

**TOWN OF OSCEOLA  
BOARD OF SUPERVISORS MEETING  
Tuesday September 4, 2018**

**MINUTES**

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Tuesday September 4, 2018, 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 Monday, August 27<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, Jesse Eveland, John Eveland, Kevin McNutt, Warren Johnson, Brandon Whittaker, Ed Schmidt, Amy Middleton, Tom Magnafici, Ricky Jaeger, Bob Wright, Suzanne Lindgren, Sharon Dole, Gae Magnafici, Joyce Tesch, Paul Baker, Wayne Swenson, Thomas Revord and Katie Bruns.

**PRESENTATION OF BILLS:** Check numbers 16176 through 16213 have been approved by Chairperson Schmidt and Supervisor Burch totaling \$124,776.38. Supervisor Wallis will finish auditing the bills after the meeting.

**AGENDA:**

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE SEPTEMBER 4, 2018 TOWN BOARD MEETING AGENDA. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

None

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE AUGUST 7, 2018 REGULAR TOWN BOARD MEETING MINUTES. MOTION CARRIED UNANIMOUSLY.**

**Beyer Lot Division, Parcel Number 042-00010-0001, Located in Section 2/T33N/R18W, Town of Osceola**

Surveyor Wayne Swenson was on hand to answer questions regarding a certified survey map he created for parcel number 042-00010-0001. The 16.76 acre parcel is located at

1964 117<sup>th</sup> Avenue in Sec 2/T33N/R18W. William Beyer wants to divide the parcel into three lots. Lot 8 is 5.67 acres, lot 6 is 3.70 acres and lot 7 is 7.39 acres and will stay with the house.

The Plan Commission recommended the Town Board approve the lot division at their August 21, 2018 meeting. After some discussion, the board approved the lot division and signed the county checklist.

**MOVED AND SECONDED BY WALLIS/BURCH TO APPROVE THE BEYER LOT DIVISION IN SECTION 2, T33N, R18W IN THE TOWN OF OSCEOLA. MOTION CARRIED UNANIMOUSLY.**

**Historical Society Requests Town to Mow and Brush Along Depot Road in the Village of Osceola**

Joyce Tesch on behalf of the Historical Society asked the town to mow and brush along Depot Road in the Village of Osceola. She said a tourism video will be filmed and they wanted the grass cut. She said she hoped it would be a continual process. The request was originally made at the August Town Board meeting.

Paul Baker, Public Works Supervisor, said there are a lot of issues including a black top path, some large rocks, power poles and signs to maneuver around. The village does not have the capability of doing the mowing and previous options are no longer available. Supervisor Burch said he is not comfortable sending our equipment there on an ongoing basis when we are short on manpower. Chairman Schmidt said "if we do the mowing this time and then others come and want the town to do something, when do we say no?"

**MOVED AND SECONDED BY SCHMIDT/BURCH TO DENY THE REQUEST BY THE HISTORICAL SOCIETY TO MOW AND BRUSH ALONG DEPOT ROAD IN THE VILLAGE OF OSCEOLA. MOTION CARRIED 2-1. WALLIS VOTED NO.**

**Jensen Request for Driveway Variance on 90<sup>th</sup> Avenue, Parcel Number 042-00440-0000, Located in Section 21/T33N/R18W, Town of Osceola**

Bob Jensen recently purchased parcel number 042-00440-0000 off of 90<sup>th</sup> Avenue at Lotus Lake. The driveway for the property was previously accessed from East Lake Lane by way of the neighboring property. That property has since been sold and the driveway is no longer accessible. Since Jensen's property borders 90<sup>th</sup> Avenue, he is requesting a driveway variance from the board because the distance between driveways is less than 150 feet apart. It was noted that there is a 20 foot easement on the property to the west of his property. The easement was never used as a driveway and he wants to install a driveway off of 90<sup>th</sup> Avenue far enough away from the neighbor's easement to prevent future issues. Ed Schmidt is representing Bob Jensen and has been in contact with Paul Baker, Public Works Supervisor and Jason Kjeseth, Polk County Zoning Administrator. Neither of them sees any issues with the request and Jason said that Bob will need to get a new address. The driveway request was first brought before the Plan Commission. They did not recommend approval because of the distance between driveways being less than 150 feet. Supervisor Burch commented that it is on a busy corner that has good good visibility. The board approved the variance.

