

**TOWN OF OSCEOLA  
TOWN BOARD MEETING  
TUESDAY, DECEMBER 3, 2019 AT 6:30 P.M.**

**MINUTES**

The Board of Supervisors of the Town of Osceola met for a regular monthly on Tuesday, December 3, 2019, beginning at 6:30 p.m. at the Osceola Town Hall, 516 East Avenue North, Dresser, Wisconsin.

**CALLED THE MEETING TO ORDER:** Chair Doug Schmidt called the meeting to order at 6:32 p.m.

**VERIFICATION OF MEETING POSTING:** Chair Doug Schmidt verified the meeting was posted on November 29, 2019 at the Town Hall, the Dresser Post Office, First National Community Bank and the Town website.

**PLEDGE:** Chair Schmidt led those present to the Pledge of Allegiance to the United States of America.

**ROLL CALL:**

**PRESENT:** Doug Schmidt, Mike Wallis and Brandon Whittaker

**ABSENT:** None

**ALSO PRESENT:** Catherine R. Munkittrick (Rodli, Beskar, Neuhaus, Murray & Pletcher, S.C.), Neil Gustafson - Interim Clerk/Treasurer, Public Works Supervisor Paul Baker, Linda Nelson, Dean & Diana Anderson, Rebekah Gustafson, Jim & Donna Berg, Jon Cronick, Mark & Denise Skjerven, Warren & Lanette Johnson, Bernie Desmarais, Don Hartman, Jeff Cronick, David Cronick, David Peterson, Tom & Gae Magnafici, Bob Wright, Jeremy & Teresa Utke, Kim Kaiser, Zachary Selfors, Matt Rensink, Ed & Jo Everson, Matt Anderson of Osceola Sun Newspaper.

**PRESENTATION OF BILLS:** Check Numbers 16716-16734 were approved by the Board, totaling \$10,231.19.

**AGENDA:** MOTION BY WALLIS/SCHMIDT TO STRIKE AGENDA ITEM **9b. POSSIBLE ACTION RELATING TO LITIGATION IN WHICH THE TOWN IS LIKELY TO BECOME INVOLVED.** MOTION CARRIED UNANIMOUSLY.  
MOTION BY WHITTAKER/WALLIS TO ACCEPT THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENT:** The Chair opened public comment at 6:35 p.m. and reminded those wishing to speak under Public Comment that each speaker would be limited to only three minutes, with a total of thirty minutes allowed and that residents of the Town of Osceola reserve the first right to speak.

Warren Johnson, Town of Osceola, stated that regarding the November 20, 2019 Special Town Board Meeting, he felt that it was a good meeting with good discussion. He also stated that he felt the Town Supervisors need to communicate better with each other and that a three-man board limits their abilities to do so. He suggested forming a hiring committee for the vacant Clerk/Treasurer position. He cited the fact that there would be a lot of upcoming meetings regarding filling that vacancy and expressed his concern that it may be difficult to obtain applicants. In closing, he expressed the need for the Town Supervisors to have input on the topic of CAFO's and the formation of a committee in order to ensure that good decisions could be made.

Bernie Desmarais, Town of Osceola, inquired regarding agenda item 9a. Swearing in Neil Gustafson as Interim Clerk/Treasurer. He asked what the compensation would be for the Interim Clerk/Treasurer. It was verified that Gustafson would be volunteering his time. Desmarais thanked Gustafson.

Jon Cronick, Town of Osceola, thanked the Board for allowing residents of the Town of Osceola to speak first during Public Comment.

Mark Skjerven, Town of Osceola, reported to the Board that his previous issues with the Building Inspector were being resolved. He stated that the issues stemmed from a lack of communication, a lapse on the part of his builder and some loose ends on the part of the County going to a paperless system. He thanked the Board for working towards a resolution.

Rebekah Gustafson, Town of Osceola, expressed the need for various sides on the proposed CAFO committee and cited that the CAFO topic is very fear driven.

Public Comment was closed at 6:42 p.m.

#### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Wallis noted that on page 5 of the November 5, 2019 Regular Town Board Meeting Minutes, under Supervisor Reports, he had reported that the actual cost of insurance increase in 2019 was less than 0.5%, not 1.5% as represented in the minutes.

