

**TOWN OF OSCEOLA
TOWN BOARD OF SUPERVISORS
REGULAR BOARD MEETING**

**TUESDAY, November 10, 2020 – 6:30 P.M.
Town Hall - 516 East Avenue North, Dresser WI**

Call Meeting to Order - The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Tuesday November 10, 2020 at 6:30 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

CHAIRMAN SCHMIDT CALLED THE MEETING TO ORDER AT 6:30 PM.

Chairman Schmidt verified that the meeting agenda had been posted on Friday October 6th at the Town Hall, the Dresser Post Office, First National Community Bank and the Town of Osceola Website on October 9th.

Chairman Schmidt led the PLEDGE OF ALLEGIANCE.

ROLL CALL:

PRESENT: Doug Schmidt, Mike Wallis and Brandon Whittaker

ABSENT: None

ALSO PRESENT: Bernie Desmarais, Nicholas EK Williams, Jo Everson, Ed Everson, Ron Nellessen, Jim Berg, Tom Williams, Donna Berg, Jim Berg, John Kandels, Vicki Kandels, Andrea Gray, Mike Gray, Masiel Estrada, Steven Fareday, MaryAnn Moenck, Jim Moenck, Johnny King, Ann King, Polo King, James Thanig, Neil Gustafson, Bekah Gustafson, Denise Skjerven, Mark Skjerven, Ben Melia, Lisa Melia, Tom Magnafici, Jeremy Utke, Teresa Utke, Matt Leads, Glyn Thorman, Matt Ahleldon, Mike Stephan, Kristin Stephan, Jon Ceronier, Steven Thichtl, Deb Thichtl

AGENDA:

MOVED/SECONDED BY WHITTAKER/WALLIS TO APPROVE AGENDA AS WRITTEN, MOTION CARRIED UNANIMOUSLY.

PRESENTATION OF BILLS: All checks submitted were approved and signed.

MEETINGS:

August 4th Board Meeting, September 1st Board Meeting, October 6th Board Meeting, October 13 Special Meeting, October 21 Special Board Meeting, October 30 Special Board Meeting, November 4 Special Board Meeting

MOVED/SECONDED BY SCHMIDT/WALLIS TO APPROVE THE SEPTEMBER 1ST BOARD MEETING, OCTOBER 6TH BOARD MEETING, OCTOBER 13 SPECIAL MEETING, OCTOBER 21 SPECIAL BOARD MEETING, OCTOBER 30 SPECIAL BOARD MEETING, NOVEMBER 4 SPECIAL BOARD MEETING MINUTES AS WRITTEN, MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

Denise Skjerven: As the budget meeting is coming up she stated that she has questions that she would like to talk to the board or the treasurer about the numbers and calculations are correct before they are presented to the public. She would like to make sure that the 2019 numbers match up with the annual meeting and need to be cleaned up. She also was wondering if Lorrain will stay longer than the 6-month tenure, or what the plan is for 2021?

Jim Thanig – He was hoping that the eagle bluff development could be updated on the road status in regards the maintenance of the roads, and the homeowners are having to pay for all of the repairs on their own.

Wallis said that they drafted a letter to the developer and an attorney needs to look at it. He also stated that money was not budgeted last year for attorney fees for this situation. He also mentioned that the roads were to be built to town specs before the town will take them over. **Jim Thanig** then asked if there is liability for the town. **Schmidt** mentioned that the liability is on the developer. **Jim Thanig** asked what litigation will be taken to settle it?

What are the repercussions to the developer for not building it to specs? What litigation can we take against the developer? **Wallis** mentioned that that is a legal question that lawyers would have to answer.

Ryan T Stevens – Possession is 9/10ths of the law, the burden is not on the homeowners because we were not in that contractual agreement when the permit was processed. Whether or not money was put in a trust or you accepted it, the legal hurdle issue of you running out of money. I just bought and it was not disclosed that the home owners association was in a negative balance or had a lien on the property. I probably would have adjusted. This is a 2 ½-3 year old issue. Whats the problem? You are saying you are out of money, this was not disclosed when he bought it. We are still talking about this and you are out of money. Why aren't you going after the developer? This affects my property, what are you doing about it? As a homeowner with no Aren't you contractually obligated to go after the developer?

