

**TOWN OF OSCEOLA
BOARD OF SUPERVISORS MEETING
Thursday July 6, 2017**

MINUTES

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Thursday July 6, 2017 at 7:00 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

CHAIRMAN SCHMIDT CALLED THE MEETING TO ORDER AT 7:00 P.M.

Chairman Schmidt verified that the meeting agenda had been posted Tuesday June 27th at the Town Hall, the Dresser Post Office, First National Community Bank and the Town of Osceola Website. A complimentary meeting notice was also sent to The Sun for publication.

Chairman Schmidt led the PLEDGE OF ALLEGIANCE.

ROLL CALL:

PRESENT: Doug Schmidt, Mike Wallis and Dan Burch

ABSENT:

ALSO PRESENT: Lorraine Rugroden – Clerk/Treasurer, Dodd & Nancy Knutsen, Eric Hallen, Vern Redlich, Bill Zager, Jon Fogelberg, Amy Middleton, Kirk Johnson, Warren Johnson, Sheri Hoiby, Lynn & Ed Zwirchitz, Ricky Jaegar, Kym & Bob Wright, Wendi Lindeman, Mark Roll, Paul Baker, Neil Gustafson, David Peterson, Jason Raska, Steve Clark, Mike Prichard, Suzanne Lindgren, Nichole McKenzie and Jacob Eskola

PRESENTATION OF BILLS: Check numbers 15703 through 15729 have been approved for payment by Chairman Schmidt and Supervisor Burch totaling \$76,462.29. Supervisor Wallis will finish auditing the bills following the meeting.

AGENDA:

MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE THE JULY 6, 2017 TOWN BOARD MEETING AGENDA. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

Vern Redlich urged the board to disapprove Resolution 17-05 in support of keeping Stower Seven Lakes Trail non-motorized. He went on to say in this day and age ATVs are everywhere. No reason why it can't be a multiple use trail.

Dodd Knutson supports Resolution 17-05. It is not good to have neighbors in a residential area bothered by ATV's. He also supports Resolution 17-06 Village of Dresser/Town of Osceola Cooperative Boundary Plan.

Jon Fogelberg supports Resolution 17-05 and suggested amending the name to Stower Seven Lakes State Trail. He stated that this is a mere request that they maintain the trail as non-motorized and recommended that the word demand be substituted for request and the resolution should include another partner. It should be a tri-party contract between Polk County, DNR, and Friends of the Stower Seven Lakes State Trail. No decision should be made with only two of the partners. Jon questioned if Polk County has any jurisdiction over the trail at this time, noting that the State owns it and the Friends maintain it.

Amy Middleton reminded everyone of the survey that was conducted in 2008 when 61% of people surveyed wanted more non-motorized trails. One in four strongly disagreed with needing more motorized trails. The trail is just 13 ½ miles of year round non-motorized trails. She brought in her fat bike went on to say that fat biking is exploding and we need to step up to the plate with the county. Planning has been done around the trail for the last 10 years.

Bob Wright supports 17-05 and voted in support of resolution to open up refuge where we can do quiet sports. He maintains that asking for 13 miles is not an unreasonable request.

Eric Hallen said a motorized trail would bring more tourism in the township. Eric represents the Farmington Snowmobile Club and the majority of its 102 members would like it opened for motorized vehicles.

Ricky Yeager thought it was going to be a motorized trail. He camps, bikes, hikes, snowmobiles, and 4-wheels. He would like to see the trail motorized. He knows 6-8 people in his neighborhood that would support motorizing the trail.

Warren Johnson said there are a lot more properties that need to be cleaned up in the neighborhood. Horse Lake Lane has a waterslide in the roadway that is a safety issue. He would like the trail opened at least to snowmobiles to get more use out of the trail.

Shari Hoiby, Treasurer, of the snowmobile club said all of their 106 members would like to see the trail opened to motorized vehicles. Shari would also like to see the trail opened to horses. She said a Polk County trail map shows we have a lot of multi-use trails.

Tom Magnifeci mentioned public nuisance properties that are an eye sore, irritates him and devalues his property. He wants to see the properties cleaned up. Tom maintains that people are driving too fast on 200th Street where a child was recently struck by a car. It's a short cut to Menards. He is in favor of a multi-use trail.

Wendy River claims the trail is a safe place for families, friends, and pets. It is a quiet refuge with more activity for the community.

Dave Peterson said he has yet to see anyone on the trail in the winter.

Kym Wright uses the trail even when there is snow on the ground. More and more people are getting out and using the trail. Kids can ride safely on the trail. It provides a place to get away and has a lot of beauty. ATVs have trails and roads to go on. The other population deserves to have a place to use as well. She said it is not compatible to have ATVs on trails with children.

