

TOWN OF OSCEOLA
BOARD OF SUPERVISORS MEETING
Monday, August 1, 2022 — 6:30 p.m.

Meeting Minutes

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Monday, August 1, 2022, at 6:30 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

CALL TO ORDER: Chair Lindh called the regular meeting to order at 6:30 p.m.

VERIFICATION OF MEETING POSTING: Clerk Skjerven confirmed that the notice was posted at the Town Hall, Dresser Post Office, the First Community National Bank, the Town Web Site, and the Town Facebook page.

PLEDGE: Lindh led the Pledge of Allegiance to the United States Flag.

PRESENT: Chair Lindh, Supervisors Cronick, Everson, and Thompson

ABSENT: Supervisor Desmarais

PUBLIC ATTENDEES: Clerk Skjerven, Treasurer Carlson, Public Works Supervisor Raddatz, Ed Everson, Neil Gustafson, Jim and Donna Berg, Merle and Dianne Aarthun, Warren Johnson, Cindy Thorman, Gae Magnafici, Mark Skjerven, Joe Gaffney, Heather Raddatz, and Tom Kohman. There were three virtual attendees.

CHECK PRESENTATION AND APPROVAL OF BILLS

A packet of check detail was provided at the meeting by Treasurer Carlson.

MOTION BY EVERSON/CRONICK TO APPROVE THE TREASURER'S LIST OF CHECKS AND AUTOMATED PAYMENTS NUMBERS 18279 THROUGH 18316 TOTTALLING \$40,375.12 AS PRESENTED. MOTION CARRIED.

ACCEPTANCE OF PROPOSED AGENDA

MOTION BY THOMPSON/EVERSON TO APPROVE THE AGENDA AS NOTED. MOTION CARRIED.

MEETING MINUTES

MOTION BY EVERSON/CRONICK TO APPROVE THE 7/5/2022 REGULAR TOWN BOARD MEETING MINUTES AND THE 7/19/2022 BOARD OF REVIEW MEETING MINUTES. MOTION CARRIED.

PUBLIC COMMENT

Neil Gustafson commented on the Public Works staff hours of working four 10-hour days a week, after learning members of the Town expressed interest in having at least one Public Works staff person working on Fridays, and there was concern with overtime being worked on Fridays. Gustafson indicated Raddatz started out his position working five days a week to familiarize himself with the role and reverted back to the four 10-hour days a week after gaining more comfort with his position and the work involved. Year to date, Gustafson mentioned there have been minimal (less than five) occasions when the Public Works staff has been called in on a Friday to handle a situation, as the majority of

overtime work was due to calls in the overnight hours and/or on weekends. Gustafson noted a potential option raised was to stagger the staff so one individual is working on a Friday. In his view, to do so would reduce productivity during the week as the amount of time the Public Works staff could work together would be reduced. Gustafson also noted neighboring municipalities have multiple Public Works employees and none are working on Fridays due to the higher level of traffic on the municipalities' roads.

Gustafson commented also about concerns he is hearing regarding whether the Town should allow its Public Works staff to assist neighboring communities. In his view, this type of neighboring partnership within the Public Works staffs has worked well in neighboring communities and believes the assistance given has many benefits—manpower, equipment, ideas, etc.—and, it is good practice to continue for the Town's Public Works staff. Gustafson gave examples of provided Public Works assistance from Garfield and the Town of Farmington. In Gustafson's view, micromanaging the work efforts of the Public Works Supervisor is not a good thing to be doing.