Wallis- You have more issues with the developer more than the town. Our contract says that we will take over the road when they are up to specs.

Whittaker – We have a new budget coming up, and we increased lawyer fees. I understand where you are coming from.

Schmidt called a point of order.

Lisa Melien said that she specifically called the clerk and that there were no meeting minutes. We want a discussion with the board members.

Warren Johnson – Born and raised here, lifelong resident. Public works guy is doing an awesome job. Grass mowed for the first time in 5 years and isn't hitting us for a lot of overtime. (**Tony Johnson then received a round of applause**). As for the budget, on the ambulance board we hired accountant to do the budget, they do a great job and give quarterly updates, it's good to get professional help and it might be cheaper. I've lived here my whole life, it used to be a rural area where it was all farms, and I've had to watch a lot of change. I respect other people's rights and property rights. It is interesting to watch when all these new people come in and when they get here, they say there's change coming. The little red building that everyone is talking about (**2075, 120TH AVE**) only half a mile up the road there's going to be a new gas station coming in and if you think traffic is bad now, you haven't seen nothing yet. When you move here you have to accept change because somebody accepted you moving here also. I also want people to understand that when you build a new house what you did to the environment, how many trees it took, how big a hole it took of gravel to build the blacktop, to pour the concrete ,the blacktop fill your house with petroleum. We are all wearing masks and PPE, do you know what the landfills are doing in there in our community? They are filling up. I find it interesting that we allow people from outside our community to come in. I noticed how many Minnesota license plates there are. Find it funny that they want to come over here and tell us how to live, and all their garbage goes to Sarona, WI from everything in the metro, and they think they know the environment and how to live so much better than we do over here. Remember you are part of a group, a citizen and don't try to change the way we live over here, you came here for a reason, it's how we live and the environment we live in. I find it interesting in the state of Minnesota they got a a nuclear plant, they don't store their own nuclear waste in their own state. They send it to Arizona and stick it on a reservation then want to come here and tell us how to live. I find it ironic.

Maryanne Moenck - She first wanted to make sure that the board got the emails from the citizens about the rezone at 2075. The agenda was only on the website 30 hours ago. The board goes months without agreeing on minutes to make public. The public has not been sufficiently informed on the rezoning issue, we are now but it certainly did not come from the town. I feel like that is a dysfunction that needs to be addressed so that the public is better informed on these matters.

The Planning Commission blew through their 2030 plan for Osceola which shows the entire area that we live in matches residential. What's the real purpose of rezoning the property at **2075, 120TH AVE**? It is to allow a business that is a non-starter for the neighbors. We've heard the argument that a conditional use permit would protect the neighborhood. The proposed business is completely incompatible with family homes around it. Spot zoning is always a bad idea. No matter how you try to tell yourselves it'll be okay, you're still trying to force a square peg in a round hole, somebody's going to get hurt.

Let's talk about responsibility, was the builder was not responsible when he put up a commercial building under false pretenses on a residential lot? Was it responsible to do so on an off-radar property on the edge of the township? No. Let's talk about the contractor who knew he was building an illegal structure and went ahead willfully anyway. And then there's a teeny, tiny storm water pond that was dug as an afterthought on the property that fails to prevent flooding. Did anyone think twice about the watershed or protecting Poplar Lake? I know the people at Poplar Lake are extremely upset about this. The new owners didn't knock on anyone's door until they had already worked the levers of government. It's not the neighbors problem that they didn't do their homework, if they had, they would know that the area doesn't need another event center and certainly not another wedding venue. They realize that renting out an event center does not mean that you control the guest list and that is unacceptable to the neighborhood. And at the county we heard them say that they intend no structural changes that would cause additional run-off. I wonder how you park cars without causing additional run-off on the property. We don't mean any ill-will but it's not our responsibility to accept the consequences of other people's mistakes. It might be in your best interest to go back to the drawing board. Mistakes have been made, some of them intentional. This is no time to cover them with another error. The town wants a problem off their plate but we neighbors refuse. We neighbors refuse to pay for any willful wrong actions of individuals in the past, the buck stops here. It's time to start thinking of creative solutions to this problem and stop going down the path of destroying our neighborhood.

