

**TOWN OF OSCEOLA  
BOARD OF SUPERVISORS MEETING  
Tuesday August 1, 2017**

**MINUTES**

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Tuesday August 1, 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 July 25<sup>th</sup> 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, Jim Berg, Bev Kobs, Matt & Katrina Dallmann, Dallas Wynne, Kari & Ben Campbell, Bob Wright, Paul Baker, Suzanne Lindgren and Carrie Brannon

**PRESENTATION OF BILLS:** Check numbers 15730 through 15749 have been approved for payment by Chairman Schmidt and Supervisor Burch totaling \$20,152.30. Supervisor Wallis will finish auditing the bills following the meeting.

**AGENDA:**

**MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE THE AUGUST 1, 2017 TOWN BOARD MEETING AGENDA. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

Katrina Dallmann said she wanted to go on record as being adamantly opposed to ATVs on the Stower Seven Lakes State Trail. She spends many hours on the trail hiking, biking and skiing and said that the two things (motorized and non-motorized) can't coexist.

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE JULY 6, 2017 REGULAR TOWN BOARD MEETING MINUTES AND THE JULY 25, 2017 SPECIAL TOWN BOARD MEETING MINUTES. MOTION CARRIED UNANIMOUSLY.**

### **Building Inspector Proposals**

Cliff Manwiller, building inspector for the Town of Osceola has given notice that he will be retiring December 31, 2017. The Town of Osceola along with many other municipalities in Polk and Barron Counties have combined forces, created a consortium and advertised for a new building inspector. The consortium reviewed the resumes and ranked the applicants before sending the information on to the municipalities. The Town Board reviewed four resumes during a July 25, 2017 Special Town Board meeting. The board agreed to invite Ben Campbell to the August 1<sup>st</sup> town board meeting for him to introduce himself and answer questions regarding his proposal as building inspector.

Ben Campbell of West Wisconsin Inspection Agency, LLC has been a certified Building Inspector for 12 years, and has worked for the City of Eau Claire as a Commercial Building and UDC Inspector and Assistant Electrical Inspector for the last 6 years. He has attended much training and has far exceeded the minimum required hours of continuing education. He has been a member of the Northwest Building Inspectors Association since 2005 and served as President of the Association in 2016.

Ben said that beginning January 1, 2018 a new state online application is required to be filled out by those who are applying to build new homes. Once the application is approved by the building inspector it will be sent on to the State. Decks and garages etc., only require a paper application be filled out and will not be sent to the state. A two year contract was discussed with automatic renewal and each party may terminate or cancel agreement with 60 days notice.

**MOVED AND SECONDED BY SCHMIDT/WALLIS TO APPROVE THAT THE CHAIR EXTEND AN OFFER TO BEN CAMPBELL AS BUILDING INSPECTOR FOR THE TOWN OF OSCEOLA AND SIGN THE CONTRACT AS WRITTEN EFFECTIVE JANUARY 1, 2018. ROLL CALL VOTE, BURCH; YES, WALLIS; YES, SCHMIDT; YES. MOTION CARRIED UNANIMOUSLY.**

### **Peace Lutheran Youth 5K Color Run/Walk**

Dallas Wynne from Peace Lutheran Church requested the board's approval to conduct a 5K run/walk event on Saturday September 16, 2017. Roads that will be used during the event include Clark Road, 240<sup>th</sup> Street and 100<sup>th</sup> Avenue.

The fundraiser is intended to support the youth that will be going on a missions trip. Brian Breault and others from Dresser Osceola Garfield Fire Department will have trucks stationed at the intersections if they are not called away. There are also volunteers that will help run the event. The Board had no concerns after reviewing plan and approved the run/walk event.

**MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE THE REQUEST BY PEACE LUTHERAN CHURCH TO USE TOWN OF OSCEOLA ROADWAYS ON SEPTEMBER 16, 2017 TO CONDUCT A 5K RUN/WALK EVENT IN ACCORDANCE WITH THE PLAN AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

### **Options for Women/TRI-County 5K Event**

Carrie Brannon requested the board's approval to conduct an Options for Women/TRI-County 5K Event that they plan to host on Saturday August 5, 2017 at Hope Church. Roads that will be used for the event include CTH S, 93<sup>rd</sup> Avenue, 248<sup>th</sup> Street and 100<sup>th</sup>

Avenue. CTH S is the only road that is not a town road and they will need to contact the county to gain approval. This event has taken place a number of years in the past and they are very familiar with what it takes to conduct the event.