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE JENSON REQUEST FOR A DRIVEWAY VARIANCE ON 90<sup>TH</sup> AVENUE, IN SEC 21/T33N/R18W, TOWN OF OSCEOLA. MOTION CARRIED UNANIMOUSLY.**

### **Public Nuisance Properties**

Four property owners were notified of violating the town's Public Nuisance Ordinance and were sent certified letters giving them 60 days to clean up their property. It has been 60 days and the board now needs to decide if the four properties have come into compliance or if the board will move forward with abating the public nuisance.

#### **2054 75<sup>th</sup> Avenue, Osceola WI**

Chairman Schmidt commented that some of the vehicles have been removed and noted that there are four lots that are owned by four different people. He said "everyone is allowed to have stuff on their property before it becomes a nuisance," and thanked them for cleaning up.

**MOVED BY SCHMIDT TO NOT SEND A LETTER OF NON-COMPLIANCE TO JIM EVELAND AND ASK THAT HE KEEPS HIS LOT UP IN THE FUTURE. MOTION DIED FOR LACK OF A SECOND.**

Discussion continued. Supervisor Wallis said there are scattered items lying on the ground throughout the property. Supervisor Burch said there has been progress there and that it would be very helpful if there were a fence.

**MOVED AND SECONDED BY SCHMIDT/WALLIS TO NOT SEND A LETTER OF NON-COMPLIANCE TO JIM EVELAND WITH THE CONDITON THAT A FENCE IS INSTALLED ALONG THE FRONT AND THE SIDE OF THE PROPERTY WITHIN 90 DAYS. MOTION CARRIED UNANIMOUSLY.**

#### **998 South View Lane, Dresser WI**

It appears to the board that Lee Rushenberg is constructing a shed on his property using pallets. The town's Building inspector has been notified. Supervisor Wallis said if it is a building, there should be a building permit and a land use permit. The Town has been waiting for a response from the building inspector. Supervisor Wallis says it's a lot of stacks of pallets with a roof on it and he is not in favor of waiting to hear what the building inspector says before sending a letter. Supervisor Burch thinks they are non-compliant. Chairman Schmidt is concerned about removing someone's building supplies and wants to wait a month to hear from the building inspector.

**MOVED AND SECONDED BY WALLIS/BURCH TO PROCEED WITH SECTION 10.7 2(a)(iii) OF THE PUBLIC NUISANCE ORDINANCE TO NOTIFY THE OWNER OF FAILURE TO COMPLY. MOTION CARRIED 2-1. SCHMIDT VOTED NO.**

#### **1954 110<sup>th</sup> Avenue, Dresser, WI**

Chairman Schmidt said he has been out to this property two different times. They did clean up the side yard and have erected a fence along one side but have made no attempt to clean up the other side.

**MOVED AND SECONDED BY WALLIS/BURCH TO ISSUE A LETTER OF NON-COMPLIANCE TO TRUDEE BEALKA AND BEGIN THE PROCESS OF ABATEMENT. MOTION CARRIED UNANIMOUSLY.**

### **781 Horse Lake Lane, Dresser WI**

Tom Revord, home owner was in attendance and discussed in detail the progress that has been made since receiving the letter. The board recommended that he put the tires in his garage and agreed enough had been done to clean up the property.

**MOVED AND SECONDED BY SCHMIDT/BURCH TO NOT ISSUE A LETTER OF NON-COMPLIANCE TO THOMAS REVORD. MOTION CARRIED UNANIMOUSLY.**

### **Stower Seven Lakes State Trail & Cattail Trail Subcommittee Recommendation**

Two subcommittee members Brandon Whittaker and Katie Bruns explained the outcome of the subcommittee recommendation to the Environmental Services Committee.

Brandon Whittaker said the process was unorganized, there was a lack of information as to what they were supposed to do but thought the members on the sub-committee were a good team. The outcome was to allow snowmobiles in the winter, non-motorized in the summer, and horseback all year around. Brandon said he was not a part of any club and was asked as an open-minded person to serve on the subcommittee. He said he looked at the big picture and at all the information that was provided and voted in the best interest of the town. He said he voted for a multi-use trail year round.