Jim Moenck - If you drop a stone in the water, the stone causes a ripple to spread out in all directions disrupting the quiet water. The rezoning of 2075, 120th Ave is that stone being dropped in the water. Neighbors in the North, East, South and West will feel that ripple effect. 67 residents and 40 households surrounding 2075 are telling you they do not want the property rezoned to allow for an event center. There is no one in the vicinity of 2075 who will not be affected by that change. Planing commission's own 2030 plan made in 2019 last year designates this lot and the whole area around it as residential and agricultural. The ink is barely dry and you're trying to change it. At your last meeting you voted and sent your approval to the county level. Even after hearing concerns that many residents had at that meeting.

At the county meeting more residents stated their objections to this rezoning change. The county has returned it back to you to review again, and again we are here to tell you that an event center is not compatible with the neighborhood. It does not comply with that plan. Tonight you will hear and read our objections. But look ahead in the future and consider what this could lead to. What will you allow to be built next time? You're setting a precedence here. You're saying it is ok to disregard zoning and policy then change it later to suit your needs. There's a lot of water under that bridge since this building was put on the lot. I agree, something should be done with it, I don't like seeing an empty building sitting with weeds growing up all around it, but I also don't want a party barn there. It does not comply with the intended use of this property, it is not compatible with the neighborhood, it is not part of the plan, please stick to the plan.

Tom Williams – Speaking regarding the rezone of 2075. Take the wedding event out of the picture. This is strictly a zoning issue. What we need to determine is what we're getting after, trying to rezone a property, a 5-acre parcel from RA-5 to an A-1. To rezone, what's the purpose of doing it? I think the thing we need to determine is, is that rezone compatible with any of the surrounding and adjacent properties. By rezoning to an A-1, take the wedding center out of the picture. Maybe they have it, maybe they don't, maybe it succeeds, maybe it doesn't. What happens in the future, this is about planning. Some of my neighbors have already mentioned the 2030 comprehensive plan. So how does this rezone fit your comprehensive plan? In many instances we certainly don't feel that it does. We understand it's been on your agenda it's been in the planning commission, it's been to county it's back to you, it's been back to county it's been back to you and now here we are again. When the comprehensive plan for 2030 was first in discussion during the participation plan, we had a whole different plan I'm going to read the purpose of the plan. "The town of Osceola Comprehensive Plan is meant to reflect the views and opinions of the residents." Again the question being if this is at the planing commission, here, county here, county here again, where was the public involvement until last month? There was none. Now you're seeing that there is plenty of people here that signed the petition, they spoke at the county, they are speaking here tonight. That don't approve it. What's the purpose of a comprehensive plan? #1 it was signed into law in 1999 Governor Thompson part of this law requires that all planning decisions made by municipalities be consistent with a comprehensive plan. Again, I am just questioning the zoning. The wedding event center aside, how does it fit your comprehensive plan for 2030? At this point it really doesn't, you can see on the map of you comprehensive plan, it is an all residential neighborhood. What's the purpose of it? Planning is a natural human characteristic to achieve goals, objectives. Looking 20 years ahead allows municipalities to. I would encourage the board review some of the things in your comprehensive plan. Transportation, SWOT analysis. Whats the weakness of our transportation system? Inadequate unsafe roads. What's the #1 threat? Increased traffic as a result of development We know that road is terrible. Natural resources are valued by our residents. And the #1 threat, incompatible development and impacts to natural resources. When we talk about the run off going into Poplar Lake, this is the flooding that has occurred. This is some of my discussions with land and water, you guys were CC'd on this back in 2015 and it is still an item that has not been addressed.

Jim Berg –Town resident born and raised here most of my life. I also am a member of the planning commission. People that have said that they were not informed about this have chosen to be misinformed, it has been on agenda, it came to the planning commission twice, the town board several times, it's been to the county several times. The Red Barn 2075 property, we had majority of the planning commission, we had a majority approval from the people on the board to send it to the county, unfortunately they sent it back here. I think it's a perfect location for it. I'm looking forward to these young people starting their new venture. That place has been sitting there, sitting empty for far too long and would be a perfect place for it.

Bernie Desmarais, - I saw the Ethics Committee is on the agenda tonight, I would like an update, I know some of us interviewed for the ethics committee. I wasn't sure if it was formed.? If it has been, has it met? If not, when does it plan on meeting?

