection B.

- A. "Nonmetallic mining sites" means the following:
 - (1) The location where nonmetallic mining is proposed or conducted.
 - (2) Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
 - (3) Areas where nonmetallic mining refuse is deposited.
 - (4) Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.

- (5) Areas where grading or regrading is necessary.
- (6) Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion, are located.

B. Nonmetallic mine site does not include any of the following areas:

- (1) Those portions of sites listed in Subsection A not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
- (2) Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001, and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
- (3) Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

OPERATOR: Any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

PERSON: An individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

REGISTERED PROFESSIONAL ENGINEER: A person who is registered as a professional engineer pursuant to §443.04, Stats.

REGULATORY AUTHORITY: One of the following:

- A. Pierce County for nonmetallic mine sites located within its jurisdiction; or
- B. A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance; or
- C. The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located.

REPLACEMENT OF TOPSOIL: The replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

SOLID WASTE: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 283, Wis. Stats., or source material, special nuclear material or by-product material, as defined in §254.31 (1), Wis. Stats.

TOPSOIL: The surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

TOPSOIL SUBSTITUTE MATERIA: Soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

UNRECLAIMED ACRE or UNRECLAIMED ACRES

- A. Those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001, and areas where nonmetallic mining reclamation has been completed but is not yet certified as

reclaimed under §241-29C. However the term does not include any areas described in Subsection

B. Unreclaimed acre or unreclaimed acres does not include:

- (1) Those areas where reclamation has been completed and certified as reclaimed under §241-29C.
- (2) Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
- (3) Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.
- (4) Areas previously mined but used after August 1, 2001, for a nonmining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
- (5) For purposes of fees under §241-27, those areas within a nonmetallic mining site which Pierce County has determined to have been successfully reclaimed on an interim basis in accordance with §241-29C.

ARTICLE II - Standards for Reclamation

§241-11 Standards

All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

A. General standards.

- (1) Refuse and other solid wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to Chapters 289 and 291, Wis. Stats., as amended.
- (2) Area disturbed and contemporaneous reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.
- (3) Public health, safety and welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.
- (4) Habitat restoration. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.
- (5) Compliance with environmental regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws, including those related to environmental protection, zoning and land use control.

B. Surface water and wetlands protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 through NR 105, as amended, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channeled runoff resulting from reclamation may not adversely affect neighboring properties.

C. Groundwater protection.

- (1) Groundwater quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
- (2) Groundwater quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, as amended, Wisconsin Administrative Code, to be exceeded at a point of standards application defined.

D. Topsoil management.

- (1) Removal. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, when specified in the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.
- (2) Volume. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.
- (3) Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

E. Final grading and slopes.

- (1) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to §241-13 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.
- (2) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under §241-18; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and underlying material.
- (3) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope

- no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.
- F. Topsoil redistribution for reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.
- G. Re-vegetation and site stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by re-vegetation or other means. Re-vegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.
- H. Assessing completion of successful reclamation.
- (1) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released, shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.
 - (2) Compliance with the vegetation success standards in the approved reclamation plan shall be determined by:
 - (a) On-site inspections by Pierce County or its agent;
 - (b) Reports presenting results obtained during reclamation evaluations, including summarized data on re-vegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
 - (c) A combination of inspections and reports.
 - (3) In those cases where the post-mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
 - (4) Re-vegetation success may be determined by:
 - (a) Comparison to an appropriate reference area;
 - (b) Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
 - (c) Comparison to an approved alternate technical standard.
 - (5) Re-vegetation using a variety of plants indigenous to the area is favored.
- I. Intermittent mining. Intermittent mining may be conducted, provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to §241-14 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
- J. Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance to prevent erosion, sedimentation or environmental pollution, comply with the standards of this article, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

ARTICLE III - Permitting

§241-12 Nonmetallic mining reclamation permit application

- A. Required submittal. All operators of nonmetallic mining sites shall apply for a reclamation permit from Pierce County. All applications for reclamation permits under this section shall be accompanied by the following information:
- (1) A brief description of the general location and nature of the nonmetallic mine.

- (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number and total acres involved.
 - (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
 - (4) The name, address and telephone number of the person or organization who is the operator.
 - (5) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Article II.
- B. Reclamation permit application contents. The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to the Pierce County Land Management Department.
- (1) The information required by Subsection A.
 - (2) The plan review and annual fees required by §§241-26 and 241-27.
 - (3) A reclamation plan conforming to §241-13.
 - (4) A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by §241-14 upon granting of the reclamation permit and before mining begins.
 - (5) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

§241-13 Reclamation plan

- A. Reclamation plan required. All operators who conduct or plan to conduct nonmetallic mining subject to this chapter shall submit to Pierce County a reclamation plan that meets the following requirements and complies with the reclamation standards of this chapter:
- (1) Site information. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:
 - (a) Maps of the nonmetallic mining site, including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of groundwater, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.
 - (b) Topsoil or topsoil substitute material, if required to support re-vegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.
 - (c) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
 - (d) Existing topography as shown on contour maps of the site at five-foot intervals.
 - (e) Location of man-made features on or near the site.
 - (f) For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.
 - (2) Post-mining land use.
 - (a) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is

proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

- (b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to §91.75, Wis. Stats., shall be restored to agricultural use.
- (3) Reclamation measures. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:
- (a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site specific engineering analysis performed by a registered professional engineer as provided by §241-11E.
 - (b) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.
 - (c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
 - (d) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.
 - (e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
 - (f) A re-vegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
 - (g) Quantifiable standards for re-vegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for re-vegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.
 - (h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.
 - (i) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees and the release of financial assurance pursuant to §241-29 and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Article II and timing of interim and final reclamation.
 - (j) A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.
- (4) Criteria of Reclamation Plan. The reclamation plan shall contain criteria for assuring successful reclamation in accordance with §241-11H.
- (5) Certification of reclamation plan. The operator shall provide a signed certification that will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.

- (6) Existing plans and approval. To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.
- (7) Approval of reclamation plan. Pierce County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with §241-16B for mines that apply for a reclamation permit in conformance with §241-12. Conditional approvals of reclamation plans shall be made according to §241-16D and denials of reclamation plans shall be made pursuant to §241-17. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

§241-14 Financial assurance

- A. Financial assurance requirements. All operators of nonmetallic mining sites in Pierce County shall prepare and submit a proof of financial assurance that meets the following requirements:
 - (1) Notification. The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under Subsection A(3).
 - (2) Filing. Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Pierce County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Pierce County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Pierce County only if it currently has primary regulatory responsibility.
 - (3) Amount and duration of financial assurance. The amount of financial assurance shall equal as closely as possible the cost to Pierce County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Pierce County to assure it equals outstanding reclamation costs. Any financial assurance filed with Pierce County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. The period of the financial assurance is dictated by the period of time required to establish the post-mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.
 - (4) Form and management. Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Pierce County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to, cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Pierce County, a blend of different options for financial assurance, including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.
 - (5) Multiple projects. Any operator who obtains a permit from Pierce County for two or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Pierce County.

- (6) Multiple jurisdictions. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.
- (7) Certification of completion and release.
 - (a) The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that the reclamation of any portion of the mining site or the entire site is complete. Pierce County Land Management Department or Land Conservation Department shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Pierce County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Pierce County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.
 - (b) Pierce County shall make a determination of whether or not the certification in Subsection A(7) can be made within 60 days that the request is received.
 - (c) Pierce County may make a determination under this subsection that:
 - [1] Reclamation is not yet complete;
 - [2] It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
 - [3] Reclamation is complete in a part of the mine; or
 - [4] Reclamation is fully complete.
- (8) Forfeiture. Financial assurance shall be forfeited if any of the following occur:
 - (a) A permit is revoked under §241-24 and the appeals process has been completed.
 - (b) An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.
- (9) Cancellation. Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than ninety-day notice to Pierce County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the ninety-day notice of cancellation, the operator shall deliver to Pierce County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.
- (10) Changing methods of financial assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to Subsection A(12). The operator shall give Pierce County at least 60 days' notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Pierce County.
- (11) Bankruptcy notification. The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under Bankruptcy Code, 11 USC et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.
- (12) Adjustment of financial assurance. Financial assurance may be adjusted when required by Pierce County. Pierce County may notify the operator in writing that adjustment is necessary and the

reasons for it. Pierce County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(13) Net worth test

- (a) Only an operator that meets the definition of "company" in §289.41 (1)(b) Wis. Stats., may use the net worth method of providing financial assurance.
- (b) The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of §289.41(4), Wis. Stats. The criteria in §289.41 (6)(b), (d), (e), (f), (g), (h) and (i), Wis. Stats., shall apply.
- (c) Determinations under the net worth test shall be done in accordance with §289.41(5), Wis. Stats.
- (d) In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

B. Private Nonmetallic Mines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with §241-12 shall submit the proof of financial assurance required by Subsection A as specified in the reclamation permit issued to it under this chapter.

C. Public nonmetallic mining. The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

§241-15 Public notice and right of hearing

A. Reclamation Plan Hearing. Pierce County shall provide public notice and the opportunity for a public informational hearing as set forth below:

(1) Public notice.

- (a) When Pierce County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies §241-12.
- (b) The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a Class 1 notice pursuant to §985.07(1), Wis. Stats. in the official newspaper of Pierce County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials, including the reclamation plan.
- (c) Copies of the notice shall be forwarded by Pierce County to the county or applicable local zoning board, the county and applicable local planning organization, the county Land Conservation Officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

(2) Hearing. Pierce County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

- (a) If it conducts a zoning-related hearing on the nonmetallic mine site, Pierce County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. Pierce County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

(b) Informational hearing.

- [1] If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in Subsection A(2)(a), opportunity for public hearing required by this section shall be provided as follows: Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public

informational hearing. Pierce County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under Subsection A. (1) This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation.

[2] The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

B. Local transportation-related mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to §241-16C.

§241-1 Issuance of a nonmetallic mining reclamation permit

A. Permit required. No person may engage in nonmetallic mining or nonmetallic mining reclamation in Pierce County without first obtaining a reclamation permit issued pursuant to this chapter, except for nonmetallic mining sites that are exempt from this chapter under §241-7B.

B. Permit issuance. Applications for reclamation permits for nonmetallic mining that satisfy §241-12 shall be issued a reclamation permit or otherwise acted on as provided below:

(1) Unless denied pursuant to §241-17, Pierce County shall approve in writing a request that satisfied the requirements of §241-12 to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.

(2) Pierce County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of §241-13. The regulatory authority may issue a reclamation permit subject to conditions in Subsection D if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application and reclamation plan pursuant to this article, unless a public hearing is held pursuant to §241-15. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to Subsection D, if appropriate, or shall deny the permit as provided in §241-17, no later than 60 days after completing the public hearing.

(3) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of §241-13 and provision by the applicant of financial assurance required under §241-14 and payable to Pierce County prior to beginning mining.

C. Automatic permit for local transportation-related mines.

(1) Pierce County shall automatically issue an expedited permit under this subsection to any borrow site that:

(a) Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

(b) Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

(c) Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

(d) Is not a commercial source;

(e) Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any; and

(f) Is not otherwise exempt from the requirements of this chapter under §241-7B(10).

- (2) In this subsection, "municipality" has the meaning defined in §299.01(8), Wis. Stats.
- (3) Automatic permits shall be issued under this subsection in accordance with the following provisions:
 - (a) The applicant shall notify Pierce County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
 - (b) The applicant shall provide evidence to Pierce County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
 - (c) Pierce County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under §241-13.
 - (d) Pierce County shall accept the contractual provisions in lieu of the financial assurance requirements in §241-14.
 - (e) The public notice and hearing provisions of §241-15 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.
 - (f) Mines permitted under this subsection shall pay an annual fee to Pierce County as provided in §241-27, but shall not be subject to the plan review fee provided in §241-26.
 - (g) Pierce County shall issue the automatic permit within 7 days of the receipt of a complete application.
 - (h) If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies, provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.
 - (i) Notwithstanding §241-25, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

D. Permit conditions. Any decision under this section may include conditions as provided below:

- (1) Pierce County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.
- (2) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to §241-14 prior to beginning mining.

§241-17 Permit denial

An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

- A. An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in §241-16, if Pierce County finds any of the following:
 - (1) The applicant has, after being given an opportunity to make corrections, failed to provide to Pierce County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code, or this chapter.
 - (2) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code, or Subchapter 1 of Chapter 295, Wis. Stats.
 - (3) Patterns of serious violations.
 - (a) The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered, shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.
 - (b) The following may be considered in making this determination of a pattern of serious violations:

- [1] Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.
- [2] Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code
- [3] Forfeitures of financial assurance.
- [4] A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

B. A decision to deny an application to issue a reclamation permit may be reviewed under §241-22.

§241-18 Alternative requirements

- A. Scope of alternative requirements approvable. An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in §241-11. Pierce County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Pierce County finds that all of the following criteria are met:
- (1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.
 - (2) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.
 - (3) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.
- B. Procedures.
- (1) The operator of a nonmetallic mining site requesting an alternate requirement in Subsection A shall demonstrate all of the criteria of Subsection A. This shall be submitted in writing to the Pierce County Land Management Department, P.O. Box 647 Courthouse, Ellsworth, WI 54011.
 - (2) Requests for alternative requirements shall be made to the Pierce County Land Management Committee.
 - (3) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.
 - (4) Pierce County shall provide notice and the opportunity for a public informational hearing of a request for alternative requirements in accordance with §241-15.
- C. Transmittal of decision on request for alternate requirement. The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.
- D. Notice to Department of Natural Resources. Pierce County shall provide notice to the Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under Subsection B on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

§241-19 Permit duration

- A. A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to §241-24B.
- B. If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless it is renewed or the permit is transferred to a subsequent lessee pursuant to §241-20.