Katie Bruns said the committee was skewed from the beginning. The subcommittee had more motorized than non-motorized support. A public hearing was held where the public comment was 60-40 in favor of non-motorized use. There were 240 written comments of which 85% were in favor of non-motorized. The Village of Amery and Town of Osceola are for non-motorized activity.

Supervisor Burch said the board took a lot of time to develop a process. That process is very evident here, that even with two representatives we have two sides of the same issue. He went up to the county public hearing, listened and it was split 50-50 every time. "The town board came up with a resolution based on our process and am comfortable and confident with the process we came up with to determine that. It took the opinions of the board members out. I was elected by the public and had to go with what the public came to the board with."

Supervisor Wallis said he thought the board was going to put someone on the sub-committee to reflect the work we had done to get the resolution we had, instead Brandon Whittaker was recommended by Chairman Schmidt to represent the Town of Osceola without conferring with the other two board members.

Chairman Schmidt said he nominated Brandon Whittaker not as Town Chair but as Doug Schmidt.

Amy Middleton stated that she wanted to go on record as saying that she was not happy with the whole process of how Brandon was chosen. He was not really someone who represented the Town Osceola. We got a vote out of Brandon that was completely opposite of what the resolution said (non-motorized). It was noted that those who were chosen to be on the subcommittee were chosen to represent various stake holders.

Kevin McNutt and Ricky Yeager said that many of the people at the public hearing at the county were in favor of a motorized trail even though they didn't comment.

### **68<sup>th</sup> Avenue Road Engineering**

PSI completed soil borings on 68<sup>th</sup> Avenue and provided a report and recommendation to the board. The board discussed various options and agreed not to spend \$12,000 on an engineer and instead buy gravel. Monarch said they are able to grind 68<sup>th</sup> Avenue this fall. The board discussed replacing culverts before put down a new road. Paul Baker will inspect culverts and get estimates to replace the culverts if needed. The amount of gravel and cost will need to be determined. J&S trucks could be used to haul gravel and Paul Baker may be able to smooth out the gravel with the town's grader. Warren Johnson said because it's harvest time he wants to be notified when grinding is going to begin.

### **2018 Road Work**

Paul Baker, Public Works Supervisor informed the board that FOG seal on 200<sup>th</sup> Street will be completed this week and line painting may be done next week. He expects all projects to be completed in the next couple of weeks.

It was noted that a tax payer commented that he was not impressed with the crew that was doing the crack filling on 210<sup>th</sup> Street. He felt that traffic control was slim and that there needed to be more manpower to complete the project. Paul Baker agreed and said going forward bids will be awarded to those who provide the appropriate manpower for each road project and are OSHA compliant.

### **Ordinance 18-10-08 to Amend Ord. That Lowers Speed Limit on 120<sup>th</sup> Ave., 210<sup>th</sup> St. and 90<sup>th</sup> Ave. to 45 MPH**

Ordinance#18-10-08 amends Ordinance# 18-07-06 that lowers the speed limit on 120<sup>th</sup> Avenue, 210<sup>th</sup> Street and 90<sup>th</sup> Avenue. A clerical correction has been made to change 108<sup>th</sup> Street to 208<sup>th</sup> Street. The Ordinance has been changed to read:  
"Speed limit on 120<sup>th</sup> Avenue from 208<sup>th</sup> Street (northern town line to 210<sup>th</sup> Street)"

**MOVED AND SECONDED BY BURCH/WALLIS TO ADOPT ORDINANCE 18-10-08 AMENDING ORDINANCE # 18-07-06 TO CHANGE SPEED LIMIT FROM 55 MPH TO 45 MPH BEGINNING AT THE NORTHERN TOWN LINE AT 120<sup>TH</sup> AVENUE AND GOING SOUTH TO 210<sup>TH</sup> STREET THAT CONNECTS TO 90<sup>TH</sup> AVENUE AND ENDS AT 200<sup>TH</sup> STREET BY BEHNING CREEK. MOTION CARRIED UNANIMOUSLY.**

### **Ordinance 18-09-07 to Amend Chapter 15 Vehicles & Traffic**

Chapter 15 Vehicles & Traffic ordinance has been amended to include three additional roads that have speed limits reduced to 45 mph. These roads include 120<sup>th</sup> Avenue from 208<sup>th</sup> Street beginning at the northern town line to 210<sup>th</sup> Street south of Poplar Lake, 210<sup>th</sup> Street beginning south of Poplar Lake to the Rod & Gun Club and 90<sup>th</sup> Avenue beginning at the Rod & Gun Club going south east to 200<sup>th</sup> Street. The roads were reduced to 45 mph by Ordinance 18-07-06 dated August 7, 2018 and amended September 4, 2018 by Ordinance 18-10-08 to correct a clerical error.