MOTION BY WALLIS/WHITTAKER TO APPROVE THE MINUTES OF THE FOLLOWING TOWN BOARD MEETINGS: NOVEMBER 5, 2019 REGULAR BOARD MEETING (AS AMENDED); NOVEMBER 18, 2019 BUDGET HEARING; NOVEMBER 18, 2019 SPECIAL TOWN MEETING; NOVEMBER 18, 2019 SPECIAL TOWN BOARD MEETING; NOVEMBER 20, 2019 SPECIAL TOWN BOARD MEETING AND NOVEMBER 25, 2019 SPECIAL BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

#### **NEW BUSINESS:**

##### **SWEARING IN NEIL GUSTAFSON AS INTERIM CLERK/TREASURER**

Neil Gustafson was sworn in by Chair Schmidt as Interim Clerk/Treasurer.

Supervisor Whittaker thanked Gustafson for filling the vacancy and also thanked Jo Everson for all that she had done.

Chair Schmidt echoed the same sentiment to Gustafson and also to Ed and Jo Everson.

##### **RESOLUTION 19-15 TO APPOINT 2020-2021 ELECTION INSPECTORS**

Wisconsin Statutes require each municipality in the State to appoint Election Inspectors and special voting deputies in its jurisdiction between December 1 and December 31, of each odd-numbered year for a two-year term. The terms of our current election inspectors expire on December 31, 2019. It was proposed that the following list of individuals shall be named 2020 – 2021 Election Inspectors for the Town of Osceola; Polly Berg, Steven Berg, Connie Clark, Janet Conway, Jo Everson, Ed Everson, Don Hartman, Nancy Knutsen, Beverlee Kobs, Cherie Kotilinek, Mavis Lindahl, Jane Lueck, MaryAnn Moenck, Stephanie Shobe, Bryan Shobe, Mary Stachowski, Susan Stevenson, Jeanette Rochford, Cynthia Thorman, Carolyn Yost and Lynnette Zwirchitz. It was proposed that Jo Everson and Cynthia Thorman be designated as Chief Election Inspectors and that the compensation for election inspectors while performing duties or in training would be \$9.00 per hour.

Wallis questioned if the Polk County Democratic Party had submitted a list of names for appointment and it was verified that they had not.

MOTION BY WALLIS/WHITTAKER TO ADOPT 19-15, A RESOLUTION TO APPOINT 2020 – 2021 ELECTION INSPECTORS. MOTION CARRIED UNANIMOUSLY. (see attached)

##### **ORDINANCE 2019-12-03 TO SEPARATE CLERK AND TREASURER POSITION**

An Ordinance was adopted on April 7, 2003 to change from an elected position of Clerk and Treasurer to an appointed position of Clerk/Treasurer. The Town Board of the Town of Osceola recognizes that the administrative duties of the position of Clerk/Treasurer have become extensive in both the complexities of municipal administration and in technological requirements. These complexities have

warranted the need to separate the positions of Clerk and Treasurer positions where performance and experience standards may be applied to the requirements of each position and appointment.

Whittaker stated that he liked the fact that the positions could be re-appointed every three years.

Wallis wanted to confirm that the Board was not giving up their ability to define job descriptions.

Jo Everson confirmed that the job description falls outside of the statute.

MOTION BY WHITTAKER/WALLIS TO ADOPT ORDINANCE 2019-12-03 TO ORDAIN THAT THE POSITIONS OF STATUTORY CLERK AND TREASURER AS DEFINED IN §60.15, 60.33 AND 60.34 FOR THE TOWN OF OSCEOLA SHALL HEREBY BE APPOINTED AS SEPARATE POSITIONS, AND MAY BE RE-APPOINTED EVERY THREE YEARS AND MAY BE DISMISSED BY MAJORITY VOTE OF THE TOWN BOARD ONLY FOR CAUSE, AS DEFINED IN WIS. STATS 17.16(2). ROLL CALL VOTE. MOTION CARRIED UNANIMOUSLY. (see attached)

### **APPROVE JOB DESCRIPTIONS**

Town Board members received, in their packet, copies of the current job posting for the open positions in the Town of Osceola as well as proposed job descriptions for Clerk position and the Treasurer position.