§241- Permit transfer

A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

- A. A nonmetallic reclamation mining permit may be transferred to a new operator upon submittal to Pierce County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.
- B. The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Pierce County and Pierce County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

§241-21 Previously permitted sites

For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code, that becomes subject to reclamation permitting authority of Pierce County, the terms and conditions of the previously issued municipal reclamation permit shall remain in force until modified by Pierce County pursuant to §241-23A.

§241-22 Review

Any permitting decision or action made by Pierce County under this chapter may be reviewed as set forth in this section. Notwithstanding §§68.001, 68.03 (8) and (9), 68.06 and 68.10 (1)(b), Wis. Stats., any person who meets the requirements of §227.42(1), Wis. Stats., may obtain a contested case hearing under §68.11, Wis. Stats., on Pierce County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

ARTICLE IV - Administration

§241-23 Permit modification

- A. A nonmetallic mining reclamation permit issued under this chapter may be modified by Pierce County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code, or this chapter. Such modification shall be by an order modifying the permit in accordance with §241-32. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code, or this chapter.
- B. At the operator's option. If the operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Pierce County Land Management Department or Land Conservation Department. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.
- C. Required by the operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.
- D. Review. All actions by Pierce County on permit modifications requested or initiated under this section are subject to review under §241-22.

§241-24 Permit suspension and revocation

- A. Grounds. Pierce County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:
 - (1) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
 - (2) Failed to submit or maintain financial assurance as required by this chapter.
 - (3) Failed on a repetitive and significant basis to follow the approved reclamation plan.

- B. Procedures. If Pierce County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in Subsection A, it may issue a special order suspending or revoking such permit as set forth in §241-32B.
- C. Consequences.
 - (1) If Pierce County makes any of the findings in Subsection A, it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to §241-32.
 - (2) If Pierce County makes any of the findings in Subsection A, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Pierce County. Pierce County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

§241-25 Annual operator reporting

- A. Contents and deadline. Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.
 - (1) Contents. The annual report required by this section shall include all of the following:
 - (a) The name and mailing address of the operator.
 - (b) The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number, if available.
 - (c) The identification number of the applicable nonmetallic mining permit, if assigned by Pierce County.
 - (d) The acreage currently affected by nonmetallic mining extraction and not yet reclaimed
 - (e) The amount of acreage that has been reclaimed to date, on a permanent basis, and the amount reclaimed on an interim basis.
 - (f) A plan, map or diagram accurately showing the acreage described in Subsection A(1)(d) and (e).
 - (g) The following certification, signed by the operator: "I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."
 - (2) Deadline. The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.
 - (3) When reporting may end. Annual reports shall be submitted by an operator for all active and intermittent mining sites to Pierce County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to §241-29C or at the time of release of financial assurance pursuant to §241-14A(7).
- B. Inspection in lieu of report. Pierce County may, at its discretion, obtain the information required in Subsection A for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Pierce County obtains and documents the required information, the annual report need not be submitted by operator. If Pierce County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Pierce County shall require the operator to submit the certification required in Subsection A(1)(g).
- C. Retention of annual reports. Annual reports submitted under Subsection A or inspection records that replace them under Subsection B shall be retained by Pierce County for at least 10 years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available

to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

§241-26 Plan review fees

- A. Amount and applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under §241-12 shall submit a nonrefundable plan review fee. No plan review fee may be assessed under this section for any local transportation-related mining receiving an automatic permit under §241-16C. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to §241-23. The fee will be set by resolution of the Land Management Committee.
- B. Relation to annual fee. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under §241-27

§241-27 Annual fees

- A. Areas subject to fees, procedures and deadline.
 - (1) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Pierce County. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under Subsection B and a share for Pierce County under Subsection C that equals as closely as possible the costs of examination and approval on nonmetallic mining reclamation plans and the inspection of nonmetallic mining reclamation sites.
 - (2) Fees paid under this section shall be calculated based on the unreclaimed acres of nonmetallic mining site, as defined below.
 - (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001, and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under §241-14A(7). However the term does not include any areas described in Subsection B.
 - (b) Unreclaimed acre or unreclaimed acres does not include:
 - [1] Those areas where reclamation has been completed and certified as reclaimed under §241-14A(7).
 - [2] Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
 - [3] Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.
 - [4] Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
 - [5] Those areas within a nonmetallic mining site which the regulatory authority has determined to have been successfully reclaimed on an interim basis in accordance with §241-29B and C.
 - [6] Those areas defined as not included in a nonmetallic mining site under Subsection B of the definition of "nonmetallic mine site" or "site" in §241-10.
 - (c) Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.
 - (3) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under §241-29. Fees shall be paid no later than January 31 for the previous year.

- (4) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by, Pierce County pending certification of completed reclamation pursuant to §§241-29C and 241-14A(7). Upon such certification Pierce County shall refund that portion of the annual fee that applies to the reclaimed areas. If Pierce County fails to make a determination under §§241-29C and 241-14A(7) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.
- B. Wisconsin Department of Natural Resources share of fee.
 - (1) Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1 of §NR 135.39, Wisconsin Administrative Code, and set by resolution of the Land Management Committee.
 - (2) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.
 - (3) Pierce County shall forward fees collected under this subsection to Wisconsin Department of Natural Resources by March 31st.
 - C. Pierce County's share of fee. Fees paid under this section shall also include an annual fee due to Pierce County, which shall be a dollar amount established by the Land Management Committee on an unreclaimed acre basis, and equal as closely as possible the County's cost of administering the reclamation program.
 - D. Reduced fee for inactive mines. Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year. The fee shall be set by resolution of Land Management Committee.
 - E. Documentation of Pierce County's share of fee. If the annual fee in Subsection C is greater than that established in §NR 135.39(4)(c), Wisconsin Administrative Code, Pierce County shall document in writing its estimated program costs and the need for its annual fees established in Subsection C. This documentation shall be available for public inspection at the office of Land Management Department.
 - F. Other fees due to Wisconsin Department of Natural Resources. Any other fees that may apply shall be collected according to the tables in §NR 135.39, Wisconsin Administrative Code, as amended.

§241-28 Regulatory reporting and documentation

- A. Reporting. Pierce County shall send an annual report to the Wisconsin Department of Natural Resources by March 31 for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:
 - (1) The total number of nonmetallic mining reclamation permits in effect.
 - (2) The number of new permits issued within the jurisdiction of Pierce County.
 - (3) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
 - (4) The number of acres being mined.
 - (5) The number of acres that have been reclaimed and have had financial assurance released pursuant to §241-14A(7).
 - (6) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to §241-29A and B.
 - (7) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.
- B. Documentation. Pierce County shall, to the best of its ability, maintain the information set forth below and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Pierce County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (1) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code, and this chapter.
- (2) The procedures employed by Pierce County regarding reclamation plan review and the issuance and modification of permits.
- (3) The methods for review of annual reports received from operators.
- (4) The method and effectiveness of fee collection.
- (5) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (6) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (7) Responses to citizen complaints.
- (8) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (9) The maintenance and availability of records.
- (10) The number and type of approvals for alternative requirements issued pursuant to §241-18.
- (11) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to §241-14A(7).
- (12) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability to Pierce County to implement its nonmetallic mining reclamation program under this chapter.
- (13) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
- (14) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

§241-29 Completed reclamation: reporting, certification and effect

- A. Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.
- B. Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in Subsection A.
- C. Certification of completed reclamation. Pierce County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with §241-14A(7)(c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with §241-13, Pierce County shall issue the mine operator a written certificate of completion.
- D. Effect of completed reclamation. If reclamation is certified by Pierce County as complete under Subsection C for part or all of a nonmetallic mining site, then:
 - (1) No fee shall be assessed under §241-27 for the area so certified.
 - (2) The financial assurance required by §241-14 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.
 - (3) For sites which are reported as interim reclaimed under Subsection B and so certified under Subsection C, financial assurance for reclaiming the certified area may be reduced if deemed appropriate by the regulatory authority.

§241-30 Permit termination

When all final reclamation required by a reclamation plan conforming to §241-13 and required by this chapter is certified as complete pursuant to §§241-14A(7) and 241-29C, Pierce County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

ARTICLE V - Enforcement

§241-31 Right of entry and inspection

For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wis. Stats., Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Pierce County may inspect any nonmetallic mining site subject to this chapter as provided below:

- A. No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Pierce County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code, or Subchapter I of Chapter 295, Wis. Stats.
- B. Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

§241-32 Orders and citations

- A. Enforcement orders. Pierce County may issue orders as set forth in §295.19(1)(a), Wis. Stats., as amended, to enforce Subchapter I of Chapter 295, Wis. Stats., Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by §241-13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by §241-13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wis. Stats., and Chapter NR 135, Wisconsin Administrative Code.
- B. Special orders. Pierce County may issue a special order as set forth in §295.19(1)(b) and (c), Wis. Stats., as amended, suspending or revoking a nonmetallic mining reclamation permit pursuant to §241-24 or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wis. Stats., Chapter NR 135, Wisconsin Administrative Code, or this chapter until the necessary plan approval is obtained.
- C. Review of orders. A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under §68.11, Wis. Stats., notwithstanding the provisions of §§68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Wis. Stats.
- D. Citations. Pierce County may issue a citation under §66.119, Wis. Stats., and §1-27, Pierce County Code, to collect forfeitures to enforce Subchapter I of Chapter 295, Wis. Stats., Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by §241-13 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- E. Enforcement. Pierce County may submit any order issued under this section to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

§241-33 Violations and penalties

Any violation of Subchapter I of Chapter 295, Wis. Stats., Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by §241-13 and a permit issued under this chapter may result in forfeitures as provided in §295.19(3), Wis. Stats., as follows:

- A. Any person who violates Chapter NR 135, Wisconsin Administrative Code, or an order issued under §241-32 may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under §241-32 is suspended, stayed or enjoined, this penalty does not accrue.
- B. Except for the violations referred to in Subsection A, any person who violates Subchapter 1 of Chapter 295, Wis. Stats. Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to §241-32 shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under §241-32 is suspended, stayed or enjoined, this penalty does not accrue.

ORDINANCE 07-05

**Rezone 10.760 Acres from General Rural Flexible 8 to Light Industrial in the Town of Oak Grove:
Morris Holst**

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Oak Grove is amended to change the zoning from General Rural Flexible 8 to Light Industrial on 10.760 acres of land located in Lot 5 CSM Vol.11 Pg. 173 and Lot 8 CSM Vol. 12 Pg. 26 that is located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 18th day of December, 2007.

ORDINANCE 07-06

Revise Chapter 101 Article IV of the Pierce County Code- Manure Storage

Pierce County Board of Supervisors Does Hereby Ordain as Follows:

SECTION 1: That Chapter 101 Article IV of the Pierce County code is hereby revised as shown in the attached Exhibit "A".

SECTION 2: That the revised ordinance shall become effective upon its adoption and publication as required by law.

Dated this 22nd day of January, 2008.

EXHIBIT "A"

ARTICLE IV Waste Storage

§ 101-25. Authority.

The ordinance codified in this article is adopted under authority granted by §§ 59.02, 59.03, 59.69, 59.70, 92.15 and 92.16, Wis. Stats.

§ 101-26. Title.

This article shall be known as, referred to and may be cited as the "Pierce County Waste Storage Ordinance" and is hereinafter referred to as "this article."

§ 101-27. Findings and declaration of policy.

A. The Pierce County Board of Supervisors finds that storage of waste, which includes manure, milking center waste and other organic waste generated by a livestock facility, in storage facilities not meeting sufficient technical design and construction standards may cause pollution of the surface and ground waters of Pierce County and may result in harm to the health of county residents, to livestock, aquatic life and other animals and plants and to the property tax base of Pierce County.

B. The Pierce County Board of Supervisors also finds that improper management of waste storage facilities and utilization of stored waste may cause pollution of the ground and surface waters of Pierce County. The Pierce County Board of Supervisors further finds that the technical standards developed by the United States Department of Agriculture, Natural Resource Conservation Service and adopted by the Pierce County Land Conservation Committee provide effective, practical and environmentally safe methods of storing and utilizing waste.

§ 101-28. Purpose.

The purpose of this article is to regulate the location, design, construction, installation, alteration and use of waste storage facilities and the application of waste from these facilities in order to prevent water pollution and thereby protect the health and welfare of Pierce County residents, animals and plants and the economy. It is also intended to provide for the administration and enforcement of this article and to provide penalties for its violation.

§ 101-29. Applicability.

This article applies to the entire geographical area of Pierce County.

§ 101-30. Interpretation.

The provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of Pierce County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 101-31. Severability.

If any section, provision or portion of this article is ruled invalid by a court, the remainder of the article shall not be rendered ineffective by the court's ruling.

§ 101-32. When effective.

This article shall become effective upon its adoption and publication by the Pierce County Board of Supervisors.

§ 101-33. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABANDONED STORAGE FACILITY — A facility, permitted under this article, where waste has not been added or removed for a period of 24 months.

APPLICANT — Any person who applies for a permit under this article.

1. BEDROCK – The top of the shallowest layer of a soil profile that consists of consolidated rock material or weathered-in-place material, more than 50% of the volume of which will be retained on a 2 mm soil sieve.

CLOSED WASTE STORAGE FACILITY – A waste storage facility that has been closed in compliance with this article and NRCS Technical Guide, Standard 360.

CERTIFIED AGRICULTURAL ENGINEERING PRACTITIONER -- An agricultural engineering practitioner who is certified under s. ATCP 50.46 with a rating under s. ATCP 50.46 (5) that authorizes the practitioner to certify every matter that the practitioner certifies under this chapter.