MOVED AND SECONDED BY SCHMIDT/WALLIS TO APPROVE THE JUNE 6, 2017 REGULAR TOWN BOARD MEETING MINUTES. MOTION CARRIED UNANIMOUSLY.

Request for Additional Roads to be Open to ATV Travel

Chairman Schmidt has been approached by the ATV club in Alden regarding opening up 60th Avenue to ATVs. The board discussed opening additional roads to ATV's at the June Town Board meeting before sending on to the Plan Commission for further review. The Plan Commission reevaluated roads that are currently listed as being closed to ATVs in the ATV ordinance and recommended the following roads be opened:

1. 60th Avenue from 230th Street to CTH M
2. 210th Street from 90th Avenue north to Town Line (120th Avenue)
3. Poplar Lane from 210th Street north and west to end of road
4. Oak Drive from 233th Street south of CTH M
5. 215th Street from 70th Avenue south to end of road

Additional changes discussed included opening boarder roads to ATVs. Two northern border roads identified include 120th Avenue, (winery road) and Summit Road. The board also discussed adding Utility Terrain Vehicles to the ATV Ordinance. The following motions were made.

MOVED AND SECONDED BY SCHMIDT/WALLIS TO APPROVE OPENING UP 120TH AVENUE FROM CTH Y WEST TO 120TH AVENUE/208TH STREET AND SUMMIT ROAD FROM 220TH STREET EAST TO TOWN LINE. MOTION CARRIED UNANIMOUSLY.

MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE ADDING UTILITY TERRAIN VEHICLES ("UTV") TO THE ATV ORDINANCE. MOTION CARRIED UNANIMOUSLY.

Eric Hallen said East Farmington ATV Club would put up signs marking additional roads that are open to ATVs and UTVs. A public hearing will be called to hear comments before the board makes a final decision to amend the ATV Ordinance.

Resolution 17-05 in Support of Keeping Stower Seven Lakes Trail Non-Motorized

Plan Commission Member, Amy Middleton informed the Plan Commission at their June 20th meeting that a resolution authored by District 4 Supervisor Chris Nelson would be brought before the Environmental Services Committee to change the use of the Stower Seven Lakes Trail from non-motorized to motorized and could be approved by the County Board at their July 18th meeting. The Plan Commission voted 3 in favor, 1 against and 1 abstention to recommend that the Town Board support keeping Stower Seven Lakes Trail non-motorized. A resolution has been written in support of the trail remaining non-motorized.

Bill Zager said the Stower Seven Lakes State Trail is a Wisconsin State Parks property. The trail is managed by Polk County under a Cooperative Trails Agreement with State Parks. The trail is operated under a Tri-Partner agreement between Polk County, WI State Parks System, and Friends of Stower Seven Lakes State Trail INC. (Friends). Friends is a 501c3 non-profit organization founded to promote and maintain the trail. Since the original development, no public tax monies have been spent on the trail. Development of the trail has been financed through user fees and funds raised by the Friends. The Friends

through volunteer labor and donated use of equipment maintain the trail year around. Many trail amenities have been developed by the Friends and partners. The Friends have cooperated with Amery Community Education and others by paying for instructors for various topics. They annually sponsor various activities.

Amy Middleton read letters from Kim Kaiser, Osceola; Christine and Gary Park, Dresser; and Joyle Anderson, Amery; all asking to keep the trail non-motorized.

Kurt Johnson owns land along the trail and supports a multi-use trail that allows all tax payers to use it. He asked that anyone on the board, committee, or the Lotus Lake Association recuse themselves from voting or providing an opinion on the issue because they are not impartial. He is glad for the roads that are open to ATVs but none of them connect to a trail. Walkers and bikers want a safe place. ATVs, snowmobiles, and horse riders want the same thing. He questioned why we can't all share the trail. Originally the trail was to be widened and 1/3 of it was to be non-motorized. With ATV and snowmobile funds that still could be done. It has been mentioned that it is only 13.5 miles. It is a very important 13.5 miles as it connects Dresser to Amery, Amery to Turtle Lake, Turtle Lake to Cumberland...basically the whole state. He claims there is more than one non-motorized trail and that he spends about \$100 a day and \$500 on a weekend while ATViing.

Steve Clark co-owner of Cyclova bike shop shared three points:

First: Multi-use is a great goal. Reality inherent incompatibility between motorized use and experience people are seeking when out there biking and hiking. Crushed limestone trails are great for hiking and biking. Stower is a sacred place. It is a perfect place for fat biking. Fat bikes are the future.

Second: Benefits of keeping it non-motorized...silent sports, pristine. Vastly outweigh any benefit of opening it up to motorized use. Studies throughout the country show that the average biker going into a new region spends an average of \$88 a day. An overnight visitor spends almost \$100 a day. That money stays in the community.