Theresa Utke – I want to make sure I make a formal request for public comment at the next meeting. If you don't make a request, you aren't allowed to talk. Ethics committee, I know there were at least 2 applicants in this room. I want to understand from the last meeting, from what I understood, there was to be no Ethics Committee until there was a 5 member board, I want a clarification of what has changed. Because I remember specifically the 3 of you at the table saying that. So, listen up people there's a lot going on in this community. Keep showing up at the meetings. Show up to the meetings, it is very, very important that you take time to engage in public discourse. So that we know what is going on. It's very important. I invite you here every week, we can move somewhere else if we need more room. The more people here, the more we know what's going on, the more input we get, the better decisions we have.

Nicholas EK Williams – I'm across the boarder, on the other side of the road, but I'm speaking against the 120th Ave as well. I understand you had to go through the system a bit here. But the residents are a little slow. You just have to give us a little bit of leeway on that, we're just a little slow to pick up on what's going on. Now we're talking and we are talking against it. I'm going to be living there, I don't know about this couple, if they are going to be living there or if they are just going to be staying in Pine City MN and put this business here. But I'm going to be living there and it matters to me. I hope you reconsider, I understand that there is tax revenue, but I also understand the building has been there a while. I won't be living there for a while but I am opposed to it.

Ron Nellessen - Opposing the Red Barn, I live about 300 feet from the place. If it goes through, my wife and I are moving. I don't want to move. I love the area so much.

Mike Stephan – Red Barn, I saw the notice come in the mail. I live about 200 yards straight NE of the property, within clear sight. Being a business owner myself, I can definitely relate to the struggles of zoning. Especially coming from Minnesota, moving the business and my residence to Wisconsin. I appreciate the welcoming nature of Wisconsin for businesses, small businesses. I wanted to voice my un-opposition to it, I don't know the history, I moved about 2 and a half years ago. I saw the Red Barn, I even considered the idea myself of what this business is trying to accomplish. I wanted to make sure to encourage.

PUBLIC WORKS REPORT:

Working on last round of filling potholes before final freeze
Cutting down dead & leaning trees near roadways
Finishing brushing ditches and field sides
Hauled salt/sand from Balsam Lake/Polk County Hwy Dept. Salt shed is ¾'s full
All docks have been pulled and port-a-potties removed
9 tires & 3 tv's have been picked out of ditches recently. Bringing the year to date total to: 56 tires, 6 tv's, mattresses, 3 couches, 3 recliners and a dishwasher along with various large trash items.
Tony made a request for everyone to keep vigilant and make a report on anyone you see dumping on public roads and ditches.
Whittaker - Our job here is if you see them dumping, turn them in, get a license plate number. It is costing us a ton of money.

Schmidt - Dumping situation previously has resulted in the closing of a public access

TREASURER'S REPORT

General Fund \$26,330.10, General Money Market Account \$108,759.55, Tax Receipt Account \$6,958.32, Dresser Traprock Assurance \$15,038.18, CD 58320 \$31,515.66

Accomplishments – Corrected Tony's stipend paycheck deduction and balanced for remainder of year withdrawals. This was rounded at the beginning of the year.

Corrected Tony's WRS paycheck deduction and balanced for remainder of year withdrawals.

Have worked hard on getting the budget ready. Levy meeting will be December 2nd.

Whittaker asked about an update for quickbooks. Schmidt stated that Chris says she knows how to do it and will not need additional assistance.

Whittaker – Will we have a discussion about how long Lorraine will be here?

Schmidt - We will have a closed meeting.

OLD BUSINESS

SANDLAKE EASEMENT SALE:

Schmidt - There is an easement on Sandlake on the North side. That's about 60 feet across, there are some people who would like to purchase it. We cannot pursue that until we get the public permission. If given approval, the town board will work with some of the constituents who are in the real estate business to go out, take a look at it and assess it.

Whittaker – There will have to be a Special Board Meeting that you call yea or nay. then we gotta get a cost, or figure out what it's worth, and decide which route we want to go. It's a long process, and won't happen over night. We cant sell anything without numbers or approval.

DWIGHT LAKE DEED: Back Lot behind the beach of Dwight Lake. **Whittaker** stated that he doesn't see anything in the deed restricting from selling

Schmidt - We would have to get it surveyed.

BW need

Debbie Hiekle - Stated that Susan Lee from Polk County Abstract can read the deed and do a title search.