Bob Wright provided comments on several topics: (1) acknowledging the work of the current Clerk—Denise Skjerven—indicating in his view she is doing a good job; (2) reminder of concerns raised in the past about Plan Commission members who contacted the Polk County Board of Supervisors Chairperson to request the Blue Rock Quarry application come to the Town of Osceola first. Wright indicated it was suggested to him after last month's Town Board meeting that he contact Polk County on his interest in finding out who were the two Plan Commission members that contacted the Polk County Board of Supervisors Chairperson. Wright mentioned Plan Commission members have no authority to advocate for Town policy at the Polk County level, and, thus, view it as the Board's responsibility to root out the rogue Plan Commission members' behavior; (3) regarding the Town's Chapter 2 Governing Body Ordinance regarding the Plan Commission: (a) it states the Plan Commission shall be made up of one Board member and six citizen members, with a citizen member as the presiding officer; accordingly, the April 26, 2022 Plan Commission meeting was in violation of the Ordinance because there were two Town Supervisors present at that meeting, with one as presiding officer. Thus, any actions taken at the April 26th Plan Commission meeting should be null and void; (b) regarding term limits for Plan Commission members, in Wright's opinion it would not be in the Town's best interest to limit the terms of Plan Commission membership and there is loss of institutional knowledge in doing so; and, (4) regarding the Town's Comprehensive Plan, there was commentary made by Desmarais at the Town's last regular Board meeting indicating the current plan is weak, there was not appropriate public input, there needs to be re-done a visioning exercise, etc. Wright disagrees as he was involved in the development of the current Comprehensive Plan from start to finish and it was robust. In Wright's view, there was excellent guidance from Stevens Engineering, one public hearing, a public land use exercise (with town residents) to receive input on future growth; Wright was also involved in the 2020 update to be in alignment with recently passed Polk County zoning ordinance(s). Wright is concerned of the potential intent to completely re-write the Town's Comprehensive Plan when only minor updates are needed. In Wright's view, to do so would disrespect the excellent work already put into the Town's Comprehensive Plan.

Warren Johnson expressed his appreciation for the good Town employees and how important it is to take care of them. Johnson indicated in his view the history with the Town has been to work within itself and not utilize the resources of neighboring municipalities, and because the cost of equipment is ever increasing, along with the scarcity of manpower to get work done, it should be of great interest for the Town to pursue working with other municipalities. Trust is a big factor, and asking questions is a good thing to hold people accountable, but micromanaging is not helpful.

Tom Kohman expressed concerns about very frequent and incessant dog barking occurring from his neighbor's property at 2295 County Road M. Kohman contacted Darel Hall (Animal Control/Humane Services for the Town) in early June 2022 for assistance with this matter. Darel met with the owner of the dogs and thought the noise would be lessened by the use of muzzles and/or shock collars the owner indicated would be used. Kohman indicated nothing has changed with the level of noise coming from the dogs in the last 60 days. Kohman also noted there is garbage being left by someone in his driveway at late hours of nearly every night, and believes he is being targeted and retaliated against for his complaints about the dogs. Kohman wrote a letter to the homeowner in November of 2021 and received no response.

Ed Everson asked whether the Town has an ordinance to deal with such matters Mr. Kohman is experiencing and wondered why the Town is not helping more to resolve the situation.

PUBLIC WORKS REPORT

Raddatz gave a detailed report of work efforts done throughout July, which included:

- installing a culvert on 90th and 210th with help from the Town of Garfield
- moving the Town's speed sign from 110th to 200th
- mowing a second pass in the township
- assisting the Town of Alden and Town of Garfield haul gravel for roadwork
- determining which intersection street signs were missing and had them on ordered
- measuring and ordering new culvert for 110th and County Rd Y
- removing hydraulic cylinder for the grader wing that is leaking and brought it to Hydraulics Plus in Wyoming, MN to have repaired
- checking insides of culverts by Horse Lake with waders
- working on an invoice for road repair because of the semi-truck that was stuck on 90th by the Rod and Gun Club
- continuing to grade roads and mow ditches as needed (Raddatz reminded everyone that grading can only occur after it rains; otherwise, the grader is not able to penetrate the hard gravel roadway material)
- putting up road signs and fire number signs (fire signs have been backordered since June)
- washing truck and mower tractor and completing routine maintenance on each
- getting called on Saturday 7/16 for washout at the 90th and 210th culvert area
- continuing to check culverts and compiling list of locations/conditions.

Raddatz also mentioned Monarch should be coming out soon to start pulverizing 110th within the next couple of weeks. Shouldering costs done by Monarch are estimated to be \$7,000.00 a mile. Monarch will charge the Town in 2022 approximately \$55,000.00 for shouldering. Raddatz looked into the estimated cost of adding shouldering equipment to the Town's truck and it is approximately \$13,500.00.

TREASURER'S REPORT

Treasurer Carlson reviewed current bank balances from MidwestOne as of August 1, 2022: General Fund \$28,270.19; General Money Market Account \$540,320.85; Tax Receipt Account \$201,972.55; Dresser Traprock Assurance \$15,051.34; Royal Credit Union CD (from ARPA \$\$s) \$138,384.61 (moved

from MidwestOne to get a higher interest rate); Royal Credit Union general account (Savings ARPA) of \$136.66; Royal Credit Union Money Market Public Works account \$50,193.13.