DEPARTMENT — The Pierce County Department of Land Conservation.

FINE SOIL PARTICLES -- Soil particles that pass through a #200 soil sieve.

KARST FEATURE -- An area or superficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater including caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

LIVESTOCK -- Domestic animals traditionally used in this state in the production of food, fiber, or other animal products including cattle, swine, poultry, sheep and goats. Does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

LIVESTOCK STRUCTURE -- A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

MANURE — Excreta from livestock and other materials such as livestock bedding, water, soil, hair, feathers and other debris normally included in animal manure operations.

MINOR ALTERATION -- A repair or improvement in the construction of an existing livestock structure that does not result in a substantially altered livestock structure.

NEW WASTE STORAGE FACILITY -- A facility that will be used as a livestock facility for the first time, or for the first time in the last five years. Does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

PERMIT — The signed, written statement issued by the Pierce County Land Conservation Department under this article authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter a waste storage facility and to use or dispose of waste from the facility.

PERMITTEE — Any person to whom a permit is issued under this article.

PERSON — Any individual, corporation, partnership, joint venture, agency unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof.

REGISTERED PROFESSIONAL ENGINEER -- A professional engineer registered under ch. 443, Wis. Stats.

SUBSTANTIALLY ALTER — Waste storage structure that undergoes a material change in construction or use, including any of the following material changes:

1. An increase in the capacity of a waste storage facility.
2. The addition of a liner to a waste storage facility.

SUSCEPTIBLE TO GROUNDWATER CONTAMINATION — Any one of the following:

- A. An area within 250 feet of a private well.
- B. An area within 1,000 feet of a municipal well.
- C. An area within 300 feet up-slope or 100 feet down-slope of karst features.
- D. A channel with a cross-sectional area equal to or greater than three square feet that flows to a karst feature.
- E. An area where the soil depth to groundwater or bedrock is less than two feet.
- F. An area where the soil does not exhibit one of the following soil characteristics:
 - (1) At least a two-foot soil layer with forty-percent fines or greater above groundwater and bedrock.
 - (2) At least a three-foot soil layer with twenty-percent fines or greater above groundwater and bedrock.
 - (3) At least a five-foot soil layer with ten-percent fines, or greater above groundwater and bedrock.

[See NR 151.015 (18)]

TECHNICAL GUIDE — The United States Department of Agriculture (USDA) Natural Resource Conservation Service Technical Guide for the State of Wisconsin, and amendments.

UNCONFINED MANURE PILE – A quantity of manure at least 175 cubic feet in volume that covers the ground surface to a depth of at least 2 inches, but does not include any of the following:

- A. Manure that is confined within a manure storage facility, livestock housing structure or barnyard runoff control facility.
- B. Manure that is covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

WASTE – Manure, milking center waste and other organic waste generated by a livestock facility.

WASTE STORAGE FACILITY – One or more waste storage structures including stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. Does not include equipment used to apply waste to land.

WASTE STORAGE STRUCTURE – A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Does not include any of the following:

1. Equipment used to apply waste to land.
2. A structure used to collect and store waste under a livestock housing facility.
3. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

WATER POLLUTION — Contaminating or rendering unclean or impure the ground or surface waters of the state or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

§ 101-34. General requirement.

Any person who designs, constructs, installs, reconstructs, enlarges, substantially alters, or closes a waste storage facility or who employs another person to do the same on land subject to this article shall be subject to the provisions of this article.

A. General design, construction and maintenance.

- (1) New or substantially altered waste storage facilities shall be designed, constructed and maintained to minimize the risk of structural failure, and to minimize the potential for waste discharge to surface water or groundwater. A waste storage facility may not lack structural integrity or have significant leakage. An unlined earthen waste storage facility may not be located on a site that is susceptible to groundwater contamination.

- (2) Storage capacity. The waste storage capacity shall be adequate for reasonably foreseeable storage needs based on the operator's waste and nutrient management strategy.
 - (a) An operator shall at all times maintain, in every open waste storage facility, unused storage capacity equal to the greater of the following volumes:
 1. One foot multiplied by the top area of the storage facility.
 2. The volume of rain that would accumulate in the waste storage facility from a 25-year 24-hour storm.
1. B. Existing facilities. An existing waste storage facility is presumed to comply with sub. A.(1) if a registered professional engineer or certified agricultural engineering practitioner certifies one of the following:
 - (1) The facility is constructed of concrete or steel or both, was constructed within the last 10 years according to then-existing NRCS standards, and shows no apparent signs of structural failure or significant leakage.
 - (2) The facility was constructed within the last 3 years according to then-existing NRCS standards, and shows no apparent signs of structural failure or significant leakage.
 - (3) The facility was constructed according to NRCS standards that existed at the time of construction, is in good condition and repair, and shows no apparent signs of structural failure or significant leakage.
 - (4) The facility is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with NRCS technical guide manure storage facility standard 313, table 1 (November, 2004).
 - (5) The facility is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with NRCS technical guide manure storage facility standard 313, table 5 (November, 2004).
- C. Closure.
 - (1) Closure of a waste storage facility permitted under this article shall occur when an operation where the facility is located ceases operation, or waste has not been added or removed from the facility for a period of 24 months. Waste facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters. Compliance with NRCS Technical Guide, Standard 360, Closure of Waste Impoundments, and this article, is required.
 - (2) The owner or operator may retain the facility for a longer period of time by demonstrating to the Department that all of the following conditions are met:
 - (a) The facility is designed, constructed and maintained in accordance with Sub. (2) of NR 151.05;
 - (b) The facility is designed to store waste for a period of time longer than 24 months.
 - (c) Retention of the facility is warranted based on anticipated future use.
- D. Failing and leaking facilities. Waste storage facilities that may pose an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards shall be upgraded, replaced or closed in accordance with this section.

§ 101-35. Compliance.

A person is in compliance with this article if he or she follows the procedures of this article, receives a permit from the Pierce County Land Conservation Department before beginning activities subject to regulation under this article and complies with the requirements of the permit.

§101-36. Standards.

A. Standards for waste storage facilities. A registered professional engineer or certified agricultural engineer practitioner shall certify that the design specifications of waste storage facilities are the current standards found in the Technical Guide, Standards 313 (Waste Storage Facility) and Standards 634 (Manure Transfer Standard), as they existed on the date of the adoption of this article, and any amendments.

B. Standards for nutrient management plan. The standards for a nutrient management plan shall be as provided in the Technical Guide, Standard 590.

1. C. Subsequent modification of standards. The standards of the Technical Guide are adopted and by reference made a part of this article as if fully set forth herein. Any future amendment, revision or modification of the standards incorporated herein are made a part of this article, unless otherwise acted upon by the Land Conservation Committee.

D. Additional conditions. The Pierce County Land Conservation Department staff may impose additional conditions before issuing a permit if in the officer's or staff member's judgment such conditions are necessary to protect the groundwater because of shallow soils, creviced rock or other site conditions. Compliance with this article does not eliminate or change the applicant's duty to comply with any other restrictions, rules or regulations imposed by other entities, including but not limited to town, state, city and village requirements.

§ 101-37. Siting requirements.

- A. A waste storage structure may not be located within 350 feet of any property line, or within 350 feet of the nearest point of any public road right-of-way, unless one of the following applies.
- (1) The waste storage structure existed prior to May 1, 2006. An existing waste storage structure located within three hundred fifty (350) feet from a lot line or public road right-of-way may expand, but shall not further encroach upon the setback.
 - (2) The waste storage structure is a single new waste storage structure constructed no closer to the relevant property line or public road than a waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.
- B. Exemption from siting requirement. The Land Conservation Committee may grant an exemption to, or modify, one or more siting requirements for a proposed waste storage facility if requested by the applicant or the Department, provided that:
- (1) Unique property limitations exist and placement in adherence with siting requirements would not be reasonable and or possible; or
 - (2) Adherence to siting requirements would increase the likelihood of future nuisance complaints; or
 - (3) The request is for the protection of water quality.
- C. A waste storage structure must comply with all applicable zoning, floodplain and shoreland and wetland ordinances.
- D. Unconfined manure piles. A livestock facility may not have any unconfined manure piles within 1,000 feet of a navigable lake or 300 feet of a navigable stream.

§ 101-38. Permits required.

No person may undertake an activity subject to this article without obtaining a permit from the Department prior to beginning the proposed activity.

§ 101-39. Exceptions to permit requirement.

- A. Emergency repairs, such as repairing a broken pipe or equipment or leaking dikes or the removal of stoppages, may be performed without a permit. If repairs will alter the original design and construction of the facility, a report shall be made to the Department within two working days of the emergency for a

determination by the Department on whether a permit will be required for any additional alteration or repair to the facility.

- B. Pre-existing waste storage facilities, except where a breach or overflow occurs, are not required to obtain a permit under this article.
- C. Closure of an existing waste storage facility, with a plan approved by the Department, does not require a permit under this article.

§ 101-40. Permit fee.

A fee shall be charged for a permit under this article. The permit fee can be established or changed by a majority vote of the Land Conservation Committee. The new fee schedule shall be submitted to the full County Board at its next regular meeting for information purposes. No approval action is necessary on the part of the full County Board.

§ 101-41. Waste storage facility plan required.

Each application for a permit under this article shall include a waste storage facility plan. The plan shall specify:

- A. Type(s) and numbers of livestock the facility is planned for, and maximum storage capacity.
- B. A sketch drawn at a scale of not less than one inch equals 100 feet of the facility location, including all buildings, navigable and intermittent streams, wetlands or water bodies within 500 feet of the impoundment, and the location of wells within 300 feet of the facility.
- C. Structural details, including but not limited to all grades, dimensions, cross-sections, concrete thickness, reinforcement schedules, and thickness and placement of groundwater protection liners.
- D. Soil test pits and soil depth boring locations and soil descriptions to a depth of at least five feet below the planned bottom of the facility or to bedrock if at a lesser depth.
- E. Elevations of groundwater or bedrock if encountered in the soil profile and the date of such determinations.
- F. Provisions for drainage and control of runoff to prevent pollution of surface water and groundwater and the locations and distance to water bodies.
- G. Drawing scale and the North arrow.
- H. Time schedules for construction and inspection by certifying engineer.
- I. Descriptions of the methods for transferring waste.
- J. Provisions for proper closure of facility.
- K. Provisions for complying with siting requirements, if applicable.
- L. Provisions required for safety of the facility, including but not limited to adequate signage, grating, and fencing.
- M. All companion documents from Technical Guide, Standard 313.

§ 101-42. Nutrient management plan.

- A. As part of an application for construction permit, a landowner must develop a nutrient management plan that complies with ATCP 50.04. The nutrient management plan shall include the following:
 - (1). Identification of every field on which the landowner mechanically applies nutrients.
 - (2). Preparation by a nutrient management planner qualified under ATCP 50.48.
 - (3). Reliance on soil nutrient tests conducted at a laboratory certified under ATCP 50.50.
 - (4). Compliance with the Technical Guide nutrient management standard 590.
 - (5). Follow recommendations for nutrient applications in the University of Wisconsin-Extension in Soil Test Recommendations for Field, Vegetable and Fruit Crops, UWEX publication A-2809 (1998), unless the nutrient management planner can show that circumstances justify more than the recommended application.
- B. Updates. An operator may update nutrient management plans and practices as necessary, consistent with § 101-36 B.

§ 101-43. Reuse of abandoned waste storage facility.

Reuse of an abandoned facility may be allowed provided that the owner or operator meets the requirements of § 101-34C(2) of this article.

§ 101-44. Review of application and plans.

The Department shall receive and review all permit applications. The Department shall determine if the proposed facility meets required standards set forth in §§ 101-35 and 101-36 of this article. Within 45 days after the Department receives an application, the Department shall notify the applicant if the application is complete. If additional information is required, the notice shall specifically describe what else is needed. Within 14 days after the applicant has provided the additional information, the Department shall notify the applicant that the application is complete. Within 90 days after giving notice that the application is complete, the Department shall inform the applicant in writing whether the permit application is approved or disapproved. If the Department fails to approve or disapprove the permit application in writing within 90 days of the receipt of the permit application, as appropriate, the application shall be deemed approved and the applicant may proceed as if the permit had been issued.

§ 101-45. Permit conditions.

All permits issued under this article shall be issued subject to the following conditions and requirements:

- A. Waste storage facility design, construction, management and utilization activities shall be carried out in accordance with the approved application and plans and applicable standards specified in this article.
- B. The permittee shall give no less than five working days' notice to the Department before starting any construction activity authorized by the permit.
- C. Approval in writing must be obtained from the Department prior to any modifications to the approved facility if the permit has been issued.
- D. The permittee and registered engineer or certified agricultural engineering practitioner shall certify in writing that the facility was installed as planned, or as-built plans shall be stamped by the registered engineer or certified agricultural engineering practitioner and submitted before use of the facility begins.
- E. Activities authorized by permit must be completed within two years from the date of issuance, after which such permit shall be voided, unless an extension is approved by the Department.

§ 101-46. Permit revocation.

The Department may revoke any permit issued under this article if the holder of the permit has misrepresented any material fact in the permit application or facility plans or if the holder of the permit violates any of the conditions of the permit.

§ 101-47. Administration.

In the administration and enforcement of this article, the Department shall:

- A. Keep an accurate record of all permit applications, waste storage facility plans, permits issued, inspections made and other official actions.
- B. Review permit applications and issue permits in accordance with § 101-38 to § 101-46 of this article.
- C. Inspect waste storage facility construction to ensure that the facility is being constructed according to plan specifications.
- D. Investigate complaints relating to compliance with this article.
- E. Perform other duties as specified in this article.