Whittaker questioned whether the positions were exempt or not. Schmidt verified that the positions are exempt.

Whittaker suggested that keeping the office area clean be added to the job descriptions.

Schmidt questioned why the Treasurer does not report to the Clerk.

Whittaker suggested that keeping the office area clean be added to only the Clerk's job description as more hours have been designated for that position.

Whittaker referenced from the job descriptions that both the Clerk and the Treasurer report to the Town Board.

Schmidt suggested that there be an individual supervisor for these positions vs. reporting to the three board members. His concern was that there would be too many chiefs and with a five-man Board it would only become more confusing. He stated that it was by no means an ego trip, he presented examples of what could happen if multiple individuals gave an employee different directions and he suggested that these positions be supervised by the Town Chair to simplify things.

Bernie Desmarais, Town of Osceola, stated that the separation of the Clerk and Treasurer positions is already creating a system of checks and balances. He also felt that the candidates should be self-directed individuals and he did not see the need for such direct supervision.

Whittaker stated that he supported these positions reporting to the Board. He also would like to look into updated time tracking methods for Town employees.

Wallis stated that he also supported these positions reporting to the Board and cited the fact that they give performance reviews for a reason.

Wallis and Whittaker both stated to leave the job descriptions as reporting to the Town Board.

Jo Everson added that a five-man Board will change the organization and suggested that when the time comes, a committee of two Board members should be formed for managing employees.

Schmidt expressed the concerns that he still had regarding who the employees are supposed to listen to if they are given different directions.

Warren Johnson, Town of Osceola, reminded the Board that the Clerk and Treasurer are really working for the taxpayers as opposed to working for the Board.

MOTION BY WHITTAKER/WALLIS TO ACCEPT THE JOB DESCRIPTIONS AS WRITTEN FOR THE POSITIONS OF CLERK AND TREASURER. MOTION CARRIED UNANIMOUSLY.

**APPROVE CLIFTONLARSONALLEN TO CONDUCT YEAR-END PAYROLL WORK**

Wallis questioned whether this was for payroll or for W2 forms. He had contacted CLA and was waiting for a proposal from them.

Gustafson verified that he would be completing the regular bi-weekly payroll.

Jo Everson confirmed that CLA would be needed for quarterly payroll tax filings, W2 forms and 1099 forms. She reiterated that the Town really had no choice, but to hire these services.

Whittaker questioned if the Town had to use CLA for these services. He was concerned whether they come at a higher expense and suggested that the Town do some price checking. He suggested inquiring with CarlsonSV out of Osceola.

Wallis stated that CLA knows the Town's system and accounting and suggested that it may go smoother and quicker through them.

Schmidt stated that he would like to see the proposal from CLA first and that we are really approaching crunch time here.

Whittaker volunteered to contact CarlsonSV for a proposal and would potentially look into other options as well.

Wallis stated that he would check in with CLA again.

Jo Everson offered to contact CLA the next day (December 4, 2019) via phone or email to verify that they know what kind of year end paperwork we are requesting a proposal for. She will let Gustafson know what she finds out.

Whittaker will also forward any info from CarlsonSV or others to Gustafson.

NO ACTION WAS TAKEN ON THIS AGENDA ITEM.

**APPROVE 2020 BUDGET**

**RESOLUTION 19-14, A RESOLUTION ADOPTING THE 2020 BUDGET FOR THE TOWN OF OSCEOLA**

WHEREAS, the Town Board of the Town of Osceola, Polk County, Wisconsin, did propose a budget for the calendar year 2020; and

WHEREAS, a duly noticed public hearing was held on the proposed budget on Monday, November 18, 2019, and a Summary of the Budget had been made available at the Town Hall as required by Wisconsin Statutes Section 65.90; and

WHEREAS, the 2019 Town Tax levy to be collected in 2020 pursuant to Wisconsin Statutes Section 60.10(1)(a) was approved in the amount of \$516,310.95 by the majority of the Town of Osceola Electors at a Special Town Meeting on November 18, 2019;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Osceola, Polk County, Wisconsin, does hereby adopt the 2020 budget for the Town of Osceola in the amount of \$516,310.95 for revenues and expenditures.