Third: Polk and Burnett Counties are gems and are beautiful for bicycling and hiking. He wishes the county did a better job of marketing and promoting it. There is money here. For the children, safety, and the environment, he says keep it the way it is.

Nancy Knutsen has lived here 14 years. When she moved here she wanted a place to walk. The trail is a very nice place to walk to enjoy the quiet. The trail is a hidden gem that she would hate to see lost. "Now there is quiet. Let's enjoy that." Before there was an ordinance against ATV's on the trail, there would be people zooming around at 2am. People who lived on trail had to succumb to dust and noise.

Supervisor Wallis said he's here to make a decision and can't keep everyone happy. He doesn't believe that motorized and non-motorized activities are compatible. Where is the data to go with that? He said his gut was telling him that he supports the current use.

Supervisor Burch said the board is faced with a tough decision. The representation here is about 50/50. He said that ATVs concern him. He has ATVs, drives in his woods and can see what they do to the land. They can be a little more destructive. He said he wasn't as well versed on fat bikes before the meeting. He questioned if a snowmobile is detrimental to the trail if both bikes and snowmobiles used the trail.

Jacob Eskola (RE: Burch question about snowmobile on trails.) It doesn't hurt the trails. The trails are fine. Everyone just needs to work together on it.

Dave Peterson (RE: Burch question about snowmobile on trails.) You need 6 inches of snow to ride it anyways or they close the trails.

(Shari Hoiby asked why they don't allow horses. Supervisor Wallis said the horses are tearing up the trails on property that he is working on. Jon Fogelberg said when they first developed the trail, they wanted to keep horses off because they thought the horses would damage the trails.

Jon Fogelberg said it's good to remember when the state tried to justify the purchase of the trail about 20 years ago, they envisioned a three lane much wider trail. Whether it was the cost involved or they just said that to get the stimulus money, it never got right. I think if it was a three lane trail, we could all get together and have a lane for each use...horses, motorized, and non-motorized. It just never came out that way.

Vern Redlich said he was on the Township of Osceola Board in the past when they had a conflict with the right-of-way for fishing. He said the railroad has a 100 ft right-of-way through the whole thing and he assumes that the State of Wisconsin has control over that 100 ft. so extra is probably feasible.

Dan Burch stated we have an asset here no matter what. The current use has been for 10 years, houses are accustomed to non-motorized activity and it could be a challenge if things were to change.

Lynn Zwirchitz has lived in the area about one year and doesn't know all the trails. She is looking for clarification and said that one lady mentioned all of the trails for hiking and others make it sound like this is the only walking trail in the area. She wants to know if there are other walking trails or not. She said with respect to everyone, she lives on a lake and it is open to everyone.

Shari Hoiby said there are 22 hiking trails, of which 15 are strictly for hiking. There are 5 other bike trails.

Kym Wright said that she thinks the missing piece is that the Stower Trail is level ground for walking on a flat, safe surface. Other trails are not flat like hiking trails at Interstate Park or mountain bike trails that are good for those who have a lot of physical ability. Only rail to trails have flat surface and can be used by children, families and older adults with many abilities.

The board made the following motion.

MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE RESOLUTION 17-05 IN SUPPORT OF KEEPING STOWER SEVEN LAKES TRAIL NON-MOTORIZED WITH THE CHANGE THAT THE NAME BE CHANGED TO STOWER SEVEN LAKES STATE TRAIL. ROLL CALL VOTE, BURCH; YES, WALLIS; YES, SCHMIDT; YES. MOTION CARRIED UNANIMOUSLY.

Resolution 17-05 will be sent to the Environmental Services Committee and the County Board before their upcoming meetings.

Resolution 17-06 Village of Dresser/Town of Osceola Cooperative Boundary Plan

A resolution was written by Attorney, Tim Laux after the Town of Osceola and the Village of Dresser conducted a public hearing on the final version of the cooperative boundary agreement. The boards received and considered all public comments on the proposed cooperative plan. More than 30 days has elapsed since the May 31, 2017 public hearing without a petition being filed. The Board, in agreement with resolution 17-06 made the following motion. The cooperative agreement will be submitted to the Department of Administration once the Village of Dresser has passed their resolution.

MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE RESOLUTION 17-06 VILLAGE OF DRESSER/TOWN OF OSCEOLA ADOPTING THE COOPERATIVE BOUNDARY AGREEMENT PLAN. MOTION CARRIED UNANIMOUSLY.

Intergovernmental Collaboration for Building Inspector Services

The town's Building Inspector, Cliff Manwiller will be retiring January 1, 2018. Some municipalities in Barron and Polk Counties have formed a group to find a building inspector. A request for proposal has been sent out. Chairman Schmidt has also been talking to Craig Moriak about the building inspector position. He said Craig is from the Clear Lake area and was trained by Cliff Manwiller. Craig is interested in acquiring more inspection areas and will be adding additional help later on this fall. Craig was hired by the Town of Alden and recently by the Town of Farmington.