§ 101-48. Inspections.

The Pierce County Land Conservation Supervisor or designee of the Pierce County Land Conservation Committee is authorized to enter upon any lands affected by this article to inspect the land prior to or after permit issuance to determine compliance with this article. If permission cannot be received from the applicant or permittee, entry by the Land Conservation Supervisor or designee shall be according to § 66.0119, Wis. Stats.

§ 101-49. Enforcement.

The Department is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this article. Notice is given by mailing a copy of the order by certified mail to the owner of the land where the violation exists. The order shall specify that the activity must cease and be brought into compliance within 10 days. Any permit revocation or order stopping work shall remain in effect unless retracted by the Board of Adjustment, the Department or by a court of appropriate jurisdiction. The Department is authorized to refer any violation of this article to the Corporation Counsel for commencement of further legal proceedings.

§ 101-50. Violations and penalties.

Any person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this article shall be subject to a forfeiture of \$200 plus costs of prosecution for each violation. Any unlawful violation includes failure to comply with any standard of this article or with any condition or qualification attached to the permit. Penalties shall also be assessed if a person undertakes an activity, including but not limited to construction activities, subject to this article without obtaining a permit from the Department prior to beginning the proposed activity. Each day that a violation exists shall be a separate offense.

§ 101-51. Injunctions or restraining orders.

As substitute for or an addition to forfeiture actions, Pierce County may seek enforcement of any part of this article by court actions seeking injunctions or restraining orders.

§ 101-52. Appeals.

A. Authority. Under authority of Chapter 68, Wis. Stats., the Pierce County Board of Adjustment, created under § 59.594, Wis. Stats., and under Chapter 240, Zoning § 240-70, and acting as an appeal authority under § 59.69(7)(a), Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination by the Department in administering this article.

B. Procedure. The rules, procedures, duties and powers of the Pierce County Board of Adjustment and Chapter 68, Wis. Stats. shall apply to this article.

C. Who may appeal. Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision or determination made by the Department.

ORDINANCE 07-07

**Rezone 32.150 Acres from Primary Agriculture to Agriculture Residential in the Town of
Trimbelle: Steven & Rhonda Davison**

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle is amended to change the zoning from Primary Agriculture to Agriculture Residential on 32.150 acres of land located in SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Except the North 259 feet of the East 990 feet, & Except CSM Vol.12 Pg.5, all in Section 5, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 26th day of February 2008.

ORDINANCE 07-09

Revise Chapter 240 of the Pierce County Code: Zoning

PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That § 240-4, § 240-18, § 240-23 (240 Attachment 2, Table of Dimensional Requirements), § 240-46, § 240-67B, as shown in Exhibit A; § 240-37.1, § 240-54I, § 240-76I, as shown in Exhibit B; § 240-17 (240 Attachment 1, Table of Uses), § 240-36N, as shown in Exhibit C, and § 240-88, as shown in Exhibit D; of Chapter 240 of the Pierce County code are hereby revised as shown in the attached Exhibits A, B, C and D.

SECTION 2: That the revised ordinance shall become effective upon its adoption and publication as required by law.

Dated this 25th day of March, 2008.

ORDINANCE 07-10

Rezone a Parcel of Land in the Town of Clifton from General Rural Flexible-8 to Light Industrial: Jacques Rezone

The Board of Supervisors of Pierce County, Wisconsin does Ordain:

Section 1: The Official Pierce County Zoning Map for the Town of Clifton be amended to change the zoning from General Rural Flexible-8 to Light Industrial for the parcel of land described as:

A parcel of land located in the SE ¼ of the SE ¼ in Section 35 and SW ¼ of the SW ¼ in Section 36, Township 27 North, Range 20 West, Town of Clifton commencing at the southeast corner of Section 35, continuing north a distance of 600 feet to the point of beginning, thence westerly 300 feet, thence northerly 700 feet, thence easterly 1238 feet, thence southerly 700 feet, thence westerly 938 feet to the point of beginning, including 20 acres more or less.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 25^h day of March, 2008.

ORDINANCE 07-11

Rezone a Parcel of Land in the Town of Diamond Bluff from Industrial to Light Industrial: Larson Rezone

The Board of Supervisors of Pierce County, Wisconsin does Ordain:

Section 1: The Official Pierce County Zoning Map for the Town of Diamond Bluff be amended to change the zoning from Industrial to Light Industrial for a parcel of land described as:

A parcel of land lying in the SW ¼ of the SW ¼ of Section 18, Township 25 North, Range 18 West, Town of Diamond Bluff commencing at the NE corner of CSM Vol.1, P 177 being the point of beginning; thence N00 27'30"E, along the east line of said SW ¼ of the SW ¼ a distance of 242.35 feet, thence westerly 730 feet; thence southwesterly 376 feet to the northerly right-of-way line of STH 35; thence southeasterly along said right-of-way 527 feet more or less to the southwest corner of CSM V.1 p.177, then northerly along west line of said CSM 269.38 feet; thence easterly along north line of said CSM 263.88 feet to the point of beginning and being 6 acres more or less.

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon passage.

Dated this 25^h day of March, 2008.

RESOLUTION 07-01*

~~RESOLUTION 06-36~~

Amending Pierce County Huber Law Fees for Prisoners Established in Resolution No. 99-05

WHEREAS, Pierce County has authority under Wisconsin Statutes, including Sections 302.372, 302.38, and 303.08, to set fees for maintenance and boarding of prisoners in the County jail; and

WHEREAS, costs of providing meals and other administrative costs of housing prisoners has increased and the fees should be increased accordingly; and

WHEREAS, §10-15(A) of the Pierce County Code states that prisoners sentenced under the Huber Law and held in the Pierce County jail shall be assessed costs of maintenance and board, including meals, as fixed by resolution of the Pierce County Board of Supervisors; and

WHEREAS, the Sheriff's Department recommends the fees for housing and boarding Pierce County Huber Law prisoners per day as follows:

| | <u>Current Fee</u> | <u>Proposed Fee</u> |
|------------|--------------------|---------------------|
| Fee | \$13.00 | \$14.25 |
| Tax (5.5%) | <u>\$.71</u> | <u>\$.78</u> |
| Total | \$13.71/day | \$15.03/day |

WHEREAS, the Law Enforcement Committee, at its meeting on March 13, 2007, and the Finance Committee, at its meeting on April 2, 2007, recommended the above stated fees be established.

NOW THEREFORE BE IT RESOLVED that the Pierce County Board of Supervisors adopt the fees as outlined in this resolution and that the fees shall take effect upon adoption of this resolution; and

BE IT FURTHER RESOLVED that the Pierce County Sheriff shall collect the established fees, maintain auditable records, and deposit those fees with the Pierce County Treasurer on a monthly basis.

DATED this 17th day of April, 2007

* Number corrected by the County Board on June 26, 2007.

RESOLUTION 07-02*
~~RESOLUTION 06-37~~

Amending Fees for Services of Sheriff Established in Resolution 01-14

WHEREAS, Sec. 814.70 Wis. Stats. requires the Sheriff to collect fees for certain process as set out in the statute; and

WHEREAS, Sec. 814.705(1), Wis. Stats. authorizes the County Board to establish fees at a higher rate than what the legislatures sets; and

WHEREAS, the Sheriff's Department recommends the following fees for services be established and collected by the Sheriff and paid to Pierce County:

| Service | Current Rate | Proposed Rate |
|----------------------------|--|--|
| Civil process | \$26.00 plus mileage | \$30.00 per set of documents served plus mileage |
| Attempted service | \$13.00 (no mileage) | \$20.00 per attempt (up to 3 attempts) |
| Mileage | 29 cents per mile | Calculated the same as the state rate annually |
| Misc. Officer Services | | |
| Evictions, stand bys, etc. | \$26.00 per hour straight time \$39.00 per hour overtime or combination | \$40.00 per hour |
| Sheriff's Sales | \$75.00 | \$100.00 for posting of sale |
| | \$75.00 | \$50.00 for actual sale [\$150.00 total – see §10-12 PCC] |

WHEREAS, the Law Enforcement Committee, at its meeting on March 13, 2007, and the Finance Committee, at its meeting on April 2, 2007, recommended the above stated fees be established.

NOW THEREFORE BE IT RESOLVED that the Pierce County Board of Supervisors adopt the fees as outlined in this resolution and that the fees shall take effect upon adoption of this resolution; and

BE IT FURTHER RESOLVED that the Pierce County Sheriff shall collect the established fees, maintain auditable records, and deposit those fees with the Pierce County Treasurer on a monthly basis.

Dated this 17th day of April, 2007.

* Number corrected by the County Board on June 26, 2007.

RESOLUTION 07-03

Pierce County, WI

Local Government Property Insurance Fund

RESOLVED, that from and after the 26th day of June, 2007, the buildings, automobiles, monies and securities and property belonging to Pierce County, WI be insured in the Local Government Property Insurance Fund, under Chapter 605, Wis. Stats., and amendments thereto.

The Clerk of Pierce County, WI is hereby directed to carry out the provisions of the Resolution.

Attachment Exhibit "A": Resolution 85-55 Local Government Property Fund

DATED this 26th day of June, 2007.

RESOLUTION 07-03 - EXHIBIT "A"

Local Government Property Insurance Fund

RESOLUTION 85-55

Local Government Property Fund

BE IT RESOLVED, that from and after the 1st day of January, 1986, the public buildings and property belonging to the County of Pierce be insured in the State Property Insurance Fund, under Sections 605.30, inclusive of the Wisconsin Statutes and amendments thereto, except automobiles, trucks and monies and securities.

The clerk of the County of Pierce is hereby directed to carry out the provisions of this resolution.

DATE: February 25, 1986

RESOLUTION 07-04

Authorize The Drug Court Coordinator Position To Increase From .6 FTE – 1,092 Hours Annually To .8 FTE – 1,456 Hours Annually

WHEREAS, Resolution 05-17 authorized the creation of a .6 FTE Drug Court Coordinator; and

WHEREAS, since the start of the program the caseload of the Drug Court Coordinator has increased from 4 participants to an average of 10 participants; and

WHEREAS, the discontinuation of the Human Services Program Manager position at the end of 2006 created an increase in administrative duties assigned to the Drug Court Coordinator; and

WHEREAS, at the direction of the Drug Court Committee a program evaluation was completed in May 2007 that provided data showing that the Drug Court does save money and produces productive, responsible citizens in the community; and

WHEREAS, the Drug Court Committee met on June 11, 2007 and recommended to the Finance and Personnel Committee that the hours for the position of Drug Court Coordinator should be increased from .6 FTE to .8 FTE or up to full time (35 hours per week) and/or to hire additional staff to assist the Coordinator; and

WHEREAS, the Drug Court Committee identified within the 2007 budget sufficient money to fund the increase from .6 FTE to .8 FTE; and

WHEREAS, the Finance and Personnel Committee met on June 18, 2007 and reconsidered the status of the Drug Court Coordinator position and determined that it was in the best interests of the County to increase the .6 FTE position to .8 FTE status equal to 1,456 hours per year; and

WHEREAS, the Finance and Personnel Committee now forwards this recommendation to the County Board with funding for the increase in hours and benefits to come from the 2007 Drug Court budget.

NOW, THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors authorize that the Drug Court Coordinator position should be increased from .6 FTE – 1,092 hours per year to .8 FTE - 1,456 hours per year with the cost of increased hours and benefits to be funded from the 2007 Drug Court budget; and

BE IT FURTHER RESOLVED that the increase in hours for the position of Drug Court Coordinator will become effective upon adoption of this resolution but no earlier than July 1, 2007.

DATED this 26th day of June, 2007.

RESOLUTION 07-06

Authorize the County Lending Money to the Highway Department to Construct a New Highway Storage Building

WHEREAS, the Highway Department constructed the equipment storage/sign department building (Blue Building) on Grove Street in 1961; and

WHEREAS, at the County Board meeting on June 26, 2007 and the Finance and Personnel Committee meeting on July 2, 2007, action was taken to transfer the Blue Building from the Highway Department to the County; and

WHEREAS, the Highway Department has continued needs for storage; and

WHEREAS, the Highway Department estimates that a new storage building will cost approximately \$800,000.00 (100' x 200' = 20,000 square feet @ \$40.00 per square foot) and has proposed to pay for the building as follows:

- \$300,000 from the transfer of the Blue Building, and
- \$100,000 from the Highway Department machinery and equipment fund, and
- borrow \$400,000 from the County General fund; and

WHEREAS, the Highway Committee has considered this matter at its meeting on June 21, 2007, and the Finance and Personnel Committee has considered this matter at its meeting on July 2, 2007 and both have recommended approval of the Highway Department borrowing \$400,000 from the County to be repaid in installments of \$100,000 per year commencing in the fall of 2008, with no interest to be paid on the loan.

NOW THEREFORE, BE IT RESOLVED THAT, the Pierce County Board of Supervisors hereby approves and authorizes that the sum of \$400,000 be loaned to the Highway Department for the purposes of constructing a new storage building, with the loan to be repaid in installments of \$100,000 per year commencing in the fall of 2008, with interest to be paid at the rate the County is receiving on its Institutional Capital Management (ICM) investments in Colorado, plus one percent.

DATED this 24th day of July, 2007.