Carlson also shared the latest Profit and Loss Budgets vs. Actual report, and identified for the Board: on revenues, the Fire Insurance Dues is an in/out item, meaning the Town will be paying out a similar amount to the fire department; Highway Aids is expected to have one more payment coming in yet this year; building permit revenue is down thus far this year (in 2021 the Town had received approximately \$20,000.00 for building permits by this time; YTD in 2022, the amount received by the Town is only approximately \$13,200.00); on expenses, Carlson asterisked those items/sections to watch that are greater than 58% (7 months divided by 12 months) of budget. Carlson informed the Board the budget process should soon start with putting detailed spreadsheet information together to provide to the Board, along with setting up budget working sessions. Carlson appreciated the training she was able to attend last month as she found it to be very beneficial.

MOTION BY EVERSON/THOMPSON TO APPROVE THE TREASURER'S REPORT AS PRESENTED. MOTION CARRIED.

CLERK'S REPORT

Clerk Skjerven gave a report out of work activities during the month of July, involving work on three ordinances (Chapter 2 Governing Body, Chapter 5 Fire Protection, and Chapter 12 Licenses and Permits) and one Resolution (Adopt Amendment to Fee Schedule), dissemination of three building permits (1 for new construction, 2 for alterations to existing property), 2 driveway permits; there were three meetings held during June. Skjerven received four public records requests, had published two ads relating to elections, made updates to the Town's website for the road closure, meeting notices and minutes, and elections (Qualifications to Vote, Proof of Residency, Accommodations Request Letter Template, Voting by Absentee Notice). Skjerven continues to get requests for burning permits (there were 71 requests as of the end of July). Related to elections, Skjerven sent out 73 absentee ballot requests, have had five in-person voters through the end of July, and preparations are underway for the Fall Partisan Primary on August 9th, including testing of voting equipment. Skjerven issued four provisional liquor licenses (and performed associated background checks), and prepared operator license requests to bring to the Board.

OLD BUSINESS

CONSIDER DWIGHT LAKE BOAT LANDING IMPROVEMENTS

Nothing new to report.

Lindh mentioned there was a suggestion raised by a Town resident in regard to placing a 'boat decontamination station' by this boat landing. Chair Lindh and Supervisor Cronick are looking further into this topic.

CONSIDER CHAPTER 2: THE GOVERNING BODY ORDINANCE

Clerk Skjerven presented proposed updates to Chapter 2: The Governing Body Ordinance related to needed modifications due to the Board changing over to a five-person Board, grammatical corrections, Section 2.03 Order of Business, to capture the changes previously discussed by the Board to Section 2.04 Presiding Officer, to capture proposed changes to the Term paragraph under the Plan Commission section (2.13(2)), and condensing the names of the Board Committees in Section 2.13(3). The proposed updates were reviewed by the Town's attorney.

MOTION BY THOMPSON/CRONICK TO APPROVE THE UPDATES TO ORDINANCE # 19-04-03 CHAPTER 2: THE GOVERNING BODY ORDINANCE. EVERSON ASKED THAT THE MOTION BE AMENDED FOR SECTION 2.04(1), THE LAST SENTENCE, TO CHANGE THE WORD 'WILL' TO 'SHALL'. MOTION CARRIED.

CONSIDER REVIEW OF TOWN ORDINANCES

Everson spoke with a Municode representative about going through a codification process for the Town's ordinances. (Municode is the firm that assisted the Town in 1993—the last time a codification process was completed with the Town's Ordinances.) Municode would do a legal review of all of the Town's Ordinances to make sure they comply with the latest Wisconsin Statutes, Constitutional amendments, etc. Municode typically would hold a one-hour presentation/demonstration to elaborate on their work efforts their firm can provide to the Town. Costs vary for their services, which can approximately be \$8,000.00-\$10,000.00 (payable in four installments), with completing their efforts over a 12-15 month timeframe. Their final work product would be to give us three hard copy books and an electronic copy of the updated Town's ordinances. Everson will contact Municode to set up a meeting with the Board for a Zoom virtual meeting in the near future.

NEW BUSINESS

CONSIDER SUBDIVISION REQUEST: PARCEL 042-01103-0000 (9.07 ACRES); OWNER TIM JOHNSON

Ty Dodge (surveyor) was originally in attendance virtually via the Teams connection. Mr. Dodge's connection was lost/he had to drop off, and he was not able to reconnect virtually back into the meeting. Therefore, this topic was not able to be discussed and will be put on the September 6, 2022 Town Board Meeting agenda.

CONSIDER 2022 EMERGENCY BRIDGE AID FOR 90TH AVE.