BE IT FURTHER RESOLVED, that the 2020 Budget Summary is attached.

Discussion followed as it was determined that the currently proposed expenditures needed to be reduced by \$78,970.05 in order to balance the budget.

Schmidt suggested reducing from Highway Construction.

Whittaker confirmed that would reduce Highway Construction to \$271,029.05.

Wallis suggested digging deeper into the budget. He suggested scratching line item 97 for the new fuel tank, reducing line item 87 for Equipment Repairs & Maintenance to \$7500.00, reducing line item 15 for publications by \$1000.00 and also looking at line item 131 for plan commission publications.

Schmidt wanted to ensure that cutting publications would not affect elections publications. It was verified that elections publications were a separate budget item. Whittaker suggested suspending the Town's subscriptions to all the local newspapers except for the Osceola Sun.

Schmidt was not in favor of cutting funding for publications, citing that many residents still like to read the newspaper and are not on social media. He stated that usually when he receives a call from a resident, it is regarding something they read in the newspaper, not something they saw online.

Wallis suggested scratching line item 92 for Adopt-A-Road. Public Works Supervisor, Paul Baker, confirmed that funding was for trash bags.

Schmidt opposed scratching line item 92 for Adopt-A-Road.

Wallis stated that the Town needed to scrimp and save anywhere possible.

Whittaker reminded the Board that there would be \$19,750.00 coming from the sale of the Peterbilt truck. He also reiterated the need for the fuel tank, citing how costly it is to fill up at the station and that time is money. He then pointed out that at this point, the fuel tank would not arrive until the spring of 2020, long after the snow plowing season had ended so the savings would not be seen this season. Baker added that he would be OK with waiting on the new fuel tank under the circumstances.

Wallis suggested reducing line item 30 from \$35,000.00 to \$25,000.00 for the basis of the Clerk's retirement.

Schmidt inquired how many applications had been received for the Clerk or Treasurer position so far. Jo Everson confirmed that there was only one. Schmidt questioned whether any more cuts should be made to these positions in fear that we will not receive additional applicants.

Wallis clarified that the Clerk's retirement is cut and dry, based off the proposed wage, hours worked, and it was regulated by the State.

Warren Johnson, Town of Osceola, stated that he appreciated the time being spent on this budget, thanked the Board for their efforts to dig into the little things and assured them that in the future, more money will come with these better examples of management.

Schmidt stated that he liked what Wallis had proposed and even though it was slated to be scratched, he acknowledged that Whittaker had a great idea with the new fuel tank.

Jo Everson inquired whether any residents had called regarding this meeting not being posted in the paper? Just this week, she had paid a \$1300.00 bill to the Osceola Sun for newspaper postings. She was in favor of cuts in this area. She also questioned reducing the contingency fund and suggested waiting on the fuel tank.

Whittaker questioned where to go with the money from the Peterbilt. Jo Everson suggested adding it to the cash reserves or the capital equipment fund.

Wallis wanted to look at the projected fund balance. Figuring on a starting point of \$313,417.60, less the new tractor purchase and \$15,000.00 to parks, that would leave approximately \$150,000, which he was comfortable with. He suggested shifting any excess in the future to another line item, such as 119 for Capital Improvement Projects, but striking the word "Projects" and also moving it out of the heading "Park Expense" to its own separate line.

Whittaker was in favor of Wallis' proposed cuts, including the fuel tank.

Dean Anderson, Town of Osceola, offered to look into a fuel tank for the Town at a better price as he has some connections after hauling petroleum products over the past 30 years.

The Board agreed upon a \$2500.00 cut to Equipment Repairs & Maintenance, \$12,000.00 cut of the new fuel tank, \$800.00 cut to Publications, \$605.00 reduction in Clerk retirement cost and a \$400.00 cut to Plan Commission Publications for a total reduction of the budgeted expenditures of \$16,305.00.

A question arose regarding the \$2000.00 for cemetery funding. Schmidt stated that this was an expense that the Town has every year and it needed to remain in order to help ensure that local cemeteries continue operating. Jo Everson verified that there is a State Statute that requires municipalities to take over maintaining cemeteries if they fail financially. This is the reason why the Town contributes to that fund.