RESOLUTION 07-07

Approving Sale of Land in the Town of Trenton

WHEREAS, Pierce County owns land in the SE ¼ of the SW ¼ of Section 34, Township 25 North, Range 18 West, Town of Trenton, informally known as the Stogdill Pit, for highway department purposes; and

WHEREAS, an adjoining property owner, Mr. Ronald D. Jablonske, has approached the county to buy 0.16 acres of land (35' x 200') in the southeast corner of the Stogdill Pit to add to his existing parcel, as the property owner would like to add on to his garage but does not have enough land to accommodate it; and

WHEREAS, the 0.16 acres is more specifically described as set forth in the attached Exhibit A; and

WHEREAS, the Highway Department has declared the 0.16 acre parcel to be surplus and unnecessary for county needs; and

WHEREAS, the Highway Committee, at its meeting on June 21, 2007, and the Finance and Personnel Committee, at its meeting on July 2, 2007, each recommended approval of sale in the amount of \$13,000.00 per acre (\$2,080) plus any expenses that incur as result of this sale; and

WHEREAS, part of the consideration of said sale would be getting this property back on the tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the Pierce County Board of Supervisors approves the sale of 0.16 acres to Mr. Ronald D. Jablonske prorated at \$13,000.00 per acre (\$2,080) plus any expenses that incur as result of this sale, subject to the receipt of payment no later than sixty (60) days from the date of notification, and payment clearing the County's bank, and execution of all necessary documents, and authorizes the Finance and Personnel Committee to complete the sale, and directs the County Clerk to execute the documents necessary to complete the sale.

Dated this 24th day of July, 2007.

EXHIBIT A

A parcel of land located in the Southeast ¼ of the Southwest ¼ of Section 34, Township 25 North, Range 18 West, Town of Trenton, Pierce County, Wisconsin, more fully described as follows: *Commencing at the South ¼ Corner of said Section 34; thence westerly, along the South line of the Southwest ¼ of said Section 34, a distance of 664.02 feet, more or less, to the Southwest corner of that parcel described in Document Number 273896 and recorded in Volume 125 Records on Page 217, the point of beginning; thence northerly, along the West line of said parcel described in Document Number 273896, a distance of 200.00 feet, to the Northwest corner of said parcel, also being an angle point on the West line of Lot 3 of that Certified Survey Map recorded in Volume 2 C.S.M., Page 214, as Document Number 312785; thence westerly, parallel to said South line of the Southwest ¼, a distance of 35.00 feet; thence southerly, parallel to the West line of said parcel described in Document Number 273896, a distance of 200.00 feet, to a point on the South line of said Southwest ¼; thence easterly, along said South line, 35.00 feet, to the point of beginning; containing 6,999 square feet or 0.16 acres. Subject to an easement for C.T.H. "K" over the South 33 feet thereof, and to any other easements or restrictions of record.*

RESOLUTION 07-08

Disallowance Of Claim – Town Of Martell

WHEREAS, a "Notice Of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stats. §893.80" was received by the Pierce County Clerk on June 20, 2007, from an attorney representing the Town of Martell; and

WHEREAS, said Claim alleges that on January 27, 2006, after a fatal motor vehicle accident occurred on Highway 63 in the Town of Martell, traffic was diverted from Highway 63 east onto 690th Avenue and south onto 530th Street, both Town roads located within the Town of Martell, by agents of the Pierce County Sheriff and Highway Departments for four or more hours. The Claim alleges that the excessive volume and weight of the detoured traffic cause the existing pavement on 530th Street to deteriorate and crumble; and

WHEREAS, said Claim further alleges that the Claimant's road was damaged as a result of the actions of Pierce County routing accident traffic over it, and that the existing road would have lasted between five to ten more years but for the County's decision to detour traffic over the Town road, damaging the road and accelerating the failure of the paving service; and

WHEREAS, said Claim alleges that as a result of the acts of Pierce County which created a public nuisance on the Town road, the Town plans to double seal coat over the gravel base, as a cost saving alternative to asphalt pavement, and the Claimant seeks damages in the amount of \$27,126.00, the estimated cost to double seal coat 530th Street where damaged by the actions of Pierce County; and

WHEREAS, the Finance and Personnel Committee took action on July 16, 2007 to recommend denial of this claim and pass the Resolution on to the County Board of Supervisors to deny the claim at the first reading of the Resolution; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that any and all claims submitted on behalf of the Town of Martell are hereby denied and no action on this claim may be brought against Pierce County or any of its officers, officials, agents or employees after 6 months from the date of service of these Notices, pursuant to Wis. Stats. §893.80; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Plaintiff c/o Janice Swanson, Town Clerk, N6665 610th Street, Beldenville, Wisconsin 54003, by certified mail with return receipt requested, and a copy to the attorney for claimant, Gwen Kuchevar, Rodli, Beskar, Boles, Krueger & Pletcher, S.C., 219 North Main Street, P.O. Box 138, River Falls, Wisconsin 54022.

Dated this 24th day of July, 2007.

RESOLUTION 07-09

Establish 2007 Salary for Family Court Commissioner

WHEREAS, on July 30, 2007 the Finance and Personnel Committee did duly consider the existing salary of the appointed office of Family Court Commissioner; and

WHEREAS, the Finance and Personnel Committee recommends that the current salary for the Family Court Commissioner be adjusted by 1% effective January 1, 2007.

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Supervisors that effective January 1, 2007, the salary for the Family Court Commissioner will be established at \$26,529; and

BE IT FURTHER RESOLVED, that the 2007 wage adjustment for the Family Court Commissioner will be funded from the Family Court Commissioner's 2007 budget.

DATED this 28th day of August, 2007.

RESOLUTION 07-10

Approve Unbudgeted Request for Park Development Funds from Town of Diamond Bluff – Sea Wing Park

WHEREAS, Pierce County has, since approximately 1980, collected a park fee in conjunction with the creation of residential parcels in unincorporated areas of the County, which fees have been deposited in the Park Development Fund which was created to address the need for additional recreational opportunities that occur with an increase in residential population; and

WHEREAS, in Resolution 04-09 the County Board adopted Park Development Fund Policies to regulate the use of the Park Development Fund, at which time the potential for entering into collaborative efforts with Towns was recognized, which centered around such projects being regional in significance and scope; and

WHEREAS, Sea Wing Park is located in the Town of Diamond Bluff, which consists of approximately 3 acres of property and 640 feet of frontage on the Mississippi River; and

WHEREAS, the Town has presented a request to Pierce County and seeks \$54,240 from the Park Development Fund for County collaboration on the continued development and expansion of the Sea Wing Park; and

WHEREAS, the Town has already expended \$116,000 on the park, which includes a boat launch, paved parking lot, beach and playground equipment, and through various other grant opportunities with matching funds will be doing additional expansion including putting in handicapped accessible fishing piers, a park pavilion, picnic tables, signage, and a kiosk, as well as performing river bank stabilization.

WHEREAS, the Town agrees that it will never come to the County for maintenance of the park; and

WHEREAS, the expenditure of funds with regard to this request is an unbudgeted expenditure which requires County Board approval; and

WHEREAS, Pierce County has sufficient funds in the Park Development Fund to cover this request; and

WHEREAS, the Land Management Committee and the Parks Committee, at its joint meeting on July 10, 2007, and the Finance and Personnel committee, at its meeting on July 30, 2007, each approved the Town of Diamond Bluff's request for Park Development Funds and the unbudgeted expenditure from the Fund and County collaboration on the project as a regional resource, and forwarded a recommendation to the County Board for approval; and

NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors hereby authorizes and approves the Town of Diamond Bluff's request and the unbudgeted expenditure of \$54,240 from the Park Development Fund and County collaboration on the continued development and expansion of the Sea Wing Park project as a regional resource.

Dated this 28th day of August, 2007.

RESOLUTION 07-11

Re-Allocate Temporary Health Educator Hours to Regular Public Health Nurse Staff

WHEREAS, the temporary .8 FTE (28 hr/wk) position of Health Educator has been vacant since June 29, 2007 as a result of a resignation; and

WHEREAS, since 2004, the Public Health Department has had 4 different temporary employees filling the Health Educator position, creating turnover costs due to orientation requirements for the tobacco and preparedness programs coordinated by this position; and

WHEREAS, the Public Health Department and the Board of Health believe that the primary reason the individuals have left the Health Educator position is the lack of regular employee status that would provide access to benefits and a predictable compensation schedule; and

WHEREAS, although the Health Educator position is grant funded, the Tobacco Control and Prevention program has received stable funding since its inception in 1997 and the Preparedness program since 2001, and the outlook for continued funding for these two programs remains promising; and

WHEREAS, a .6 FTE (21 hrs/wk) Public Health Nurse has provided notification of intent to retire from the Public Health Department effective September 29, 2007; and

WHEREAS, the Public Health Department and the Board of Health reviewed the changes taking place in the staffing and determined that reallocating assignments and increasing hours for existing positions may allow the department to maintain quality service delivery while assuring fiscal responsibility;

WHEREAS, the department recommends that 14 hrs/wk of the temporary Health Educator duties should be added to the .6 FTE (21 hrs/wk) Public Health Nurse and increase the position to 35 hrs/wk (status change to full time); and

WHEREAS, of the duties attached to the remaining 14 hrs/wk of the temporary Health Educator position duties, 7 hrs/wk will be absorbed by existing Public Health staff with no increase in hours, and 7 hrs/wk of the duties will be applied to the hours of current regular part-time positions to establish up to two full time positions within the department; and

WHEREAS, the reallocation in the department could provide for a projected cost savings of approximately \$1,000 per year; and

WHEREAS, on August 13, 2007, the Finance and Personnel Committee reviewed the recommendations of the Public Health Department and the Board of Health and voted unanimously to approve the reallocation of the Health Educator duties into the duties of existing positions;

NOW, THEREFORE BE IT RESOLVED that the Pierce County Board of Supervisors approves and authorizes a net increase of 21 hrs/wk of Public Health Nurse hours with the reallocation of temporary Health Educator duties to regular staff effective contingent upon the Public Health Nurse retirement; and

BE IT FURTHER RESOLVED that this action is being taken pursuant to the Personnel Policy, Article IV. B. 1. as an exception to the policy for creation of new positions.

DATED this 28th day of August, 2007.

RESOLUTION 07-12

Transfer Of Funds From The General Fund Into Building Outlay Account

WHEREAS, an engineering study conducted earlier in 2007 identified opportunities to improve energy savings and provide cost containment as well as improved air circulation in the Pierce County Office Building by upgrading the heating and ventilating system; and

WHEREAS, the cost estimate for the project was \$117,000, however, the 2007 maintenance budgets do not contain sufficient funds to cover the cost of upgrading the heating and ventilating system; and

WHEREAS, the Building Committee determined that completing the upgrade project during 2007 was a high priority and on May 15, 2007 they took action to recommend to the Finance and Personnel Committee that they authorize the transfer of \$117,000 from the General Fund to complete the heating and ventilating system upgrade; and

WHEREAS, on September 17, 2007 the Finance and Personnel Committee reviewed the recommendation of the Building Committee and took action to forward to the County Board their recommendation that they approve the transfer from the General Fund into the Building Outlay Account of an amount not to exceed \$120,000 to fund improvements to the heating and ventilating system of the Pierce County Office Building.

NOW, THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors approves the transfer from the General Fund into the Building Outlay Account 101-15-51610 and approve an unbudgeted expenditure in an amount not to exceed \$120,000 for the purpose expressed above.

DATED this 25th day of September, 2007.

RESOLUTION 07- 13

Establishing Smart Growth Planning Committee

WHEREAS, all municipalities exercising land use authority in Wisconsin must adopt a Smart Growth compliant comprehensive plan by 2010 and all land use decisions must be consistent with said plan after said date, and

WHEREAS, Pierce County has initiated a three phase approach to completing a Smart Growth compliant comprehensive plan, and

WHEREAS, Pierce County has completed Phase I (Data Collection) and Phase II (Community Attitudes Survey) and is now beginning Phase III (Facilitation and Goal Setting), and

WHEREAS, completion of Phase III requires the establishment of a planning committee that will meet regularly to draft goals, objectives, and strategies relating to the 9 required elements, and

WHEREAS, the public participation plan adopted by the Land Management Committee identifies four sub-areas within which informational meetings will be held to encourage the involvement of the public within each area, and

WHEREAS, representation from each of these sub-areas will ensure appropriate geographic representation on the planning committee.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors hereby authorizes the creation of a 9 citizen member planning committee, with two alternate members (11 members total), to be selected by the Land Management Committee to assist in the development of Pierce County's Smart Growth Comprehensive Plan.

BE IT FURTHER RESOLVED that planning committee members shall receive a per diem and be reimbursed for mileage costs per County Board Policies.

BE IT FURTHER RESOLVED that the planning committee will sunset upon adoption of a Comprehensive Plan by the Pierce County Board of Supervisors.

DATED this 23rd day of October 2007.

RESOLUTION 07-14

Authorize the Advertisement for Public Sale and the Sale of Taxable General Obligation Bonds, Series 2008-A of the County of Pierce, Wisconsin, in an Aggregate Principal Amount Not to Exceed \$4,000,000, and Related Matters

WHEREAS, counties are authorized by Chapter 67 of the *Wisconsin Statutes*, as supplemented and amended, to borrow money and to issue bonds to finance any project undertaken for a public purpose and to refund municipal obligations, including interest thereon; and

WHEREAS, the County of Pierce is authorized under County Board Resolution # 03-07 to sell bonds and approve the issuance of General Obligation Bonds, in one or more series of bonds, pursuant to Chapter 67, Wisconsin Statutes, in an amount not to exceed \$5,100,000 for the purpose of paying the cost of financing County capital improvement projects including erecting and upgrading communication towers and equipment, constructing and remodeling county buildings, acquisition of land and constructing improvements thereon and acquisition of equipment and furnishings; and

WHEREAS, it has been determined that it is necessary and desirable to issue general obligation bonds of the County of Pierce, Wisconsin (the "*County*"), in an aggregate principal amount not to exceed \$4,000,000, for the purpose of funding certain obligations of the County, which will be incurred to pay the cost of providing improvements to the facilities of the County, pursuant to Chapter 67 of the *Wisconsin Statutes*, as supplemented and amended; and

WHEREAS, it is now necessary and desirable for the County to issue its Taxable General Obligation Bonds, Series 2008-A in an aggregate principal amount of not to exceed \$4,000,000 to provide improvements to the facilities of the County;

NOW, THEREFORE, Be It Resolved by the County Board of Supervisors of the County of Pierce, Wisconsin, as follows:

Section 1. There shall be issued the taxable General Obligation Bonds, Series 2008-A of the County in an aggregate principal amount not to exceed \$4,000,000 (the "*Bonds*") for the purposes aforesaid.