Treasurer Carlson informed the Board this topic relates to the culvert work being done on 90th Avenue by the Rod and Gun Club. There is an approval process to follow to show that the Town is participating with Polk County Highway in the bridge program to replace the culvert and the Town Board approves this arrangement.

MOTION BY EVERSON/THOMPSON TO PARTICIPATE WITH POLK COUNTY IN THE 2022 EMERGENCY BRIDGE AID FOR THE 90TH AVE. CULVERT REPLACEMENT. MOTION CARRIED.

CONSIDER ROAD STRIPING STANDARDS

Research information from Supervisor Everson was shared in the Board packet. Everson suggested the Public Works Committee come up with a list of standards they would like to see what would require striping, e.g. road traffic, road traffic, Wisconsin Department of Transportation recommendations, etc. The Public Works Committee will bring forth to the full Board at the September Town Board meeting a recommended standards for further discussion and consideration by the full Board.

CONSIDER PUBLIC WORKS' STAFF WORK SCHEDULE DAYS/HOURS

Chair Lindh shared with the Board at the meeting two exhibits: One showing traffic counts on Fridays over a two-week period of time (readings from south of 120th Ave. on 210th St. by Poplar Lake) to see if there were typically more vehicles on the road on a Friday. The exhibits did show there was 150-300 more vehicles count activity on a Friday. The second exhibit showed overtime for the Public Works staff from April until end of July (over a 12-week period). Friday showed nine hours of overtime on a typical

workday on a Friday. If the Public Works staff worked on a Friday, the Town would have to pay for 2 15-minute breaks for each of the Town's two full-time employees. So, in this example, it would amount to 12 hours that the Town would not need to pay by not having the Public Works staff work on those Fridays. Thus far, this shows the Town is not paying a lot of money out by allowing the Public Works staff to work four 10-hour days vs. five 8-hour days. The goal would be to have the Town's Public Works staff work four 10-hour days from May through October and shift back to five 8-hour days from November through April.

Supervisor Cronick pointed out the amount spent for overtime thus far this year for the Public Works staff is \$1,900.00.

MOTION BY THOMPSON/LINDH TO ACCEPT THE PUBLIC WORKS' STAFF WORK SCHEDULE OF FOUR TEN-HOUR WORK DAYS A WEEK FOR THE PERIOD MAY 1 THROUGH NOVEMBER 1. ABSTAIN: EVERSON; MOTION CARRIED.

CONSIDER PUBLIC WORKS' STAFF PARTNERSHIP WITH NEIGHBORING TOWNS FOR PUBLIC WORKS' SERVICES

Lindh informed Raddatz it was acceptable for the Public Works staff to work with neighboring towns. Lindh is seeking approval from the Board to formally state acceptance of this practice.

MOTION BY CRONICK/THOMPSON TO ALLOW THE PUBLIC WORKS SUPERVISOR DISCRETION TO PARTNER AND WORK WITH NEIGHBORING COMMUNITIES ON PUBLIC WORKS' PROJECTS. MOTION CARRIED.

CONSIDER CHAPTER 5: FIRE PROTECTION AND FIRE INSPECTIONS ORDINANCE

Updates to the Town's Chapter 5: Fire Protection Ordinance was brought forth by Lindh through a recommendation at a Fire Board meeting. The primary update to the Ordinance is to include a section 5.03 on Fire Inspections to state inspections can be done only once a year. The Town could lose its State of Wisconsin funding for the Fire Department if this section wording is not included within the Town's Ordinance. Lindh is checking further with the Fire Chief regarding how other municipalities are handling the charge for fire protection costs (the Town's Ordinance currently states a charge of \$500.00).

MOTION EVERSON/THOMPSON TO ADOPT THE AMENDMENT TO THE TOWN'S CHAPTER 5 FIRE PROTECTION AND FIRE INSPECTIONS ORDINANCE AS PRESENTED. MOTION CARRIED.

CONSIDER CHAPTER 12: LICENSES AND PERMITS ORDINANCE

Updates to the Town's Chapter 12: Licenses and Permits Ordinance was brought forth to the Board to primarily to show within the Town's Ordinance the fee charge of \$10,000.00 for a Retail Reserve "Class B" Initial Issuance Fee and to bring the Ordinance into compliance with Wisconsin State Statutes.

"12.03(3)(f) An Initial Issuance Fee will apply of \$10,000.00 for a Retail Reserve "Class B" License, as defined in §125.51(4)(a)4, Wis. Stats."

