

## REGULAR TOWN BOARD MEETING, September 21, 2016

The regular meeting of the Town Board of the Town of St. Croix Falls was called to order by Chairman James Beistle at 6:00 p.m. on Wednesday, September 21, 2016, at the Town Hall. Proper notice was given as the agenda was posted at the Town Hall and on the Town's website on September 16, 2016. The Pledge of Allegiance was said. Present by roll call were Chairman James Beistle, supervisors Frank Behning, Sharon Kelly and Gary Koecher. Also present were town treasurer Maxine Spiess, town clerk Janet Krueger, zoning administrator James Alt, public works employee Joe Hein and legal counsel Gary Bakke. Others present were Norval Valleen, Brian Nodolf, Jim Miller, Paul Mitchell, Scott Bolstad, and Carl Hetfeld. Supervisor Mike Dorsey was absent. Kelly/Koecher **moved** to adopt the agenda; **motion carried**. Behning/Kelly **moved** to approve the meeting minutes as printed for the August 17, 2016, town board meeting; **motion carried**.

Public Comment: Mr. Valleen stated he was under the impression the plan commission could recommend amendments for town ordinances to the Town Board and asks the Town Board to consider reviewing and possibly amend the hours of operation for Sundays and Holidays and the penalties for infractions in the Race Track Ordinance. Mr. Bolstad, Wisconsin Outreach Director, introduced himself and updated on current legislative activities including a piece of legislation being reviewed to remove the wolves from the endangered species list. Mr. Nodolf stated his attendance at tonight's meeting is on behalf of his clients to obtain information on the proposed amendments to the race track ordinance and asks the Town to strengthen the Town's noise ordinance (which currently does not exist) to help with the conflict of uses. Mr. Mitchell with the Family Pathways Food Shelf informed the Board of their upcoming fund raiser "Bail or Jail Event" to be held at Kassel Tap on Thursday, October 20, 2016.

Committee, Commission and Employee Reports: Ms. Spiess presented the treasurer's report. Receipts for the period ending August 31, 2016, amounted to \$165,899.03; cash balance on August 31, 2016, was \$399,841.39. Kelly/Koecher **moved** to receive the treasurer's report; **motion carried**. Mr. Hein gave the highway report. Mr. Hein stated he had met with Amy Cronk, Department of Natural Resources, regarding the erosion on the Nyberg Court Bridge. Ms. Cronk stated no rocks could be added to the stream but suggested repairing the wing walls or replacing the bridge with a bottomless culvert. Ms. Cronk also expressed concern about the structural safety of the existing bridge. Moe Norby, Polk County Highway Commissioner, was contacted to look at the bridge and stated in his opinion the bridge was not a safety hazard. Mr. Hein stated there is still no resolution regarding the River Road run off issue near fire number 1708. XCEL Energies was contacted regarding the stability of one of their power poles near the runoff area due to removal of silt by property owner. Mr. Hein informed the Board that while mowing the ditches on Peer Avenue he unintentionally mowed approximately sixteen young pine trees planted by one of the property owners and did not realize Peer Avenue was a three rod road with less road right-of-way. Mr. Hein hopes to replace the trees this week. Mr. Hein presented estimates from Tiger for a new mower deck. An estimate of \$12,284.00 for a new mower deck with new parts; an estimate of \$4,878.64 for just the deck (existing mower parts will need to be installed) with a manual door; and an estimate of \$5,016.42 for just the deck (existing mower parts will need to be installed) with a hydraulic door. Ms. Krueger presented the clerk's report. Koecher/Behning **moved** to approve payment of vouchers 16-220 through 16-251 amounting to \$24,055.06; **motion carried** on a unanimous roll-call vote, 4-0. The 2016 year-to-date budget summaries were reviewed. Mr. Alt gave the zoning administrator's report and stated two complaints had been filed, one regarding the racetrack hours on Sundays and one regarding junk vehicles on 150<sup>th</sup> Avenue. Behning/Koecher **moved** to receive the zoning administrator report. The building inspector report was reviewed. The Board asked if Mr. Price could include the date when the final inspection was completed on the building report. No Supervisor reports were given. The Chairman report was given. The Cemetery Board will be

completing the 2017 budget and considering a salary adjustment for the sexton and clerk/treasurer at their October meeting; and informed the Board of the upcoming Bakke Norman Municipal Law Seminar being held at the New Richmond WITC campus on Thursday, October 27, 2016, at 5:30 p.m.