Section 2. For the purpose of offering the Bonds for sale, pursuant to Section 67.08(2), *Wisconsin Statutes*, as supplemented and amended, the Finance Director of the County is hereby authorized and directed to cause to be circulated the Official Terms of Offering. The Finance Director of the County shall also cause to be prepared and distributed an Official Statement, including Official Terms of Offering, with respect to the Bonds.

Section 3. After receipt of bids for the Bonds and consideration thereof by this County Board of Supervisors, this County Board of Supervisors will consider a resolution awarding the Bonds to the best bidder or bidders, prescribing the terms thereof and the form of Bond, and levying taxes in the specific amount necessary to pay the principal of and interest on the Bonds.

DATED this 23rd day of October, 2007.

RESOLUTION 07-15

Approve 2008 Tax Levy and Budget

BE IT RESOLVED, that there be a tax levied upon all taxable property in Pierce County for operation and maintenance for the 2008 budget in the amount of County Operating Levy: \$13,372,707, Debt Service: \$476,754, County Library: \$412,600, County Aid Bridges: \$200,000; for a total of \$14,462,061.

BE IT FURTHER RESOLVED, that in accordance with the tax levied in the total amount of \$14,462,061, the Pierce County Board of Supervisors hereby approves and authorizes the 2008 budget as set forth in the summary page attached hereto as Exhibit A.

Dated this 23rd day of October, 2007.

RESOLUTION 07-16

Amend Resolution 07-06 Authorizing the Interdepartmental Transfer of Money from the County General Fund to the Highway Department To Construct A New Highway Storage Building and Approve Unbudgeted Expenditure

WHEREAS, the Pierce County Board of Supervisors adopted Resolution 07-06 on August 28, 2007 and a true and correct copy of which is attached hereto as Exhibit A; and

WHEREAS, the purpose of this Resolution is to Amend Resolution 07-06 to authorize an unbudgeted Highway Department expenditure in an amount not to exceed \$800,000.

NOW THEREFORE, BE IT RESOLVED THAT, the Pierce County Board of Supervisors hereby approves Amending Resolution 07-06 to include approval of an unbudgeted Highway Department expenditure in an amount not to exceed \$800,000 which is to be used consistent with Resolution 07-06 for the purpose of constructing a new highway storage building consistent therewith. All other authorization approved in Resolution 07-06 is hereby ratified. The County Board delegates to the Highway Committee the authority to carry out the purpose and intent of this Resolution and Resolution 07-06.

DATED this 23rd day of October, 2007.

RESOLUTION 07-17

Amend Resolution 01-11; Setting Fee Schedule for Nonmetallic Mining Reclamation Program

WHEREAS, Pierce County has enacted an Ordinance for Reclamation of Nonmetallic Mines within the County; and

WHEREAS, the reclamation program has been mandated by Chapter 295, Wisconsin Statutes and NR 135, Wisconsin Administrative Code to ensure uniform reclamation standards are implemented statewide; and

WHEREAS, the Legislature intended that the reclamation program be self-funded through fees on active mining operations; and

WHEREAS, the fees set are intended to cover the actual cost to the County of administering the program, in addition to the amount required to be passed on to the Department of Natural Resources for its statewide oversight of the program; and

NOW, THEREFORE, the County Board hereby adopts the following fee schedule:

1. Plan Review Fee. An application for permit shall be accompanied by a fee of \$30.00 per acre rounded to the nearest whole acre that will be impacted by mining in the initial stage of the project. This is a nonrefundable plan review fee.
2. Annual Permit Fee. Each successive year, on or before the anniversary date of issuance, a fee of \$30.00 per acre shall be submitted for each acre proposed to be disturbed rounded to the nearest whole acre that will be impacted by mining. After the fact permit fees shall be double the application fees.
3. DNR Fee. In addition to the fees listed above, the operator shall submit a fee to Pierce County which shall be paid to the DNR as follows:

| Mine Size In Un-reclaimed Acres (Rounded to Nearest Acre) | Annual Fee |
|--|---------------|
| 1 to 5 acres | \$35 |
| 6 to 10 acres | \$70 |
| 11 to 15 acres | \$105 |
| 16 to 25 acres | \$140 |
| 26 to 50 acres | \$160 |
| 51 acres or larger | \$175 |
| Inactive mines | \$15 |

4. Inactive Mine Fee. A site on which nonmetallic mining activity has not taken place in a calendar year will pay a fee of \$100.00 per site for the following calendar year. Of this fee, \$15.00 will be paid over to the Wisconsin DNR.

DATED this 13th day of November, 2007.

RESOLUTION 07-18

Amend Pierce County Outdoor Recreation Plan 2004 - 2008

WHEREAS, Pierce County has developed a county-wide Outdoor Recreation Planning Program covering both unincorporated and incorporated areas of Pierce County, and

WHEREAS, said planning document reflects community and county recreation needs in light of goals, objectives, and generally accepted recreation planning standards, and

WHEREAS, amendments to said plan are occasionally necessary to ensure that when community specific plans are created and/or updated the Outdoor Recreation Plan reflects those additions or changes, and

WHEREAS, the Town of River Falls recently adopted the Town of River Falls Parks and Recreation Plan 2007-2011 and have requested that the plan be incorporated into the Pierce County Outdoor Recreation Plan, and

WHEREAS, the Village of Spring Valley recently provided updated information relating to their community plan and to the proposed Veterans Memorial Bike Trail and requested that said information be incorporated into the Pierce County Outdoor Recreation Plan, and

WHEREAS, the Pierce County Land Management Committee has reviewed the Town of River Falls Parks and Recreation Plan, the updated information provided by the Village of Spring Valley, and plans for the proposed Wisconsin Veterans Memorial Trail and has recommended that the Pierce County Outdoor Recreation Plan be amended to include said plans.

NOW, THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors does hereby amend the Pierce County Outdoor Recreation Plan 2004-2008 to include the Town of River Falls Parks and Recreation Plan, updated information from the Village of Spring Valley, and information relating to the proposed Wisconsin Veterans Memorial Trail.

DATED this 13th day of November 2007.

RESOLUTION 07-19

Amend Pierce County Bicycle Plan 2003 - 2023

WHEREAS, Pierce County has developed a county-wide Bicycle Planning Program covering both unincorporated and incorporated areas of Pierce County, and

WHEREAS, said planning document reflects county bicycling needs in light of goals, objectives, and generally accepted bicycling planning standards, and

WHEREAS, amendments to said plan are occasionally necessary to ensure that when community specific plans are created and/or updated the Bicycle Plan reflects those additions or changes, and

WHEREAS, the Town of River Falls Park and Recreation Committee recently adopted the Town of River Falls Parks and Recreation Plan 2007-2011 which details bicycling opportunities in the Town, and

WHEREAS, the Village of Spring Valley recently requested that the proposed Wisconsin Veterans Memorial Trail be incorporated into the Pierce County Bicycle Plan, and

WHEREAS, the Pierce County Land Management Committee has reviewed the Town of River Falls Parks and Recreation Plan and the proposed Wisconsin Veterans Memorial Trail and has recommended that the Pierce County Bicycle Plan be amended to include the trail routes identified in the Town of River Falls Parks and the proposed Wisconsin Veterans Memorial Trail.

NOW, THEREFORE BE IT RESOLVED that the Pierce County Board of Supervisors does hereby amend the Pierce County Bicycle Plan 2003-2023 to include the proposed Wisconsin Veterans Memorial Trail and bicycle routes identified in the Town of River Falls Parks and Recreation Plan.

DATED this 13th day of November 2007.

RESOLUTION 07-20
Declare Official Intent Under Reimbursement Bond Regulations

WHEREAS, the Internal Revenue Service has promulgated Internal Revenue Code Regulation §1.150-2 (the "Regulations") with respect to proceeds of tax-exempt borrowing used to reimburse prior capital expenditures,

WHEREAS, one of the requirements of the Regulations is that an issuer must timely declare an intention to reimburse itself for expenditures from proceeds of a tax-exempt borrowing ("Official Intent"),

WHEREAS, Pierce County, Wisconsin (the "Issuer") is considering the issuance of general obligation bonds or promissory notes (the "Obligations") for the purpose of paying the cost of maintaining, replacing, improving or expanding county buildings, grounds, facilities and equipment (the "Project"), and

WHEREAS, certain expenditures may be made in connection with the Project prior to the issuance of the Obligations for which the Issuer will seek reimbursement from proceeds of the Obligations once the Obligations are issued.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Issuer, pursuant to the Regulations, that:

1. It is the reasonable intention of the Issuer to use proceeds of the Obligations to reimburse expenditures made on the Project as defined above.
 2. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$4,000,000.
 3. This statement of Official Intent is made pursuant to Internal Revenue Code Regulation §1.150-2.
- DATED this 13th day of November, 2007.

RESOLUTION 07-21
Dog Damage Claims

WHEREAS, the Finance Committee has audited the dog damage claims against Pierce County,

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the below schedule of claims, pursuant to §174.11 (4), Wis. Stats. & §101-9 C Pierce County Code:

| Claimant | Claim | Amount Claimed | Amount Allowed |
|-----------------------------------|---|----------------|----------------|
| Lyle Hofacker Town of Rock Elm | 1 – Doe Deer: \$350.00 2 – Buck Deer: \$1000.00 6 – Fawn Deer: \$750.00 | \$ 2100.00 | \$ 1000.00 |
| Duane Odalen Town of El Paso | 18 – Turkeys (Avg. wt. 22lbs x 1.30/lb) | \$514.80 | \$514.80 |
| Audrey Kiefer Town of Martell | 67 – Chickens | \$1000.00 | \$1000.00 |
| Terri Klawiter Town of Martell | 15 – Ducks: \$300.00 5 – Chickens: \$100.00 6 – Guinea Hens: \$120.00 | \$520.00 | \$520.00 |
| TOTAL | | \$ 4,134.80 | \$ 3,034.80 |

DATED this 13th day of November, 2007.

RESOLUTION 07-22
Claims for Listing Dogs

WHEREAS, the Finance Committee has audited the listing officials claims for the listing of dogs and found them to be justified against Pierce County.

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the schedule of claims, pursuant to §174.06(3), Wis. Stats.:

| Municipality | # Dogs | \$ Claimed | |
|--------------------|---------------------------------|------------|-------------|
| Towns: | Clifton – Judy Clement-Lee | 161 | 80.50 |
| | Diamond Bluff – Mark Place | 77 | 38.50 |
| | Ellsworth - Audrey Murphy | 192 | 96.00 |
| | El Paso – Mary Foley | 135 | 67.50 |
| | Gilman – Town of Gilman | 247 | 123.50 |
| | Hartland – Cynthia Kern | 126 | 63.00 |
| | Isabelle - Lora Henn | 58 | 29.00 |
| | Maiden Rock – Merle Sjostrom | 87 | 43.50 |
| | Martell – Noreen Falde | 225 | 112.50 |
| | Oak Grove – Jeremy Boles | 171 | 85.50 |
| | River Falls - Caroline Hamilton | 342 | 171.00 |
| | Rock Elm - Dennis Churchill | 58 | 29.00 |
| | Salem – Ann Larson-Graham | 80 | 40.00 |
| | Spring Lake – Charles Bricton | 122 | 61.00 |
| | Trenton – Kathryn Fuchs | 127 | 63.50 |
| | Trimbelle – Karen O'Brien | 272 | 136.00 |
| Union - Gene Weiss | 90 | 45.00 | |
| Villages: | Bay City - Kay Beder | 82 | 41.00 |
| | Ellsworth - Peggy Nelson | 334 | 167.00 |
| | Elmwood – Jodi Pulk | 141 | 70.50 |
| | Maiden Rock - Shirley Gilles | 17 | 8.50 |
| | Plum City - Jean McDonough | 64 | 32.00 |
| | Spring Valley – Rita Goveronski | 172 | 86.00 |
| Cities: | Prescott – Elizabeth Frueh | 130 | 65.00 |
| | River Falls - Julie Bergstrom | 285 | 142.50 |
| | TOTAL | 3,795 | \$ 1,898.00 |

DATED this 13th day of November, 2007.

RESOLUTION 07-23
Care of Soldiers' Graves

WHEREAS, the Finance Committee has audited the claims for care of Soldier's Graves and found them to be justified claims against Pierce County.