MOTION EVERSON/THOMPSON TO ADOPT THE AMENDMENT TO THE TOWN'S CHAPTER 12 LICENSES AND PERMITS ORDINANCE AS AMENDED. MOTION CARRIED.

The Town was originally authorized for three "Class B" Liquor Licenses (a "Class B" Liquor License allows retail sale of intoxicating liquor for consumption on or off the premises, with some exceptions): Two "Class B" liquor licenses issued, and one "Class B" liquor license reserve (at 12/1/1997, for a Town population of 1,524). Currently, with the Town having an estimated population of 3,023, the "Class B" liquor license authorized quota increases to five—two originally issued, and three reserve. The Town has both originally issued "Class B" liquor licenses in use—for Krooked Kreek Golf Course, and for Fiesta Loca—and one of its reserve "Class B" liquor licenses in use—for Woodhill Bar & Grill.

CONSIDER RESOLUTION 22-08-01 AMENDMENT OF FEE SCHEDULE

MOTION EVERSON/THOMPSON TO ADOPT RESOLUTION 22-08-01 AMENDMENT OF FEE SCHEDULE TO INCORPORATE THE RESERVE "CLASS B" INITIAL ISSUANCE FEE AMOUNT OF \$10,000.00. MOTION CARRIED.

CONSIDER 2022-2023 LIQUOR PROVISIONAL AND OPERATOR LICENSES (NEW)

MOTION EVERSON/CRONICK TO APPROVE THE OPERATOR LICENSE FOR MARISSA LIBERSKY FOR WOODHILL BAR & GRILL WHICH EXPIRES JUNE 30, 2023. MOTION CARRIED.

CHAIR'S REPORT

Lindh reported the Personnel Committee met twice to review the Employee Handbook; the Clerk was present at one of the meetings. The Personnel Committee is scheduling another meeting in the coming week, and could possibly have the Employee Handbook topic ready for discussion with the full Board at the September 6 2022 Regular Town Board meeting. Lindh also noted that the Public Works Committee met and items discussed were covered at tonight's Board meeting.

Lindh attended a Fire Board meeting and reported the group repaired the heat source in the Dresser building, resealed the parking lot at the Dresser building, there was a purchase of a new Polaris Ranger to be used for demonstration purposes, the final results were in regarding the spaghetti dinner and they received \$37,000 and netted approximately \$25,000.

SUPERVISOR'S REPORT/CRONICK

Nothing to report.

SUPERVISOR'S REPORT/DESMARAIS (including Plan Commission update)

Desmarais was absent, so nothing to report. Draft Plan Commission meeting minutes from the July 26 2022 Plan Commission meeting were included in the Board's meeting packet.

SUPERVISOR'S REPORT/EVERSON

Everson gave a short history about a prior Town property owner where the noise was disturbing to nearby residents from his dogs. The animal warden at the time made many visits to the property owner. It took the Chair of the Town Board and the animal warden to get jointly visited the property owner to notify the property owner that a lawsuit was going to be filed by the Town if the disturbing noise was not immediately corrected.

SUPERVISOR'S REPORT/THOMPSON

Nothing to report.

FUTURE AGENDA ITEMS

- Old Business:
 - Consider Dwight Lake Boat Landing Improvements
 - Consider Road Striping Standards
 - Consider Chapter 5: Fire Protection and Fire Inspections Ordinance
 - Consider Review of Town's Ordinances
- New Business:
 - Consider Subdivision Request: Parcel 042-01103-0000 (9.07 acres); Owner Tim Johnson
 - Consider Employee Handbook
 - Consider 2022-2023 Operator Licenses (New)

NEXT PLAN COMMISSION MEETING

August 23, 2022, 6:00 p.m.

NEXT TOWN BOARD MEETING

September 6, 2022, 6:30 p.m.

COMMUNITY MEETINGS BOARD MEMBERS ATTEND

Osceola Area Ambulance Service:

- 2023 Budget Workshop – Friday 8/12 9 a.m. @ F.B. Contractors Inc. office
- Board meeting – Thursday 8/18 6 p.m. @ the OAAS Hall

ADJOURN

MOTION BY THOMPSON/EVERSON TO ADJOURN THE TOWN BOARD MEETING MONDAY, AUGUST 1, 2022. MOTION CARRIED. The meeting adjourned at 8:04 p.m.

To be approved: September 6, 2022

Approved:

9/6/22

Denise Skjerven

Denise Skjerven, Town Clerk