Ordinance 18-09-07 amends Chapter 15 Vehicles and Traffic Ordinance in the Town of Osceola Code of Ordinances. Speed limits have been reduced on three additional roads and are included in the ordinance as follows:

- 120<sup>th</sup> Avenue, beginning at 208<sup>th</sup> Street on the town's northern border to 210<sup>th</sup> Street shall be 45 miles per hour
- 210<sup>th</sup> Street south of Poplar Lake to 90<sup>th</sup> Avenue shall be 45 miles per hour

- 90<sup>th</sup> Avenue going southeast to 200<sup>th</sup> Street shall be 45 miles per hour

**MOVED AND SECONDED BY SCHMIDT/WALLIS TO APPROVE ORDINANCE 18-09-07 TO AMEND CHAPTER 15 VEHICLES & TRAFFIC ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

### **Replace Road Grader Tires**

Paul Baker informed the board that new tires for the road grader will cost \$9,012.40 and Pomps Tires is willing to send an invoice in December that can be paid in January if need be.

**MOVED AND SECONDED BY BURCH/WALLIS TO APPROVE THE PURCHASE OF NEW TIRES FOR THE ROAD GRADER TO BE INVOICED IN DECEMBER. MOTION CARRIED UNANIMOUSLY.**

### **Wisconsin Retirement Benefits**

The board continued to discuss Wisconsin Retirement Benefits. The Town currently contributes 6% retirement benefits to Wisconsin Deferred Compensation without having to be matched by the employee. If the employee chooses Wisconsin Retirement System (WRS), both the employer and the employee would contribute a percentage to be determined. If a decision is made to go with WRS, a resolution will need to be approved and received by WRS no later than November 15<sup>th</sup> to begin the process. Supervisor Wallis will ask if there are any additional fees beyond the contributions and if there is someone that can help set up the retirement plan beginning January 1, 2019.

### **PLAN COMMISSION REPORT:**

- The Plan Commission met August 21, 2018 and completed work on the Comprehensive Plan.

### **PUBLIC WORKS REPORT:**

- Updated a bunch of stop signs and stop ahead signs with the high intensity signs
- Installed address signs
- Mack truck is still at NUS and will hopefully be completed this week or next week.
- Will be mowing ditches for the next two months.

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

- Dane Christenson, Conservation Planner has updated everyone on the plan for treating the invasive Phragmites site near Lotus Lake on 90<sup>th</sup> Avenue.

### **Supervisor Mike Wallis**

- An Allied Emergency Services Special meeting was held August 13, 2018 to award bids for the new Alden Fire Hall. Site prep will be done in-house.

### **Supervisor Dan Burch**

- The next Ambulance Service meeting will be September 12, 2018
- Blacktop parking lot is completed. Old ambulance will be kept in-house. Municipal Contract is has been sent to the municipalities.

**CLERK-TREASURER'S REPORT:**

Clerk-Treasurer Lorraine Rugroden reported that as of August 31, 2018 bank account balances were \$14,913.70 in the Town's checking account and \$505,759.08 in the Regular Money Market Account and C/D's and \$1,017.97 in the tax deposit account, amounting to total Cash-on-hand of \$521,690.75.

**NEXT MEETINGS**

October 2, 2018 Town Board Meeting Agenda:

- Public Nuisance Properties
- 68th Avenue Road Work
- Wisconsin Retirement Fund
- Osceola Area Ambulance Contract

**ADJOURNMENT:**

**MOVED, SECODED WALLIS/BURCH TO ADJOURN THE SEPTEMBER 4, 2018 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.**

Being no further business to come before the Board, the Meeting was adjourned at 9:23 p.m.

**APPROVED: 10/2/2018**

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Lorraine Rugroden, Clerk/Treasurer