THEREFORE, BE IT RESOLVED, that the County Clerk be authorized to pay the below schedule of claims, pursuant to §45.85, Wis. Stats.:

| Cemetery Association | Graves | Amount Claimed |
|---------------------------------|--------|----------------|
| Bay City | 88 | 264.00 |
| Beldenville | 44 | 132.00 |
| Bethel Mission | 39 | 117.00 |
| Bethlehem | 16 | 48.00 |
| Diamond Bluff | 53 | 159.00 |
| Eidsvold Lutheran | 16 | 48.00 |
| Free Home | 25 | 75.00 |
| Gilman Lutheran | 53 | 159.00 |
| Greenwood Valley | 5 | 15.00 |
| Hartland Methodist | 9 | 27.00 |
| Hartland Presbyterian | 8 | 24.00 |
| Maiden Rock | 76 | 228.00 |
| Mann Valley | 10 | 30.00 |
| Maple Grove | 172 | 516.00 |
| Martell Lutheran | 26 | 78.00 |
| Martell Methodist | 15 | 45.00 |
| Mt. Olivet | 20 | 60.00 |
| Mt. Tabor | 21 | 63.00 |
| Oak Ridge | 19 | 57.00 |
| Ono Methodist | 29 | 87.00 |
| Our Lady's | 22 | 66.00 |
| Our Savior's / South Rush River | 43 | 129.00 |
| Pine Glen | 186 | 558.00 |
| Plum City Protestant | 54 | 162.00 |
| Poplar Hill | 125 | 375.00 |
| Rush River | 80 | 240.00 |
| Sacred Heart Elmwood | 40 | 120.00 |
| Sacred Heart-Spring Valley | 36 | 108.00 |
| Salem Lutheran | 4 | 12.00 |
| Spring Lake | 60 | 180.00 |
| Spring Lake Lutheran | 24 | 72.00 |
| St. Bridget's | 97 | 291.00 |

| | | |
|-----------------------------------|------|------------|
| St. Francis | 74 | 222.00 |
| St. John's Lutheran-Spring Valley | 78 | 234.00 |
| St. John's - Oak Grove | 2 | 6.00 |
| St. John's Catholic-Plum City | 76 | 228.00 |
| St. Joseph's - Prescott | 76 | 228.00 |
| St. Joseph's - El Paso | 23 | 69.00 |
| St. Martin's | 30 | 90.00 |
| St. Mary's - Big River | 10 | 30.00 |
| St. Paul's | 44 | 132.00 |
| Svea | 25 | 75.00 |
| Thurston Hill | 18 | 54.00 |
| Trenton | 69 | 207.00 |
| Trimbelle | 44 | 132.00 |
| TOTAL | 2084 | \$6,252.00 |

DATED this 13th day of November, 2007.

RESOLUTION 07-24

Certificate of Recognition and Commendation to Former County Treasurer

WHEREAS, Paula J. Knutson was duly elected Pierce County Treasurer on November 7th, 2006 and served for 10 months; and

WHEREAS, she has given of her time, effort, and energy for the citizens of Pierce County; and

WHEREAS, her dedicated service has contributed positively to the success and future of Pierce County and its citizens.

NOW, THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors go on record to commend Paula J. Knutson for her 10 months of service as Pierce County Treasurer, with grateful recognition for her time of public service for the advancement of Pierce County.

BE IT FURTHER RESOLVED, that the Pierce County Board of Supervisors offer their very sincere wishes for Paula J. Knutson to proceed in life with a well deserved opportunity to enjoy a healthy and fulfilling continuation of life's endeavors beyond her public service.

DATED this 13th day of November, 2007.

RESOLUTION 07-25

Release Community Aids Funds to Partially Fund Managed Long-Term Care

WHEREAS, Governor Jim Doyle and Kevin Hayden, Secretary of the Department of Health and Family Services have proposed establishing a statewide managed long-term care system for people 65 years or older and younger adults with physical or developmental disabilities by 2011; and

WHEREAS, the redesigned care management system would serve all eligible consumers under a capitated (per person per month) payment system within two years and eliminate the current waiting lists for services; and

WHEREAS the Pierce County Board of Supervisors adopted Resolutions 06-29 ("Resolution to Commit Pierce County to Participating in Managed Long-Term Care Reform") and 06-30 ("Resolution to Apply for Funding from the Department of Health and Family Services for Development of an Aging and Disability Resource Center [ADRC]") at its February 27, 2007 meeting; and

WHEREAS, the Wisconsin Department of Health and Family Services made planning and implementation grants available to support achievement of this managed long-term care system; and Pierce County is one of nine counties and three private partners originally comprising the West Central Wisconsin Care Management Collaborative (WCW-CMC) which was awarded a \$250,000 grant in 2005 to plan and implement managed long-term care in the western region of the State of Wisconsin; and

WHEREAS, in September, 2007 the Department of Health and Family Services approved the regional care management organization proposal submitted by Community Health Partnership and this application is further supported by the five counties remaining in WCW-CMC (Chippewa, Dunn, Eau Claire, Pierce and St. Croix); and

WHEREAS, the Department of Health and Family Services has determined that Pierce County, in order to financially support a regional managed care organization(s) and a local Aging and Disability Resource Centers serving Pierce County citizens, is to transfer a portion of \$334,319 of 2008 Community Aids funding along with state and federal funding serving current adults with long term care services; and

WHEREAS, Pierce County at this time has an implementation date of July 1, 2008, therefore the 2008 financial obligation shall be prorated based the date the implementation actually begins in Pierce County; and

WHEREAS the Department of Health and Family Services has further determined that the annual obligation of Community Aids funds will ultimately be at 22% of the 2006 Community Aids allocation (\$307,765); and

WHEREAS, DHFS has agreed that an initial obligation will be brought down at a rate of 25% of the difference per year (as noted on the schedule below) until the obligation in fact reaches the 22% of the 2006 Community Aids figure of \$307,765; and

WHEREAS, the Pierce County Human Services Board at its November 15, 2007 meeting voted to support passage of this resolution;

NOW, THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors hereby determines that establishing a regional managed long-term care system including a local Aging and Disability Resource Center is in the best interests of Pierce County and therefore approves the release of a prorated amount of \$334,319 in 2008 Community Aids funding once eligible cases are transferred from Pierce County to the regional care management organization known as Community Health Partnership.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pierce County Board of Supervisors hereby agrees that the difference between the \$334,319 amount and the 22% of Community Aids amount of \$307,765 will be reduced at the rate of 25% per year through year 2012 as reflected by the following schedule:

2008 obligation = \$334,319 (prorated)

2009 obligation = \$327,681

2010 obligation = \$321,042

2011 obligation = \$314,404

2012 obligation = \$307,765

DATED this 18th day of December, 2007.

RESOLUTION 07-26

Supporting Continued State Reimbursement to Counties for Expenses for Enhanced 911 Service and to Fund a Statewide P25 Public Safety Radio Communication Service

WHEREAS, in November 2004 Pierce County adopted Resolution 04-26 designating the Pierce County Communications Center as the Public Safety Answering Point for Pierce County, and directing the Sheriff's Department to pursue available grant funding to offset the costs of implementing a wireless 911 system; and

WHEREAS, "enhanced 911 service" provides information regarding the telephone number and location of a caller using a landline and wireless telephone, allowing emergency services to be dispatched in response to the call even when the caller cannot accurately identify his or her location; and

WHEREAS, current landline fee structures incorporate a surcharge associated with landline 911 services; and

WHEREAS, additional equipment, computer software, and telephone lines are required to enable enhanced 911 service to be available on calls from wireless (mobile; cell) telephones; and

WHEREAS, 2003 Wisconsin Act 48 created a three-year grant program administered by the Public Service Commission (PSC) to reimburse local governments and wireless telephone service providers certain costs related to establishing wireless enhanced 911 service by imposing a temporary surcharge on the bills of wireless service customers in Wisconsin; and

WHEREAS, the grant program sunsets on November 30, 2008; and

WHEREAS, it is in the best interests of the public to maintain the surcharge on the bills of wireless service customers as a source of funding for counties to continue to provide and maintain the wireless enhanced 911 system to its residents; and

WHEREAS, a Public Safety Interoperable Communications (PSIC) grant application for all Wisconsin counties, including Pierce County, has been submitted to establish a statewide P25 Public Safety Radio Communication Service (radio backbone) in Pierce County and throughout the State of Wisconsin; and

WHEREAS, maintaining the radio backbone is intrinsically intertwined with the provision of emergency services and enhanced 911 services; and

WHEREAS, it is further in the best interests of the public to make the radio backbone eligible for funding through the surcharge of bills on wireless service customers in order to maintain the radio system and to provide comprehensive and effective emergency services.

THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors supports legislation to maintain the surcharge as a funding source to provide and maintain the wireless enhanced 911 system.

BE IT FURTHER RESOLVED that the Pierce County Board of Supervisors supports enacting legislation to include all facets of a 911 system including landline, wireless, VoIP, 'next generation', etc, and enacting legislation that the State of Wisconsin administer the collection and distribution of the surcharges, and that having the State of Wisconsin involved provides for statewide interoperability for all Wisconsin counties, and is the best and most efficient method to insure quality and compatibility in the use of public funds.

BE IT FURTHER RESOLVED that the County Clerk provide copies of this resolution to the legislators representing Pierce County and the governor.

DATED this 18th day of December, 2007.

RESOLUTION 07-27

Request For Alternate Funding For CTH "F" Bridge Over The Kinnickinnic River

WHEREAS, CTH "F" is a two lane, undivided, asphalt county highway which extends approximately from the City of Prescott in Pierce County, Wisconsin to Interstate 94 and the City of Hudson in St. Croix County, Wisconsin, and extends approximately seven (7) miles in Pierce County and six (6) miles in St. Croix County; and

WHEREAS, statistics and inspections show that the existing bridge structure is near the end of its useful life, and that a major highway and bridge improvement project is needed where CTH "F" crosses the Kinnickinnic River in northwestern Pierce County, Wisconsin; and

WHEREAS, the preliminary planning and engineering work for the CTH "F" highway and bridge improvement project is already underway, and the target construction date for the project is 2010; and

WHEREAS, the scope of the CTH "F" highway and bridge improvement project depends upon available funding; and

WHEREAS, the Pierce County Highway Committee has taken appropriate action and steps to commence implementation of the improvement project, requesting federal bridge aid funds for replacement of the bridge and approach work, however, only \$4.0 million in funding is currently projected as available, and Pierce County is responsible for contributing 20% of that amount; and

WHEREAS, the geographic features where CTH "F" crosses the Kinnickinnic River are unique, providing challenges to improving the highway, approach and bridge to current design standards including the following:

- CTH "F" is classified as a Minor Arterial roadway, for which current design practices call for designing the roadway for 55 mph traffic, for which improvement options range from approximately \$17 million to \$38 million;
- Limiting the design to 45 mph standards reduce the costs by approximately \$10 to \$15 million;
- The existing grades of roadway approaches to the bridge are extremely steep, at over 11%. This is difficult for semi-trailers to climb and descend without reducing speed. There are also significant horizontal curves in this area. The challenge of negotiating the grades and curves in this area is amplified for all drivers during inclement weather conditions;
- The Kinnickinnic River valley gorge at this location is approximately 200 feet deep at the extreme;
- The average daily traffic volume from 2006 was approximately 2,900 vehicles per day, and the 20 year projection is approximately 4,600 vehicles per day;
- Historic trends indicate that land use and development along the CTH "F" corridor are expected to increase; and

WHEREAS, the vehicle crash rate for the one mile stretch of roadway near the Kinnickinnic River crossing is four (4) times that of the statewide average for county roadways; and

WHEREAS, the expected life of a new bridge structure is expected to be approximately 50 years, and thus providing the best planning and improvements for the current highway and bridge improvement project will have the most significant impact on the immediate and foreseeable future with regard to the public safety and economic development along the CTH "F" corridor in Pierce County and St. Croix County.

THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors supports the need for, and requests additional funding sources due to the unique geographic features, and the high costs of the CTH "F" Kinnickinnic River crossing highway and bridge improvement project.

BE IT FURTHER RESOLVED that the County Clerk provide copies of this resolution to the legislators representing Pierce County and the Governor.

DATED this 18th day of December, 2007.

RESOLUTION 07-28
Providing For The Sale Of General Obligation Facility Improvement Bonds, Series 2008A

WHEREAS, on November 13, 2007, the County Board of Supervisors of Pierce County, Wisconsin (the "County") adopted Resolution No. 07-14 whereby it determined that general obligation bonds in the principal amount of not to exceed \$4,000,000 should be issued to finance the cost of providing improvements to the facilities of the County; and

WHEREAS, it is hereby determined that general obligation facility improvement bonds in the principal amount of \$3,960,000 (10 year term) should be issued for the purpose set forth in Resolution No. 07-14 and it is now necessary to authorize their sale.

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County that:

Section 1. Sale of the Bonds. The County shall offer the \$3,960,000 General Obligation Facility Improvement Bonds, Series 2008A (the "Bonds") for public sale on January 22, 2008.

Section 2. Official Notice of Sale. The County Clerk (in consultation with the County's financial advisor, Springsted Incorporated) shall cause an Official Notice of Sale to be prepared and distributed and shall prepare or cause to be prepared an Official Statement pursuant to SEC Rule 15c2-12. Springsted Incorporated is hereby appointed as the County's agent for purposes of receiving and tabulating the bids received on the Bonds at its offices.

Section 3. Award of the Bonds. Following receipt of bids for the Bonds, the County Board shall consider taking further action with respect to the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor whose proposal results in the lowest true interest cost to the County; and to levy a direct annual irrevocable tax sufficient to meet principal and interest on the Bonds as the same becomes due as required by law.

Section 4. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

DATED this 18th day of December, 2007.

