

**TOWN OF OSCEOLA  
TOWN BOARD MEETING  
TUESDAY, MARCH 9, 2021 AT 6:30 P.M.**

**MINUTES**

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting on Tuesday, March 9, 2021, beginning at 6:30 p.m. at the Osceola Town Hall, 516 East Avenue North, Dresser, Wisconsin.

**CALLED THE MEETING TO ORDER:** Chair Wallis called the meeting to order at 6:30 p.m.

**VERIFICATION OF MEETING POSTING:** Clerk Everson verified that the meeting was posted at the Town Hall, the Dresser Post Office, First National Community Bank and the Town website.

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

**ROLL CALL**

**PRESENT:** Mike Wallis, Brandon Whittaker and Warren Johnson

**ABSENT:** None

**ALSO PRESENT:** Jo Everson, Interim Clerk, Public Works Supervisor Tony Johnson, Ed Everson, Neil Gustafson, Jon Cronick, Jim & Donna Berg, Tom Magnafici, Jeremy & Teresa Utke, Mark & Denise Skjerven, Glyn & Cindy Thorman, Melissa Germain, Jan Carlson, Dale Lindh, Lisa Melin, Katie Bruns, Trish Carlson, Marianna & Bill Schultz, BJ Greene, Diana Anderson.

**PRESENTATION OF BILLS**

The Chair reported that the Treasurer had not completed the monthly bills for the Board to review. Discussion continued how to manage the Treasurer role now that her resignation was final. Everson volunteered to finalize the bills for payment, however, the bank signature card would need to be updated so that checks could be signed in the future.

**MOTION BY WHITTAKER/JOHNSON TO AUTHORIZE THE THREE TOWN BOARD MEMBERS, INTERIM CLERK JO EVERSON [AND INTERIM TREASURER JAN CARLSON] TO SIGN TOWN OF OSCEOLA CHECKS UNTIL FURTHER NOTICE. MOTION CARRIED.**

**PRESENTATION OF AGENDA**

The Agenda was amended to include approval of Minutes from the January 12, 2021 Town Board Meeting. **MOTION BY JOHNSON/WHITTAKER TO APPROVE THE AMENDED AGENDA. MOTION CARRIED.**

**APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION BY WHITTAKER/JOHNSON TO APPROVE THE MINUTES OF THE JANUARY 12, 2021 REGULAR TOWN BOARD MEETING. MOTION CARRIED.**

**MOTION BY JOHNSON/WHITTAKER TO APPROVE THE MINUTES OF THE FEBRUARY 9, 2021 REGULAR TOWN BOARD MEETING. MOTION CARRIED.**

**MOTION BY JOHNSON/WALLIS TO APPROVE THE MINUTES OF THE MARCH 1, 2021 SPECIAL TOWN BOARD MEETING. MOTION CARRIED.**

**PUBLIC COMMENT**

**Glyn Thorman** read a statement aloud regarding the recent process of approval for the 2020 audit, the Chair's involvement in that process, and the (previous) Treasurer's role in the Town. He suggested that the Town rescind the auditor contract; recognize the resignation of the Treasurer and recapture her access keys, Town computer and other Town property at her home; move to replace the long used Minnesota audit firm with a local firm, and rescind the appointment of Town Chair (Wallis) and instruct him to return to his prior elected position as Supervisor or step down.

**Jan Carlson** stated that she is a write-in candidate for the Osceola School Board at the April 6<sup>th</sup> election.

#### **PUBLIC WORKS REPORT**

Tony Johnson, Public Works Supervisor, reported that the weight restriction signs would be installed soon, and that mailbox and right-of-way repairs due to snow plowing would be done as time allowed. He reported that salt/sand use for the season was 240 tons, with 200 tons remaining in the shed for December use.

#### **CLERK & TREASURER REPORTS**

Interim Clerk Jo Everson reported that Cynthia Thorman was recently sworn in as Deputy Clerk and would be assuming the responsibilities for the April election.

#### **OLD BUSINESS**

##### **SUTHERLAND RE-ZONE REQUEST**

The Planning Commission reviewed the property owner Mark Sutherland's request to rezone his property from current Residential / Ag5 to Residential (R1) at their January 19, 2021 meeting, and recommended to the Town Board to grant the request. The Board continued its discussion from the last meeting (February 9, 2021), expecting Sutherland to provide an update if he could be granted a driveway easement from Polk County since the property accesses 218<sup>th</sup> Street, which is a County road. Sutherland reported that the County would not grant any permits, so each driveway would need to use the existing one. That fact changed his plans to sub-divide it into two lots only, which would still allow the construction of his new home south of the shed property.