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE REQUEST BY OPTIONS FOR WOMEN/TRI-COUNTY TO USE TOWN OF OSCEOLA ROADWAYS ON AUGUST 5, 2017 TO CONDUCT A 5K EVENT IN ACCORDANCE WITH THE PLAN AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

**Ord. # 17-08-02 Amending All-Terrain & Utility-Terrain Vehicle Route Ordinance**

The town was contacted regarding opening up 60<sup>th</sup> Avenue to ATVs after Alden recently opened up all their roads to ATVs. The Town Board sent the matter to the Plan Commission for further review. At the June 20<sup>th</sup> meeting, the Plan Commission looked at the roads that were currently listed as being closed to ATVs in the town's ATV ordinance and recommended to the Town Board that the following be opened:

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

At the July 6, 2017 Town Board meeting, the board made a motion to approve opening up border roads that had been previously closed to ATVs. The roads included 120<sup>th</sup> Avenue, (winery road) and Summit Road on the northern border of the town. The Plan Commission voted at their July 18, 2017 meeting to recommend that the Town Board approve opening the following roads:

1. 240<sup>th</sup> Street from CTH M north to State HWY 35
2. 248<sup>th</sup> Street from Education Avenue south to CTH M

The board decided not to open Simmon Drive from CTH M south to the town line since Simmon Drive is a shared road with the Village of Osceola and the Village of Osceola does not have their roads open to ATVs. Only two town roads (shared roads) will not be open to ATVs. These roads are:

1. Education Avenue from 248<sup>th</sup> Street west to town line
2. Simmon Drive from CTH M south to town line

The board agreed to include UTVs in the ordinance also. A public hearing was held August 1, 2017 at 6:30 pm to hear public comment.

Wally Neumann said he will be passing his position on as trail representative to Jim Berg and Eric Hallen who will handle any complaints and talk to those who have offended. The board was also informed that the Lotus Lake ATV Club and the East Farmington ATV Club will be combining and they will provide the town with the new club name to be included in the amended ATV/UTV Ordinance. They will also provide information as to who will be installing and maintaining the ATV signs in the town.

**MOVED AND SECONDED BY SCHMIDT/BURCH TO APPROVE ORDINANCE 17-08-02 TO AMEND ALL-TERRAIN/UTILITY-TERRAIN VEHICLE ROUTE ORDINANCE. ROADS WILL BE OPENED UP AFTER SIGNS ARE INSTALLED, NAME OF ATV CLUB IS PROVIDED AND INFORMATION RECEIVED REGARDING WHO WILL BE INSTALLING AND**

**MAINTAINING SIGNS. ROLL CALL VOTE, BURCH; YES, WALLIS; YES, SCHMIDT; YES. MOTION CARRIED UNANIMOUSLY.**

**Public Nuisance Properties**

Public nuisance properties were mentioned during public comment at the July 6<sup>th</sup> Town Board meeting. There has been some concern about public nuisance properties in the Town of Osceola. Chairman Schmidt said he contacted Jason Kjeseth, Polk County Zoning Administrator regarding several complaints and found out that one is working its way through the legal system. He doesn't think it's in the town's best interest to hire a lawyer and give citations to public nuisance properties. If the board sees one that is obvious, a board member should talk to them, note it and keep an eye on it.

**Proposed Bill LRB 2630 Regarding Potential Impact on Local Control**

Bob Wright, Plan Commission Member spoke in opposition of the proposed Homeowners Bill or Rights (HBOR) in its current form. Legislation was introduced by Assemblyman Adam Jarchow and Senator Tom Tiffany in June and two more bills were added to the HBOR in July. Right after LRB 2630 and LRB 2631 were added, the Wisconsin Towns Association, the Wisconsin Counties Association and the League of Wisconsin Municipalities released a joint statement in opposition to the Homeowners Bill of Rights. They said that the measure hinders the ability of local communities to strike a balance between property owners and their neighbors regarding land use decisions. They also said that this comes right on the heels of the Wisconsin Supreme Court upholding this flexibility as not only the long-standing law of the land in Wisconsin, but also in most other jurisdictions. Bob Wright said that this bill would take away the flexibility currently provided local zoning agencies used to determine if a particular use is in the best interests of public health, safety and welfare of the people.