Resolution 07-29
Establish 2008 Salaries For Non-Represented Employees

WHEREAS, the Finance and Personnel Committee has duly considered the existing salaries for non-represented employees of Pierce County; and

WHEREAS, part and parcel of said analysis has been consideration of the current Bjorklund Compensation Consulting (BCC) 10-step Salary Matrix; and

WHEREAS, the Finance and Personnel Committee did meet on January 7, 2008, and recommends salary increases in the amount of 2.5% across the board to the BCC 10-step Salary Matrix system, as and for non-represented employee positions identified on the current BCC 10-step salary matrix, for the 2008 calendar year, effective retroactive to January 1, 2008.

NOW THEREFORE BE IT RESOLVED by the Pierce County Board of Supervisors that the basis of the BCC 10-step salary matrix be adjusted by 2.5% across the board, as and for non-represented employee positions identified on the current BCC 10-step salary matrix, for the 2008 calendar year, effective retroactive to January 1, 2008.

DATED this 22nd day of January 2008.

RESOLUTION 07-30
Increase Highway Department Driveway Access Permit Fees

WHEREAS, it is necessary and proper, in the interests of preservation of highways, public safety, convenience, and the general welfare, to prohibit the excavation or fill or install of any culvert associated with a driveway, and the entrance upon and departure from county highways for driveway purposes, except at specifically designated and approved places, considering various factors, including but not limited to, the purpose for the use of the driveway, the direction and distance to the closest intersection, which side of the highway the driveway is on, distance from the next closest driveway, overall safety in stopping site distance, etc.; and

WHEREAS, §86.07 Wis. Stats. And §83.15(2) Wis. Stats., authorize the Pierce County Highway Department and Highway Committee to make such rules, regulations and conditions consistent with said statute as may be deemed necessary and proper for the preservation of highways, as well as to make necessary arrangements for the proper construction and maintenance of highways, such as the issuing of a driveway permit and charging a driveway access permit fee; and

WHEREAS, the Pierce County Highway Department currently issues the permits, and charges an access permit fee for driveway access onto county highways; and

WHEREAS, the Highway Department incurs costs in providing these services; and

WHEREAS, the current driveway access fees have been in place without change for approximately 20 years or more; and

WHEREAS, said fees need to be revised from time to time based upon increased costs to Pierce County in providing these services; and

WHEREAS, it is recommended by the Highway Commissioner and the Highway

Committee that the Highway Department driveway access permit fees be increased and amended as follows:

| | <u>Current Fee</u> | <u>Amended Fee</u> |
|--|--------------------|--------------------|
| Agricultural | \$ 25.00 | \$ 50.00 |
| Residential | \$ 25.00 | \$ 50.00 |
| Subdivision, commercial & other driveways | \$ 25.00 | \$ 100.00 |

WHEREAS, the Finance and Personnel Committee considered this matter at its meeting on January 7, 2008, and recommended approval of the amended fee schedule set forth above.

NOW, THEREFORE BE IT RESOLVED, that the Pierce County Board of Supervisors adopts the amended fee schedule as outlined above and that these fees shall take effect upon adoption.

Dated this 22nd day of January, 2008.

RESOLUTION 07-31

**Awarding the Sale of \$3,925,000 General Obligation Facility Improvement Bonds, Series 2008A;
Providing the Form of the Bonds; and Levying a Tax in Connection Therewith**

WHEREAS, on November 13, 2007, the County Board of Supervisors of Pierce County, Wisconsin (the "County") adopted Resolution 07-14 (the "Resolution 07-14") authorizing the issuance of general obligation bonds in an aggregate amount not to exceed \$4,000,000 for the purpose of paying the cost of financing County capital improvement projects including erecting and upgrading communication towers and equipment, constructing and remodeling county buildings, acquisition of land and constructing improvements thereon and acquisition of equipment and furnishings (the "Project");

WHEREAS, on December 18, 2007, the County Board of the County adopted a resolution entitled: "Resolution Providing for the Sale of General Obligation Facility Improvement Bonds, Series 2008A" (the "Sale Resolution");

WHEREAS, pursuant to the Sale Resolution, the County Clerk (in consultation with the County's financial advisor, Springsted Incorporated) caused a Notice of Sale to be distributed offering the aforesaid general obligation bonds for public sale on January 22, 2008;

WHEREAS, sealed bid proposals were received as summarized on Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal submitted by JPMorgan Chase Bank, N.A., Milwaukee, Wisconsin, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County that:

Award of the Bonds. The bid proposal of JPMorgan Chase Bank, N.A., Milwaukee, Wisconsin, (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$3,925,000 Pierce County General Obligation Facility Improvement Bonds, Series 2008A (the "Bonds") for the sum of THREE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$3,925,000) plus accrued interest to the date of delivery, resulting in a net interest cost of SIX HUNDRED FIVE THOUSAND SEVEN HUNDRED THIRTEEN DOLLARS AND THIRTY-THREE CENTS (\$605,713.33) and a true interest rate of 2.8990%. The Bonds bear interest as follows:

| <u>Year of Maturity</u> | <u>Principal Amount</u> | <u>Interest Rate</u> |
|-------------------------|-------------------------|----------------------|
| 2008 | \$ 400,000 | 2.900% |
| 2009 | 350,000 | 2.900 |
| 2010 | 360,000 | 2.900 |
| 2011 | 370,000 | 2.900 |
| 2012 | 380,000 | 2.900 |
| 2013 | 390,000 | 2.900 |
| 2014 | 400,000 | 2.900 |
| 2015 | 415,000 | 2.900 |
| 2016 | 425,000 | 2.900 |
| 2017 | 435,000 | 2.900 |

Designation of Purchaser as Agent. The County hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Terms of the Bonds. The Bonds shall be designated "General Obligation Facility Improvement Bonds, Series 2008A"; shall be dated February 1, 2008; shall be in the denomination of \$5,000 or any integral multiple thereof; and shall mature in installments on October 1 of each year, in the years and principal amounts as set forth above. Interest is payable commencing on October 1, 2008 and semi-annually thereafter on April 1 and October 1 of each year.

Redemption Provisions. The Bonds shall be non-callable.

Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years and amounts as follows:

| <u>Levy Year</u> | <u>Amount</u> | <u>Levy Year</u> | <u>Amount</u> | <u>Levy Year</u> | <u>Amount</u> |
|------------------|---------------|------------------|---------------|------------------|---------------|
| 2008 | 452,225.00 | 2011 | 450,905.00 | 2014 | 451,975.00 |
| 2009 | 452,075.00 | 2012 | 449,885.00 | 2015 | 449,940.00 |
| 2010 | 451,635.00 | 2013 | 448,575.00 | 2016 | 447,615.00 |

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein.

The County has heretofore levied a direct annual irrepealable ad valorem debt service tax in the amount of \$476,000.00 in anticipation of the sale of the Bonds. Said sum shall be irrevocably deposited upon receipt into the segregated Debt Service Fund Account for the Bonds created below and used to pay the principal of and interest on the Bonds coming due on October 1, 2008.

Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from every other County fund or account designated "Debt Service Fund Account for \$3,925,000 Pierce County General Obligation Facility Improvement Bonds, Series 2008A, dated February 1, 2008". There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest paid at the time of delivery which must be paid into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Bonds (the "Closing"), would cause the Bonds to

be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from the Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

In accordance with Section 148(f)(4)(D) of the Code, the County covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the County; and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued by the County, including all subordinate entities of the County, during calendar year 2008 will not exceed \$5,000,000. If for any reason the County did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

The County hereby designates the Bonds to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the County Clerk or other officer of the County charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the County as of the date of delivery and payment for the Bonds.

Persons Treated as Owners; Transfer of Bonds. The fiscal agent appointed in Section 13 hereof shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of said fiscal agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, said fiscal agent shall deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and said fiscal agent shall record the name of each transferee in the

registration book. No registration shall be made to bearer. Said fiscal agent shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the County Board Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to affect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County maintained by said fiscal agent at the close of business on the corresponding record date.

Execution of the Bonds. The Bonds shall be issued in typewritten form, as one installment bond, executed on behalf of the County by the manual or facsimile signatures of the County Board Chairperson and County Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid in lawful money of the United States by Wells Fargo Bank, N.A., Minneapolis, Minnesota which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Continuing Disclosure. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate which the County will execute and deliver on the Closing Date. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this Section.

Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 22nd day of January, 2008.

Resolution 07-31A

SALARY ADJUSTMENTS FOR ELECTED OFFICIALS
County Clerk, Treasurer, and
Register of Deeds 2009-2012

WHEREAS, on March 17, 2008, the Finance & Personnel Committee did duly consider the existing salaries of the elected officials of Pierce County; and

WHEREAS, the Finance & Personnel Committee recommends that the current 2008 salaries for the County Clerk, Treasurer, and Register of Deeds be adjusted 2.5%, effective 1/01/09 and 2.5% effective 1/01/10 and 2.5% effective 1/01/11 and 2.5% effective 1/01/12. Thus the following salaries shall be established:

| | <u>2008 Salary</u> | <u>2009</u> | <u>2010</u> | <u>2011</u> | <u>2012</u> |
|-------------------|--------------------|-------------|-------------|-------------|-------------|
| County Clerk | \$50,121 | \$51,374 | \$52,658 | \$53,974 | \$55,323 |
| Register of Deeds | \$50,121 | \$51,374 | \$52,658 | \$53,974 | \$55,323 |
| Treasurer | \$50,121 | \$51,374 | \$52,658 | \$53,974 | \$55,323 |

WHEREAS, the Finance & Personnel Committee recommends that the elected officials be offered continued health insurance coverage through the existing County plans under the same terms as nonrepresented employees.

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Supervisors that in addition to base salary adjustments, as identified above, with respect to elected officials, the extent that their base salaries will be increased effective 1/01/09 and beyond, said officials shall receive the corresponding benefits, based on salary, in accord with the County's existing plan, and shall be offered health insurance coverage under the same terms as nonrepresented employees.

DATED this 25th day of March 2008.

RESOLUTION 07-32

Amend Fees for Issuing Permits and Making Inspections and Investigations of Certain Types of Establishments

WHEREAS, Pierce County has adopted Chapter 184 of the Pierce County Code to allow for regulation of retail food establishments, taverns, hotels, restaurants, tourist rooming houses and other establishments; and

WHEREAS, in regulating said establishments, the Pierce County Public Health Department is acting as an agent of the Wisconsin Department of Health and Family Services; and

WHEREAS, Pierce County has established fees for issuing permits and making investigations under the ordinance as provided for in Wis. Stats. §254.69; and

WHEREAS, said fees need to be revised from time to time based upon increased rates set by the State Department of Health and Family Services; and

WHEREAS, the Pierce County Board of Health, at its meeting on February, 25, 2008, and Finance Committee, at its meeting March 17, 2008 recommended that the fees previously established in Resolution No. 06-24 be amended as follows:

| Category | Annual Fee | Pre-Inspection Fee Existing Facility | Pre-Inspection Fee New Construction |
|-----------------------------|------------|--------------------------------------|-------------------------------------|
| Restaurants | | | |
| Pre-Packaged | \$146 | \$190 | \$225 |
| Additional Area | \$120 | \$200 | \$260 |
| Simple | \$228 | \$253 | \$253 |
| Moderate | \$318 | \$375 | \$375 |
| Complex | \$456 | \$506 | \$506 |
| Temporary; \$190 | | | |
| Temporary inspect fee; \$25 | | | |
| Body Art | | | |
| Tattoo | \$144 | \$168 | \$200 |
| Piercing | \$144 | \$168 | \$200 |
| Combined | \$234 | \$234 | \$250 |
| Temporary per event; \$150 | | | |
| Recreation | | | |
| Campgrounds | | | |
| 1-25 Sites | \$168 | \$276 | \$276 |
| 26-50 Sites | \$234 | \$334 | \$334 |
| 51-100 Sites | \$282 | \$380 | \$380 |
| 101- 199 | \$330 | \$425 | \$425 |
| 200 | \$378 | \$480 | \$480 |
| Special Event Campgrounds: | | | |
| 1 - 25 sites | \$168 | | |
| 26 - 50 sites | \$234 | | |
| 51 - 100 sites | \$282 | | |
| 101 - 199 sites | \$330 | | |

| | | | |
|---|-------|-------|-------|
| 200 + sites | \$378 | | |
| Rec/Ed Camp | \$462 | \$483 | \$483 |
| Swimming Pool | \$231 | \$231 | \$250 |
| Water Attraction: | \$216 | | |
| Water Attraction with up to 2 slides | \$312 | | |
| Waterslide | \$186 | | |
| Pool Slide | \$66 | | |
| Lodging | \$156 | \$252 | \$252 |
| B & B | | | |
| Tourist Rooming House; 1-4 rooms | \$156 | \$230 | \$250 |
| Hotel/Motel: | | | |
| 5-30 Rooms | \$240 | \$290 | \$290 |
| 31-99 Rooms | \$264 | \$336 | \$336 |
| 100-199 Rooms | \$372 | \$483 | \$483 |
| 200 + Rooms | \$558 | \$633 | \$633 |
| School-Full Service | | | |
| Inspection Fee only | \$260 | | |
| Additional Fees: | | | |
| Facility Name or Legal Licensee Name Change Only | \$25 | | |
| Re-inspection Fee | \$100 | | |
| <i>Explanation- Fee Assessed on the 3rd and 4th re-inspection for the same violation.</i> | | | |
| Late Fee | \$100 | | |
| <i>Explanation – If the annual permit fee is not paid by June 30, the day the permit expires, the department shall require the operator of the establishment to pay a penalty fee, in addition to the annual permit fee, for renewal of the permit.</i> | | | |
| Duplicate Fee | \$15 | | |

NOW THEREFORE, BE IT RESOLVED that the Pierce County Board of Supervisors adopts the fee schedule as outlined above and that these fees shall take effect upon adoption.

Dated this 25th day of March, 2008.