

**TOWN OF OSCEOLA
BOARD OF SUPERVISORS MEETING
Monday March 9, 2009**

Draft subject to final approval by town Board at 4/13/09 meeting

MINUTES

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Monday March 9, 2009 at 7:13 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

CHAIRMAN STEVE STROSHANE CALLED THE MEETING TO ORDER AT 7:13 P.M.

Chairman Stroshane verified that the meeting notice and agenda had been posted Monday March 2, 2009, at the Town Hall, the Dresser Post Office, Rural American Bank and the Town of Osceola Website.

Chairman Stroshane led the PLEDGE OF ALLEGIANCE.

ROLL CALL:

PRESENT: Steve Stroshane, Mike Wallis and Bob Wright

ABSENT:

ALSO PRESENT: Lorraine Rugroden - Clerk/Treasurer, Chuck & Kay Burch, Dan & Suzy Burch, Dodd & Nancy Knutson, Jerry Viebrock, Cindy Stimmler, Bev Kobs, Jim & Debbie Martinson, E. R. Lindholm, Milo & Ramona Hendricks, Jeffrey & Janis Masek, Juergen Weissmann, Laura Henriksen, Jason Haas, Amy Middleton, Aaron Degerstrom and John Adam.

PRESENTATION OF BILLS: The Board audited the bills and approved for payment check numbers 11801 through 11837 with total disbursements of \$1,908,480.91.

AGENDA:

MOVED, SECONDED BY WALLIS/STROSHANE AND CARRIED TO APPROVE THE AGENDA FOR MARCH 9, 2009 MEETING. WRIGHT VOTED NO.

PUBLIC COMMENT:

Dan Burch asked that the Town Board give strong consideration to adopting the Nonmetallic Mineral Extraction Permit & Regulation ordinance.

MOVED, SECONDED BY WALLIS/WRIGHT TO APPROVE THE FEBRUARY 9, 2009 REGULAR TOWN BOARD MEETING MINUTES AS PRESENTED BY THE CLERK/TREASURER. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Family Pathways

Family Pathways, a non-profit social services organization has decided to present at the Annual Town meeting on April 14, 2009 instead of the Town Board meeting.

Communication with Town Attorney

From time to time it has been necessary to consult with the Town's attorney on various projects. Chairman Stroshane sent a letter to Board members on how communication should be handled with the Town's Attorney going forward. The process has worked well to date, but with some deviation recently. Each Board member should not be calling the attorney independently but should route their questions to the clerk and she will route them to the attorney or lead person of the project. Lead person for the following projects are:

Steve Stroshane

Kraemer Quarry Project
Comprehensive Plan

Mike Wallis

Non-Metallic
Second Hand Dealer Licenses
Noxious Weeds

Bob Wright

Extra-Territorial Zoning
Web Site

The Town's attorney, Catherine Munkittrick concurred with the process and said that she typically only communicates with the Town Chairman and the Town Clerk. The goal of this process is to ensure adequate communication and minimize legal fees.

Request by Polk County Information Center for Funding

The Town received a letter from the Polk County Information Center requesting help to fund the center after Polk County reduced their funding by \$38,500 for 2009. They are requesting \$2,085 from the Town. The Town was not notified of this until after the budget for 2009 had been finalized.

To date the Kraemer Mining Project has cost approximately \$9,000 in legal fees and the Non-Metallic Mining ordinance has cost approximately \$5,200. The Town budgeted \$5,000 for attorney fees in 2009 and will be using budgeted contingency fund money to cover additional expenses up to \$15,000.

Supervisor Wright recommended that in the future a member of the Polk County Information Center come before the Board with a report during August or September in order for the Board to have time to act on budgeted items. The Board does not feel that there is extra money in the Town budget to contribute funds to the Polk County Information Center in 2009.

Road Weight Restrictions

Weight restrictions will need to be posted on town roads in a few weeks when the temperature begins to get warmer and the frost leaves the ground causing the roads to become more vulnerable to heavy truck traffic.