Bernie Desmarais, Town of Osceola, inquired as to which cemeteries the Town was supporting, but it was unclear at this time where that funding is going. Desmarais stated that the Town needed to figure out which ones we support.

Wallis questioned line item 120 for park expenses and asked Baker for input. Baker stated that the Sand Lake dock was in poor shape, the Poplar Lake dock had been damaged and that most of the expense from that line item was for portable bathrooms and lawn mowing service. No cuts were made to line item 120.

Jo Everson questioned line item 138 for office equipment, but it was determined to leave that funding there with the addition of another employee in the office and the potential for more equipment needed such as a desk and chair.

With the reductions that Wallis had previously proposed, amounting to \$16,305.00, that would leave \$62,665.05 to be reduced from Highway Construction, which Wallis equated to a ½ mile of road. This would bring line item 90 to \$287,334.95 for Highway Construction.

MOTION BY WALLIS/WHITTAKER TO ACCEPT THE AMENDED PROPOSED BUDGET WITH A \$2500.00 REDUCTION FROM EQUIPMENT REPAIRS & MAINTENANCE, \$12,000.00 REDUCTION FROM NEW FUEL TANK, \$800.00 REDUCTION FROM PUBLICATIONS, \$605.00 REDUCTION FROM CLERK RETIREMENT EXPENSE, \$400.00 REDUCTION FROM PLAN COMMISSION PUBLICATIONS AND \$62,665.05 REDUCTION FROM HIGHWAY CONSTRUCTION FOR A TOTAL EXPENDITURES REDUCTION OF \$78,970.05 TO BALANCE THE BUDGET. ROLL CALL VOTE. MOTION CARRIED UNANIMOUSLY.

MOTION BY WALLIS/WHITTAKER TO ADOPT 19-14, A RESOLUTION ADOPTING THE 2020 BUDGET, AS AMENDED, FOR THE TOWN OF OSCEOLA. ROLL CALL VOTE. MOTION CARRIED UNANIMOUSLY. (see attached)

#### **PUBLIC WORKS REPORT – PAUL BAKER, PUBLIC WORKS SUPERVISOR**

A reminder was issued not to push snow across Town roads. This is a State law and a Town ordinance. Schmidt added that he has already visited with some residents about this.

Some brush cutting was able to get completed as well as the installation of some address posts before the weather turned. We are still waiting for the address signs.

Beaver have move into the fish hatchery culvert. We will have to trap for them in the spring. The hatchery will also be working on trapping some.

The 90/10 road grant is in the works.

The bid for a garage door opener for the salt shed came back at \$1587.00. Baker inquired whether this would be a 2019 expense or 2020? We will try to get it done in 2019 yet.

#### **PLAN COMMISSION REPORT**

Chair Schmidt reported that the most recent Plan Commission meeting resulted in very good discussion as they reviewed and suggested changes to the comprehensive plan.

#### **CHAIRMAN'S REPORT**

Chair Schmidt reported on a recent soil health concern. He observed trucks with Haz Mat placards being loaded on Nye Lane with potentially hazardous or contaminated soil. Schmidt confronted workers onsite and they claimed that the soil being removed was non-hazardous material. He then requested to see their manifest. The manifest also stated that the material was non-hazardous, but it was being hauled all the way to West Bend, WI, which seemed suspicious. Schmidt contacted the workers' supervisor and then was escalated to the next level of management. The company responded with a soil report, which is a chemical analysis required on any material going into a Haz Mat dumping facility. The soil report came back with no hazardous material found.

Bernie Desmarais, Town of Osceola, questioned Chair Schmidt's credentials to decipher a soil analysis report and determine that it was all OK.

Whittaker added that he had also investigated what was taking place there because it was right down the road from his home and he also confirmed that everything was legitimate.

Schmidt reported that there had also been a recent animal mistreatment call. The Town Animal Control Officer will be investigating this.

#### **SUPERVISOR REPORTS**

**Mike Wallis** reported that from the November 6, 2019 Allied Emergency Services meeting. Jodi Gilbert was hired as the new Clerk/Treasurer and will receive a salary of \$1,000.00 per quarter. Jodi Gilbert, Doug Schmidt and Richard Durand were designated as signers on the account.