New Business: Mr. Alt presented a minor subdivision request from the Deer Lake Conservancy for parcel #044-00618-0000 located in the 1800 block of 140<sup>th</sup> Avenue. Kelly/Koecher **moved** to adopt Resolution 16-29 approving a minor subdivision for parcel #044-00618-0000; **motion carried** on a unanimous roll-call vote, 4-0.

#### Resolution 16-29

##### A RESOLUTION APPROVING A MINOR SUBDIVISION

##### IN THE TOWN OF ST. CROIX FALLS – DEER LAKE CONSERVANCY PARCEL

WHEREAS the Deer Lake Conservancy, owner of real property in the NE ¼ of NW ¼ of Section 25, T34N, R18W, identified as Tax Parcel No. 044-00618-0000, and

WHEREAS the owners have proposed dividing the current 35.26 acres, more or less, into two parcels, new parcel consisting of 4.09 acres, and the remaining parcel consisting of 31.17 acres, more or less, and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on September 14, 2016, and after reviewing the request recommends Town Board approval.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve the creation of a minor subdivision from Tax Parcel No. 044-00618-0000 into two parcels, one parcel consisting of 4.09 acres, and the remaining parcel consisting of 31.17 acres, more or less; and

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, approves a waiver of the Town's Subdivision Ordinance's public road frontage requirement due to the existence of a private road already serving frontage to the parcels; and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Chair to sign the "Polk County Subdivision Ordinance Town Board Check List", and

BE IT FURTHER RESOLVED that the Town Board requests the Polk County Land Information Office to review and approve the creation of this minor subdivision, and

BE IT FURTHER RESOLVED that the subdivider provide the Town with a copy of the Certified Survey Map after same has been recorded in the Polk County Register of Deeds Office.

The clerk presented a letter received from Amanda Nissen, Polk County Treasurer regarding an Intergovernmental Agreement for the collection of delinquent special assessments and special charges. Behning/Kelly **moved** to adopt Resolution 16-30 approving an Intergovernmental Agreement with Polk County concerning collection of delinquent special assessments and special charges; **motion carried** on a unanimous roll-call vote, 4-0.

#### Resolution 16-30

##### A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH POLK COUNTY CONCERNING DELINQUENT SPECIAL ASSESSMENTS AND SPECIAL CHARGES ON PROPERTY IN THE TOWN OF ST. CROIX FALLS

WHEREAS the Polk County Board of Supervisors adopted Resolution 08-2016 restructuring the manner how Polk County settles for special assessments and special charges; and

WHEREAS the Town Board of the Town of St. Croix Falls will need to enter into an Intergovernmental Agreement with Polk County to continue receiving full settlement on delinquent special assessments and special charges; and

WHEREAS the Intergovernmental Agreement states that in the event Polk County forecloses on a parcel in the Town due to delinquent taxes, the Town will reimburse the County the amount settled for delinquent special assessments and/or special charges. Upon the sale of the parcel, the County will prorate and disburse the balance of proceeds, after the deduction for costs, taxes and interest, to the Town.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve entering into an Intergovernmental Agreement with Polk County concerning delinquent special assessments and special charges; and

BE IT FURTHER RESOLVED, that this resolution become effective upon the signing of the Intergovernmental Agreement; and

BE IT FURTHER RESOLVED, that a copy of the Intergovernmental Agreement be made part of this resolution.