MOVED, SECONDED BY WRIGHT/WALLIS TO AUTHORIZE THE CHAIRMAN AND THE PUBLIC WORKS SUPERINTENDENT TO POST WEIGHT RESTRICTIONS FOR TOWN ROADS WHEN NECESSARY. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS:

Chapter 14 – Non-Metallic Mineral Extraction Permit and Regulation Ordinance# 09-03-01 discussion and possible action

A public hearing was held prior to the Town Board meeting to hear comments and questions on the Non-Metallic Mineral Extraction Permit and Regulation ordinance. Note the chapter has been changed from 13 to 14 due to discovering an old chapter 13 ordinance in the Town's archives. Discussion of chapter 14 continued. Gene Lindholm thought the definition for mine was not solid and should include copper mines due to one that had previously operated in the Town and he maintained that there could be others in the future. The Board concluded that copper mining would not be addressed in this ordinance.

Chairman Stroshane commented that he is concerned that the levels proposed for maximum sound immission in the ordinance may be too restrictive for new and existing quarries and is not sure that there is "wiggle room". He said that someone could complain about the noise, and the quarry may not be able to meet the noise standards. Supervisor Wallis said that in regards to existing quarries the ordinance states that a conditional permit is granted to existing operations, subject to compliance with the terms and conditions of the ordinance where they can be reasonably applied under existing conditions. He stated for example, the board should take into consideration if the operation has been in existence longer than the residence. If so, is it reasonable to expect them to comply with noise standards?

Sound Engineer, George Kamperman provided noise specifications that were incorporated in the ordinance. Supervisor Wright stated that the Board members are not sound engineers and are not able to determine if the noise level that was written into the ordinance is too restrictive. He said the Board has made a good faith effort and the noise issue will be addressed when it is brought before the Board. At that time the noise portion of the ordinance may need to be modified.

There was also discussion as to maximum distance that operators would be expected to protect area wells. Supervisor Wallis noted that the ordinance states that property owners in the radius of 2,640 feet of the nonmetallic mineral extraction and processing boundaries, or further away if engineering review(s) indicate a need, would be protected.

Chairman Stroshane stated a concern that the ordinance would leave the Town open to future lawsuits. He has attempted to contact Doug Clary, Zoning Administrator for Chippewa County to gain information of mining ordinances that have been adopted by other municipalities in the county but has been unsuccessful.

Edits to the ordinance were identified and changes will be made. Edits to a flow chart outlining the application process will also be made.

MOVED, SECONDED BY WALLIS/WRIGHT AND CARRIED TO ADOPT ORDINANCE# 09-03-01 NON-METALLIC MINERAL EXTRACTION PERMIT & REGULATION ORDINANCE AS EDITED. STROSHANE VOTED NO.

PLAN COMMISSION REPORT:

1. The Plan Commission continued its discussion of the land use element in the Comprehensive Plan.
2. A map of proposed land use was further refined.
3. A joint meeting of 4 commission members and representatives from the Village of Dresser Plan Commission met February 12, 2009 to discuss joint land use issues.
4. A joint meeting of 4 commission members and representatives from the Village of Osceola Plan Commission met February 24, 2009 to discuss joint land use issues.
5. A land use workshop will be held before the annual meeting similar to the kick-off meeting that was held on April 8, 2008 at 6:30 pm.
6. The goal is to have a completed comprehensive plan, ready for the review process by the end of June 2009.

PATROLMAN'S REPORT:

John Adam will attend MSHA Training on March 30, 2009 in Balsam Lake.