There was then a discussion of how the legal fees and assessment would be paid for, and how the assessment would be done.

Wallis – To be clear, we can not sell donated property. It says that the town paid for it, doesn't believe it was donated.

CENTURY LINK UPDATE:

Whittaker – Trying to get better internet, he stated that he spoke to the Regional Manager at Century Link who stated that they received the grant money, but that it's just about gone and suggested that Whittaker talk to the Wisconsin Congress person and local assembly.

Whittaker stated that he spoke to Tom Tiffany, and that Tiffany's team is investigating it. **Whittaker** said that he will get with Gae Magnifici to get her team investigating it too. He stated that there is an R-doc (Rural Digital Opportunity Fund) we can apply for a for that to help increase the internet speed.

Whittaker stated that Century link received a federal grant separate from the R-DOC and they received millions of dollars and it doesn't seem like any of that came to Northwestern Wisconsin.

Jim stated that Century Link got between 600 and 700 million dollars.

RECONSIDERATION OF VOTE ON RE-ZONING REQUEST FOR 2075, 120TH AVE: 2-1 vote. County held a public hearing and sent it back for reconsideration. *There was a discussion regarding the spot zoning.*

MOVED/SECONDED BY WALLIS/SCHMIDT TO RETURN THE REQUEST TO THE PLANNING COMMISSION FOR FURTHER REVIEW. MOTION FAILED 1-2. WALLIS VOTED YES, WHITTAKER VOTED NO, SCHMIDT VOTED NO. MOTION FAILED 1-2.

There was an extended conversation with the board and citizens both for and against the rezoning, parking, the pond on the property, conditional use permits and about sending it back to county.

MOVED/SECONDED BY WHITTAKER/Schmidt motion TO send the rezone back to county with the original motion that was made with the approval of the town. Whittaker Voted Yes, Wallis Voted No, Schmidt Voted Yes. MOTION passed, 2-1.

New Business

JAKE BRAKE SIGN ON COUNTY ROAD MM: The town will have to come up with an ordinance for County with specific spots that says no jake braking, specifically all of MM into NYE Lane.

There was a discussion about how the jake braking is an issue and where there should be no jake breaking allowed.

An ordinance will be drafted and put on the agenda for the December Regular Town Board meeting.

RENTAL PAYMENT TO NEW LIFE CHRISTIAN CHURCH FOR ELECTION FACILITIES: cannot do a donation, can do a rental fee.

Cindy Everson and Jo Thorman got a round of applause for the work that they did for the 2020 November election.

MOVED/SECONDED BY WHITTAKER/WALLIS TO APPROVE payment to NEW LIFE CHRISTIAN CHURCH \$500 FOR THE USE OF THEIR FACILITIES

Olivia and Archer volunteered for the elections and also got a round of applause.

PLAN COMMISSION REPORT

No report due to the meeting being cancelled.

CHAIRMAN'S REPORT

ETHICS COMMITTEE:

Schmidt stated that Ethics Committee was formed, and have not met formally yet.

There was a discussion on meeting policy and if they met for a meeting and whether it needed to be posted if they were not on the Ethics committee yet.

SUPERVISOR'S REPORTS

MIKE WALLIS – No new fire board information, but they been working on the budget.

BRANDON WHITTAKER – Ambulance Board hasn't met other than for the budget. **Whittaker** stated to Schmidt that in future if you're going to talk to individuals in a committee, or have a meeting you should call them because if you meet you have to post it whether they are considered or not considered . If they meet it is an open meeting violation.

Moved the December 1st meeting to the 8th at 6:30pm.

DECEMBER 8, 2020 AT 6:30 PM TOWN BOARD MEETING AGENDA:

Jake brake ordinance
Eagle Bluff
Dwight Lake
Closing Nye Hill for winter
Weight restrictions and signs on 240th From Oak Road to M.

BUDGET, ELECTOR, and LEVY MEETINGS SET FOR DECEMBER 2nd, 2020 AT 6:30 PM MEETING:

Budget, levy and finalize numbers on dec 2nd at 6:30pm

ADJOURNMENT:

MOVED, SECONDED BY WHITTAKER/WALLIS TO ADJOURN THE NOVEMBER 10, 2020 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Board, the Meeting was adjourned at 8:17 p.m.

APPROVED:

Kyle Teig, Clerk