Supervisor Johnson cautioned Sutherland that there are serious safety concerns with 218<sup>th</sup> Street as it is currently laid out, and future plans may include straightening the curve which could include a portion of his property and the other adjoining property. He recommended care should be used for future house placement.

Polk County cannot amend the Town's zoning map without Town approval, despite the fact that the Town is governed by County zoning. The process of sub-dividing of the property would need to be approved by the County, but prior to that taking place; the re-zoning would need to be approved.

**MOTION BY WHITTAKER/JOHNSON TO APPROVE THE RECOMMENDATION TO POLK COUNTY ENVIRONMENTAL SERVICES THAT THEY APPROVE THE REZONING OF THE 6.36 ACRES OWNED BY MARK A. SUTHERLAND AT 836 218<sup>TH</sup> STREET, PID 042-0045201-00, FROM RESIDENTIAL/AG5 TO RESIDENTIAL/R1. MOTION CARRIED.**

##### **ORDINANCE 21-03-01 PROHIBITING USE OF ENGINE BRAKING**

This agenda item has been discussed by the Board at previous meetings following the request by property owners on 218<sup>th</sup> Street who have registered complaints regarding the increased use of engine braking. Discussion regarding the placement of the signage was discussed, with Whittaker reporting that Polk County will purchase and install the signage since it is a County-owned road. They will in turn send a bill to the Town for that work. The Board agreed to purchase more than the four signs required to be posted by the Ordinance, in the event more roads were added to the Ordinance in the future.

**MOTION BY WHITTAKER/JOHNSON TO ADOPT ORDINANCE 2021-03-01 PROHIBITING THE USE OF ENGINE BRAKES ON THE FOLLOWING ROADS WITHIN THE TOWN: 218<sup>TH</sup> STREET FROM THE INTERSECTION OF 218<sup>TH</sup> STREET AND 75<sup>TH</sup> AVENUE TO 100<sup>TH</sup> AVENUE; AND 75<sup>TH</sup> AVENUE, EAST FROM THE INTERSECTION OF 75<sup>TH</sup> AVENUE AND 218<sup>TH</sup> STREET TO THE INTERSECTION OF 75<sup>TH</sup> AVENUE AND 200<sup>TH</sup> STREET. MOTION CARRIED. (attached)**

##### **PRIORITIES FOR NEW BOARD FOLLOWING SPRING ELECTION**

The Board continued discussion from the last meeting regarding possible priorities for the new Board once elected in April. Those included establishing Standing Committees, including Personnel, Public Works/Roads, and Fire & Rescue. Also a priority should be the re-appointment of the Planning Commission and appointment of Board of Review members. The Board encouraged public input and requested the item be placed on the April Board Meeting again for discussion.

##### **APPOINTMENT OF NEW TOWN ATTORNEY**

The Town's current attorney Catherine Munkittrick of Rodli, Beskar, Neuhas, Murray & Pletcher, S.C. notified the

Town that she would be retiring in April. A Request for Proposal was sent to two attorneys interested in the position. Based upon experience and the information received,

MOTION BY JOHNSON/WHITTAKER TO HIRE BAKKE & NORMAN, S.C., OF NEW RICHMOND, WISCONSIN, WITH PAUL MAHLER AS PRIMARY ATTORNEY, TO REPRESENT THE TOWN OF OSCEOLA FOR GENERAL COUNSEL WORK AND POTENTIAL LITIGATION MATTERS. MOTION CARRIED. The Clerk was directed to contact Bakke & Norman to complete the Agreement for Legal Service.

MOTION BY WHITTAKER/JOHNSON TO REQUEST THE TRANSITION OF SERVICE FROM CATHERINE MUNKITTRICK OF RODLI, BESKAR, NEUHAS, MURRAY & PLETCHER, S.C. TO PAUL MAHLER OF BAKKE & NORMAN S.C. BY MONDAY, APRIL 12, 2021, AND FURTHER, TO REQUEST ATTENDANCE BY MAHLER AT THE TOWN OF OSCEOLA'S ANNUAL MEETING TO BE HELD ON TUESDAY, APRIL 20, 2021. MOTION CARRIED.

#### **DISSOLVE ETHICS COMMITTEE**

The Board discussed the Ethics Committee that was established by former Chair Doug Schmidt. At the Town's last Annual Meeting, the constituency at the meeting recommended the Town establish such a committee, however, the appointment of the members was done without any Board input or approval. For this reason, the Board agreed that both the membership and the foundation of the Committee should be reconsidered by the new Board once elected in April. Chair Wallis stated that he would like to see an ethics ordinance in place prior to the next one to be established.

MOTION BY JOHNSON/WHITTAKER TO DISSOLVE THE TOWN OF OSCEOLA ETHICS COMMITTEE UNTIL FURTHER NOTICE. MOTION CARRIED.