**Brandon Whittaker** had questions regarding the proposed CAFO committee. He inquired if the Board would be appointing the committee members and also wanted to ensure that the committee would only consist of taxpayers from the Town of Osceola.

Schmidt responded that the CAFO committee will be proposed after the Comprehensive Plan has been revised. He also confirmed that the Board will appoint the committee, not the Plan Commission.

Wallis added that he felt such a committee really needs to be facilitated in order to be productive.

Whittaker also reported on the progress of a Town Facebook page. Rebekah Gustafson and Donna Berg have volunteered to help with creating a page. The page can be created but will not go live until it has been reviewed by the Board.

Wallis expressed his concern regarding the potential of negative outside comments being left on our Facebook page. It was verified that the page administrator will have the ability to either not allow comments or they will be able to screen comments before they are posted.

### **CLERK/TREASURER'S REPORT**

Bank Accounts were: MidWestOne Bank Checking at \$34,667.42, MidWestOne Bank Money Market Account \$157,669.23, and MidWestOne Tax Deposit Account at \$4014.64.

Jo Everson reported that Amanda Nissen will be collecting the taxes for the Town. Office hours will be posted on the door of the Town Hall.

Wallis stated that he had contacted Nissen to explore what the Town's options were and she expressed that she was willing to do it.

Schmidt questioned if Nissen would need to be bonded. Jo Everson verified that the Town's existing tax bond would need to be changed to cover Nissen. Schmidt will contact Carl Thomfohrda regarding this.

### **REQUEST FOR FUTURE MEETING AGENDA ITEMS**

An update on the Facebook page.

Explore the question of taking action on any meeting topics that come up.

There is the potential for a Special Meeting of the Town Board if no applicants come forward for one or both of the vacant positions of Clerk and Treasurer.

### **ADJOURNMENT**

MOTION BY WALLIS/WHITTAKER TO ADJOURN THE MEETING OF THE TOWN OF OSCEOLA HELD THIS DECEMBER 3, 2019. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Board, the Meeting was adjourned at 8:30 p.m.

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Neil Gustafson, Interim Clerk/Treasurer

**TO BE APPROVED: 01/07/2020**



**TOWN OF OSCEOLA  
BOARD OF SUPERVISORS  
CLOSED SESSION TOWN BOARD MEETING  
DECEMBER 3, 2019**

**MINUTES**

The Board of Supervisors of the Town of Osceola met in Closed Session prior to the regular Town Board Meeting Tuesday, December 3, 2019, beginning at 5:30 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

Town Board Chair Doug Schmidt **CALLED THE MEETING TO ORDER** at 5:35 p.m.

Notice of the Regular Meeting and Closed Session was posted Friday, November 29, 2019 at the Town Hall, the Dresser Post Office, First National Community Bank and the website.

**ROLL CALL**

**PRESENT:** Doug Schmidt, Brandon Whittaker and Mike Wallis.

**ABSENT:** None.

**ALSO PRESENT:** Catherine R. Munkittrick from Rodli, Beskar, Neuhaus, Murray & Pletcher, S.C.

**CLOSED SESSION**

MOTION BY WALLIS/WHITTAKER TO GO INTO CLOSED SESSION. ROLL CALL VOTE. MOTION CARRIED.

**THE TOWN BOARD MET IN A CLOSED SESSION MEETING PURSUANT TO WISC. STAT. 19.85 (1)(G) REGARDING CONFERRING WITH LEGAL COUNSEL FOR THE TOWN TO RENDER ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE TOWN WITH RESPECT TO LITIGATION IN WHICH IT IS LIKELY TO BECOME INVOLVED RELATING TO A POSSIBLE DEFAMATION CLAIM.**

MOTION BY WHITTAKER/WALLIS TO GO OUT OF CLOSED SESSION. MOTION CARRIED.

MOTION BY WALLIS/WHITTAKER TO RECONVENE INTO OPEN SESSION. MOTION CARRIED.

**ADJOURNMENT**

MOTION BY WHITTAKER/WALLIS TO ADJOURN. MOTION CARRIED.

Being no further business to come before the Board, the Meeting was adjourned.

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Doug Schmidt, Town of Osceola Chairman

**TO BE APPROVED: 01/07/2020**