The board unanimously approved sending the following letter.

TO: Rep. Adam Jarchow – Wisconsin State Assembly, Madison  
Sen. Tom Tiffany – Wisconsin State Senate, Madison  
CC: Sen. Sheila Harsdorf – Wisconsin State Senate, Madison

On July 20<sup>th</sup>, 2017 you released a statement entitled “Legislators Introduce Two More Bills in Homeowners’ Bill of Rights” (HBOR). Just a few hours later the Wisconsin Towns Association, the Wisconsin Counties Association and the League of Wisconsin Municipalities released the joint statement “Local Governments Respond to Removal of Community-Based Decision Making” opposing the HBOR.

As the elected representatives of the residents of the Town of Osceola, and a member of the Wisconsin Towns Association, we also oppose the HBOR and support the statement by these local government associations. As their letter states, finding the balance between private property rights and the public good is many years in the making and local governments need the current flexibility to continue making land use decisions that respect this balance.

The primary task of local government is to look out for the “health, safety and welfare” of their constituents. No local official wants to impose an unfair burden on a member of their community, yet on occasion they are called upon to make difficult decisions. We know this first-hand. Local elected of-

ficials, who see their fellow residents at the grocery store or doctor's office, are in the best position to make these tough calls.

As the local government association's joint statement says, "People that make decisions that impact a community should answer to their community – not to Madison." We agree.

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE SENDING OUR ELECTED OFFICIALS A LETTER URGING THEM NOT TO SUPPORT LRB 2630/1 DUE TO THE IMPACT ON LOCAL CONTROL. MOTION CARRIED UNANIMOUSLY.**

**Sand Lake Beach Park Development**

Sand Lake Beach Park development was mentioned during public comment at the July 6<sup>th</sup> Town Board meeting. The board considered reaching out to the Dresser Lions Club, asking them if they would support a park development project at Sand Lake. If they are in agreement, the project will be sent to the Plan Commission.

**PLAN COMMISSION REPORT:**

- Plan Commission meeting was held July 18, 2017
- Recommended opening up 240<sup>th</sup> St. and 248<sup>th</sup> St. to ATVs
- Worked on updating Comprehensive Plan

**PUBLIC WORKS REPORT:**

- Mowing ditches
- Fahrner will complete line painting by September
- Requested a pole saw extender to cut brush.
- Traffic counters were put down on 240<sup>th</sup> St. & 248<sup>th</sup> St.
- Two beavers were trapped by the culvert at Lotus Lake on 90<sup>th</sup> Ave.
- Will get more information on a new saw

**CHAIRMAN'S REPORT:**

Represented Polk County Towns Association at a Wisconsin Towns Association meeting where they were encouraged to send letters to their state representatives asking them to oppose LRB 2630/1.

**Supervisor Mike Wallis**

None

**Supervisor Dan Burch**

Fireboard meeting was held July 20, 2017.

**CLERK-TREASURER'S REPORT:**

Clerk-Treasurer Lorraine Rugroden reported that as of July 31, 2017 bank account balances were \$19,867.66 in the Town's checking account and \$519,168.80 in the Regular Mon

ey Market Account and C/D's and \$1,229.89 in the tax deposit account, amounting to total Cash-on-hand of \$540,266.35.

**NEXT MEETINGS:**

The next Town Board Meeting is scheduled for Tuesday, September 5, 2017.

Town Board Meeting Agenda:

- 2017 Road Work
- Building Inspector Update
- Park Improvements

**ADJOURNMENT:**

**MOVED, SECONDED BY BURCH/WALLIS TO ADJOURN THE AUGUST 1, 2017 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.**

Being no further business to come before the Board, the Meeting was adjourned at 8:44 p.m.

**APPROVED: 9/5/2017**

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Lorraine Rugroden, Clerk/Treasurer