#### **NEW BUSINESS**

##### **2021 ROAD WORK**

Public Works Supervisor Tony Johnson reported that he had established a list of possible projects for 2021 road work. This list also included the resurfacing of .75 miles of the east end of Oak Drive, as a project to be submitted for reimbursement with TRIP funding (Town Road Improvement Program) by Polk County. Chair Wallis indicated that he wanted to speak to the County prior to publishing for the project to assure all the legal aspects would first be met in order to receive the funding. The estimated total costs of the projects are \$467,150.00.

MOTION BY WHITTAKER/JOHNSON TO AUTHORIZE PUBLIC WORKS SUPERVISOR TONY JOHNSON TO SUBMIT A REQUEST FOR BIDS TO THE OSCEOLA SUN FOR THE 2021 ROAD WORK, WITH BIDS TO BE RECEIVED AT THE TOWN HALL ON MARCH 29, 2021 AT 2:45 P.M. WITH BID OPENING AT 3:00 P.M. SUCCESSFUL BIDS ARE EXPECTED TO BE AWARDED AT THE APRIL 13, 2021 TOWN BOARD MEETING. MOTION CARRIED.

##### **AUTHORIZE WEIGHT RESTRICTIONS**

PURSUANT TO WISCONSIN STATUTES §349.16, MOTION BY WHITTAKER/JOHNSON TO AUTHORIZE THE POSTING OF SEASONAL WEIGHT RESTRICTIONS TO SIX (6) TONS FOR ANY SINGLE AXLE WEIGHT ON ALL TOWN OF OSCEOLA ROADS EFFECTIVE WEDNESDAY, MARCH 10, 2021. MOTION CARRIED.

##### **PROPOSED LETTERS FOR STOWER SEVEN LAKES TRAIL**

Supervisor Johnson proposed two letters to be sent to Polk County with regard to the Stower Seven Lakes Trail. The first letter was to clarify the Town's official position on the motorized use of the trail following a letter that was sent to the County Board by a County Board Supervisor that misrepresented that position.

MOTION BY JOHNSON/WHITTAKER TO APPROVE SENDING THE PROPOSED LETTER TO THE POLK COUNTY BOARD REGARDING THE TOWN OF OSCEOLA'S POSITION ON THE MOTORIZED USE OF THE STOWER SEVEN LAKES TRAIL THAT RUNS THROUGH A PORTION OF THE TOWN. MOTION CARRIED. (copy attached)

The second letter that was proposed by Johnson was to suggest that the Town of Osceola would like to engage in future planning discussions on the next phases of Stower Trail, particularly offering several locations in the Town that would significantly benefit the public's use of the Trail. Polk County has \$1.2 million available that could improve the Trail and provide access for all citizens in the County.

MOTION JOHNSON/WHITTAKER TO APPROVE SENDING THE PROPOSED LETTER TO THE POLK COUNTY BOARD REGARDING THE TOWN OF OSCEOLA'S OFFER TO ENGAGE IN FUTURE PLANNING DISCUSSIONS ON THE NEXT PHASES OF THE STOWER SEVEN LAKES TRAIL. MOTION CARRIED. (copy attached)

**TREASURER POSITION VACANCY**

Since Teri Wallis recently resigned her position as Town Treasurer, the Board discussed how to proceed to fill the position, both temporarily and permanently. The Chair indicated that there are a number of Treasurer issues that need to be resolved that may take a considerable amount of time. They questioned if Interim Clerk Jo Everson would be willing to work on the issues once they are disclosed by the former Treasurer. Everson was willing to do this with assistance by another auditing firm or local bookkeeper who has the expertise to provide the review that is necessary. It was at this time that Jan Carlson, a local resident who is running for the Osceola School Board, and who has a considerable amount of education and knowledge in finances, offered her assistance as Interim Treasurer and would assist in resolving the outstanding backlog of Treasurer issues needing to be resolved. She would not guarantee immediate resolution, but committed to evaluating the problems and concerns methodically, and agreed to keep the Board updated on a weekly basis.

MOTION BY WHITTAKER/JOHNSON TO AUTHORIZE INTERIM CLERK JO EVERSON TO SOLICIT ASSISTANCE FROM ANOTHER SOURCE TO ASSIST IN STRAIGHTENING OUT THE BACK LOG OF TREASURY WORK, AND TO FURTHER ADVERTISE FOR THE POSITION OF TOWN TREASURER IN THE LOCAL PAPERS. MOTION CARRIED.

IT WAS FURTHER MOVED TO HIRE JAN CARLSON AS THE INTERIM TREASURER AT A RATE OF \$16.00/HOUR WITH 16 HOURS PER WEEK FOR THE USUAL AND TYPICAL TREASURER WORKLOAD (BILLS, RECEIVABLES, PAY-ROLL, QUICKBOOK SET UP AND REVIEW.