CHAIRMAN'S REPORT:

1. Contracted Police Report for February:
 - a. Tickets Issued: 6
 - b. Warnings Issued: 11
 - c. Hours Patrolled: 24
2. Dresser-Osceola-Garfield Fire Department
 - a. No activity
3. Ambulance Board
 - a. No January or February meetings were held.
4. Kraemer Quarry
 - a. Cedar Corporation submitted an independent evaluation on Kraemer's groundwater analysis on January 20, 2009.
 - b. Kamperman Associates reviewed a summary of the original, January 22, 2009 report. The summary was meant to highlight the significant issues. The summary should be posted on the website.
 - c. The Wisconsin Department of Revenue provided guidance on sales tax issues. The information was updated in the Economic Issues Summary and should be posted on the website.
 - d. A memorandum was sent to Polk County requesting local meeting discussing the proposed application be held in the Dresser/Osceola area. Polk County responded with correspondence that the quarry application has been withdrawn.
5. The next Town Board meeting will be April 13, 2009 at 7p.m. and the Annual town meeting will be Tuesday April 14, 2009 at 8 p.m.¹
6. The Town has a Public Records policy 3.07 and will be charging 25 cents per page to photocopy emails and other correspondence.

¹ Next Town Board meeting date has been changed to April 14, 2009 at 5:30 p.m.

SUPERVISOR'S REPORT:

Supervisor Bob Wright reported that:

1. Osceola Area Ambulance Service is finalizing specifications of new facility and expects to break ground in mid-April. The Ambulance Service is \$150,000 - \$200,000 short and are beginning fund-raising activities
2. Would like to see the Town's representation on the Ambulance Board revert back to one Supervisor and one citizen member
3. Would like to see the Board develop a memo of the public records request policy. The memo should cover all who retain public records and clarify the costs of records already available in digital format. It should be posted on the web site as well.
4. We are ready for a serious discussion about increasing the Board from 3 to 5 and request again that it be on the agenda
5. Kraemer mining proposal
 - a. Would like the Town to send letters of appreciation to Dresser Elementary School for the use of their facilities and Dresser Trap Rock for the tour.
 - b. Read memo to Town residents raising concerns regarding chairman's communication with resident who is leasing land to Kraemer, during the process of evaluating the proposal. Written memo is available at the Town office.

Supervisor Mike Wallis reported that:

None

CLERK/TREASURER'S REPORT:

Clerk/Treasurer Lorraine Rugroden reported that as of February 28, 2009 bank account balances were \$4,334.13 cents in the Town's checking account, \$478,271.50 in the Regular Money Market Account and C/D's and \$210,088.92 in the tax deposit account and C/D, amounting to combined total Cash-on-hand of \$692,694.55.

SUBSEQUENT MONTH'S AGENDA DISCUSSION:

REGULAR TOWN BOARD MEETING:

Monday, April 13, 2009 7:00 p.m.²
Tuesday, April 14, 2009 6:30 p.m. Land Use Workshop
Tuesday, April 14, 2009 8:00 p.m. Annual Town Meeting

New Business:

Unfinished Business:

The Town board of Supervisors moved to closed session at 9:38 p.m. to discuss employee reviews.

MOVED, SECONDED (WRIGHT/WALLIS) AND CARRIED, STROSHANE, YES; WALLIS, YES; WRIGHT, YES; TO MOVE TO CLOSED SESSION UNDER WIS.STAT. 19.85,(1)(c) FOR THE PURPOSE OF EMPLOYEE REVIEWS.

² Town Board Meeting date has been changed to April 14, 2009 at 5:30 p.m.

MOVED, SECONDED (WRIGHT/WALLIS) AND CARRIED, STROSHANE, YES; WALLIS, YES; WRIGHT, YES; TO RETURN TO OPEN SESSION.

The Town board of Supervisors returned to open session at 10:13 p.m.

ADJOURNMENT:

MOVED, SECONDED BY WALLIS/WRIGHT TO ADJOURN THE FEBRUARY 9, 2009 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Board, the Meeting was adjourned at 10:13 p.m.

2B APPROVED: 4/14/2009

Lorraine Rugroden, Clerk/Treasurer