Chairman Schmidt recommended that the board make an offer to Craig Moriak and sign a two year contract with six months probation. Supervisor Burch said he would like to have a conversation with Cliff Manwiller before the board agrees to hire a building inspector. He will contact Cliff and a Special Town Board Meeting will be called for July 25, 2017 at 5 pm to continue discussion for a new building inspector.

Resolution 17-07 Initiating the Process to Discontinue Old Right-Of-Way at 1958 70th Avenue in the SW ¼ of the SE ¼, Sec 26/T33N/R18W, Town of Osceola

Neil Gustafson originally came before the Plan Commission to request a discontinuance of the old right-of-way located at the northern end of his property. When trying to refinance his house, he was told that his buildings were located in town right-of-way and would not be able to be refinanced until changes were made. He hired Susan Lee, Polk County Abstract Attorney to figure out what needed to be done and to write a resolution. Neil also asked Polk County Land Surveying to write a legal description.

The town maintains an area thirty-three feet from the center of the town road. At the 1958 70th Avenue location, the right-of-way appears to be much wider than the normal thirty-three feet. The Plan Commission agreed with Neil Gustafson's proposal for the town initiate a discontinuance of old right-of-way and made the recommendation to the Town Board. The board discussed the process and approved Resolution 17-07 initiating the process to discontinue old right of way at 1958 70th Street.

MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE RESOLUTION 17-07 TO APPROVE INITIATING DISCONTINUANCE OF OLD RIGHT-OF-WAY AT 1958 70TH AVENUE IN THE SW ¼ OF THE SE ¼, SEC 26/T33N/R18W, TOWN OF OSCEOLA. MOTION CARRIED UNANIMOUSLY.

A public hearing will be called August 8, 2017 at 6:30 pm to hear public comment before the board makes a final decision. A class three notice (3 weeks) will be placed in the newspaper and certified letters will be sent.

Operator License Requests

Jordan Borkenhagen, Amy Guerin, Jacob Eskola and Janell Torgerson have applied for operator licenses to work at The Woodhill Bar and Grill. They were unable to complete applications in time for the June meeting and each were issued a provisional operator's license. Jacob Eskola was in attendance and answered questions the board had for him regarding his conviction history. Jacob said he has learned from his past. Nichole McKenzie said that Jacob is a good kid and a good worker. The board approved all four operator licenses.

MOVED AND SECONDED BY BURCH/WALLIS APPROVE OPERATOR LICENSES FOR JORDAN BORKENHAGEN, AMY GUERIN, JANELL TORGERSON AND JACOB ESKOLA FOR THE PERIOD OF JULY 6, 2017 TO JUNE 30, 2018. MOTION CARRIED UNANIMOUSLY.

2017 Road Work

The board reviewed current road work projects. Chipseal and FOG seal projects have been completed by Fahrner Asphalt Sealers. Crack Fill has been completed by Seal Tec. Seal Tec has started spray patching. Micro line painting will be done in August. Monarch has completed wedging on 240th Avenue.

PLAN COMMISSION REPORT:

- The Plan Commission met June 20, 2017.
- Looked at opening up roads to ATVs
- Have requested traffic counts for 240th and 248th Street.

PUBLIC WORKS REPORT:

- Tractor tire caught on fire when being worked on by TMS Enterprises
- Have been mowing ditches and shouldering
- Added gravel to 68th Avenue and 90th Avenue

CHAIRMAN'S REPORT:

- The tree at Sand Lake has been cut off to about 15 feet and has been hollowed out.

Supervisor Mike Wallis

None

Supervisor Dan Burch

The next fire board meeting is July 20, 2017

CLERK-TREASURER'S REPORT:

Clerk-Treasurer Lorraine Rugroden reported that as of June 30, 2017 bank account balances were \$25,145.24 in the Town's checking account and \$508,827.29 in the Regular Money Market Account and C/D's and \$1,229.79 in the tax deposit account, amounting to total Cash-on-hand of \$535,202.32.

NEXT MEETINGS:

The next Town Board Meeting is scheduled for Tuesday, August 1, 2017.

Town Board Meeting Agenda:

- 2017 Road Work
- ATV Route Ordinance
- Building Inspector Update
- Public Nuisance
- Sand Lake Beach Park Development

ADJOURNMENT:

MOVED, SECONDED BY BURCH/WALLIS TO ADJOURN THE JULY 6, 2017 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Board, the Meeting was adjourned at 9:53 p.m.

APPROVED: 8/1/2017

Lorraine Rugroden, Clerk/Treasurer