IT WAS FURTHER MOVED TO HIRE JAN CARLSON TO HELP THE TOWN OF OSCEOLA WITH THE TREASURER'S BACKLOG OF ISSUES, AT A RATE OF \$20.00/HOUR WITH NO LIMIT ON THE AMOUNT OF TIME UNTIL THE ISSUES ARE RESOLVED TO EVERSON AND CARLSON'S EXPECTATIONS. MOTION CARRIED. The Chair neglected to give the Oath of Office to Carlson, so the Clerk will swear her in on her first full day on Monday.

Supervisor Johnson stated he would contact Wallis to request the return of the Town's laptop, AP and AR documents, all other documents in her possession and the keys to the building so that work can be begin on this process in the office as soon as possible.

**SET DATE FOR APRIL BOARD MEETING**

Since the April election will be held on April 6<sup>th</sup>, the Board agreed to move the date of the April Town Board Meeting to the next week.

MOTION BY JOHNSON/WALLIS TO HOLD THE TOWN BOARD MEETING ON APRIL 13, 2021 BEGINNING AT 6:30 P.M. MOTION CARRIED.

**SET DATE FOR PUBLIC WORKS SUPERVISOR PERFORMANCE EVALUATION**

The annual performance evaluation for Public Works Supervisor Tony Johnson has not yet been done. The Board wanted it conducted as soon as possible.

MOTION BY JOHNSON/WHITTAKER TO CALL A SPECIAL TOWN BOARD MEETING ON MONDAY, MARCH 29, 2021 BEGINNING AT 2:00 P.M. FOR THE PURPOSE OF CONDUCTING AN ANNUAL PERFORMANCE REVIEW OF PUBLIC WORKS SUPERVISOR TONY JOHNSON. MOTION CARRIED.

**SET DATE FOR INTERVIEWS FOR NEW CLERK**

Interim Clerk Everson reported that there are seven applicants who are interested in the position of the part-time Town Clerk job. The Board agreed to interview them on Tuesday, Wednesday and Thursday, March 16<sup>th</sup> - 18<sup>th</sup>. The Clerk will notify them of the date and time.

MOTION BY WALLIS/WHITTAKER TO INTERVIEW CANDIDATES FOR THE PART-TIME POSITION OF TOWN CLERK ON TUESDAY, MARCH 16<sup>TH</sup>, WEDNESDAY, MARCH 17<sup>TH</sup>, AND THURSDAY, MARCH 18<sup>TH</sup>, BEGINNING AT 5:00 P.M. AT THE TOWN HALL. MOTION CARRIED.

**PLANNING COMMISSION REPORT**

No Report.

**CHAIRMAN'S REPORT**

Wallis reported that the Audio System was originally scheduled for today but had to be postponed until next week due to an accident with one of the employees.

**SUPERVISOR REPORTS**

**Brandon Whittaker** reported that there had recently been a ZOOM meeting with the Allied Fire Services Board. The Alden Department had purchased a used truck that can be used as a grass rig. As the rig currently sits it has nearly \$16,000 of accessory equipment that can be stripped and sold, and another \$16,000 of new equipment that needs to be installed on the truck yet. Another truck was donated to the Fire Association by the Minneapolis Airport Commission, which has been very generous with several pieces of equipment over the years.

The Patch/truck that Public Works Supervisor Tony Johnson was going to bid at an auction last month did not go well, Pierce County over-bid them considerably.

The Osceola Ambulance Service had 376 calls at year-end, and finances look healthy. The Service received a \$13,000 Scott Wing Donation that will be used to award longer-term volunteer members with jackets, shirts etc., as they previously had done in year's past.

**Warren Johnson** briefly brought up a letter from Polk County regarding a proposal for a Centerpeice Sports & Ag Complex to be built in the County. Input is needed and the County would be providing roundtable opportunities for future discussions. Johnson would like it placed on the April agenda.

**REQUEST FOR FUTURE MEETING AGENDA ITEMS**

- Lawn Care
- Landscaping
- Committee Priorities with Input from the Public
- Governing Body Ordinance, including PC Ordinance
- Award Proposed 2021 Road Work
- Centerpeice Sports & Ag Complex
- Form Committee for Technology Grants
- Fee Schedule Review
- Removal of Garage Light Replacement
- John Walsh/Tim Schuster Variance from Standard Road Setback

**ADJOURNMENT**

MOTION BY JOHNSON/WALLIS TO ADJOURN THE MEETING OF THE TOWN OF OSCEOLA HELD THIS MARCH 9, 2021. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Board, the Meeting was adjourned at 8:54 p.m.

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Jo Everson, Interim Clerk

**APPROVED:** \_\_\_\_\_