#### Intergovernmental Agreement

Pursuant to Wisconsin Statute Section 75.365, the County of Polk, hereinafter "County" and the Town of St. Croix Falls, hereinafter "Municipality", enter into this intergovernmental agreement concerning delinquent special assessments and delinquent special charges, as follows:

1. The County shall settle in full with the municipality on August 20<sup>th</sup> of each year for all special assessments and charges as authorized and assessed pursuant to Wisconsin Statute Section 74.29 or any successor statute.
2. Upon the County taking of any tax parcel within the Municipality by tax deed pursuant to Wisconsin Statute Section 75.14, 75.19 or 75.521, the Municipality will immediately pay to the County the amount invoiced for all municipal outstanding special assessments and charges associated with the parcel being foreclosed upon.
3. If and when said parcel of land is sold by the County, the County shall, pursuant to Wisconsin Statute Section 75.36(3) or any successor statute, deduct costs, taxes, interest and then prorate and disburse the balance of the proceeds as authorized by Wisconsin State Statutes 75.36(3), or any successor statute.
4. This Agreement shall first be applicable to delinquent accounts eligible for tax deed foreclosure action in 2016; and shall apply to all delinquent special assessments and charges due for said delinquent accounts.
5. This Agreement will automatically renew on an annual basis, in all of its terms and conditions without modification, unless written Notice of Intent to Terminate is received by County Clerk or Municipal Clerk at least 90 days prior to calendar year end.
6. Pursuant to Polk County Resolution No. 08-16, the Polk County Clerk enters into this Agreement on behalf of the County of Polk.  
For County of Polk: Carole T. Wondra, County Clerk  
Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.
7. The undersigned Town Chairperson, of the Municipality enters into this Agreement pursuant to the authority granted by the Town Board of the Town of St. Croix Falls at its regular meeting of September 21, 2016.  
For Town of St. Croix Falls:  
/s/James H. Beistle, Chairman  
Dated this 22 day of September, 2016.

Discussion was had on setting a date for the 2017 budget workshop. Kelly/Behning **moved** to set the 2017 budget workshop for 6:00 p.m. on Monday, October 17, 2016; **motion carried**. Supervisor Kelly presented an employee benefit survey with information received from municipalities in Polk County and information obtained from WRS (Wisconsin Retirement System). Discussion was had. Behning/Koecher **moved** to place discussion and consideration of employee benefits on the special meeting agenda with the 2017 budget workshop to be held on October 17, 2016; **motion carried**. Chairman Beistle informed the Board that the Cemetery Access Road was listed on a property survey as a town road but was never officially declared a town road. Behning/Koecher **moved** to not accept the Cemetery Access Road as a town road; **motion carried**. Discussion was had regarding reviewing the Town's Race Track Ordinance. Behning/Kelly **moved** to refer the Town's Race Track Ordinance to the plan commission for review and possible amendments to propose to the Town Board; **motion carried**.

Closing public comment: Mr. Valleen thanked the Board.

The town board meeting recessed for five minutes at 7:45 p.m.

The chairman read the call for executive session per Wisconsin Statute 19.85(1) (e) to discuss potential purchase of public property and per Wisconsin Statute 19.85(1) (c) for an employee performance review. Behning/Kelly **moved** to recess open session and convene in closed session per Wisconsin Statute 19.85(1) (c) and (e) for an employee performance review and to discuss potential purchase of public property; **motion carried** on a unanimous roll-call vote, 4-0 and the meeting recessed at 7:50 p.m.

The Town Board reconvened in open session at 9:17 p.m. with the Board members and legal counsel being present.

The Chair announced no action was taken regarding the purchase of public property and that salary and benefit adjustment was approved for a town employee. A Special Town Board meeting will be held on Monday, October 17, 2016, 6:00 p.m. and the regular Town Board meeting will be held on Wednesday, October 19, 2016.

There being no further business, Behning/Koecher **moved** to adjourn; **motion carried** and the meeting adjourned at 9:20 p.m.

Minutes prepared by Janet Krueger, Town Clerk

And Sharon, Kelly, Town Board Supervisor