

REGULAR TOWN BOARD MEETING, May 16, 2018

The regular meeting of the Town Board of the Town of St. Croix Falls was called to order by Chairman Frank Behning at 6:00 p.m. on Wednesday, May 16, 2018, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website on May 10, 2018. Present by roll call were Chairman Frank Behning, supervisors Katie Appel, Mike Dorsey, Sharon Kelly and Gary Koecher. Also present were town treasurer Maxine Spiess, town clerk Janet Krueger, zoning administrator James Alt, public works employee Steve Jacobs and legal counsel Adam Jarchow. Others in attendance were Mark Adams, Fahrner representative Jake Lynch and Superior Sealers representative Rob Newcomb. Kelly/Koecher **moved** to approve the agenda; **motion carried**. Koecher/Dorsey **moved** to approve the minutes as printed for the April 18, 2018, town board meeting and the April 25, 2018, special town board meeting; **motion carried**.

No public comment was had.

Committee, Commission and Employee Reports: Ms Spiess gave the treasurer's report. Receipts for the period ending April 30, 2018, amounted to \$30,391.43, cash balance on April 30, 2018, was \$504,131.28. Appel/Koecher **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. The past month was spent doing maintenance on snow equipment prior to putting into storage for the summer. Mr. Jacobs stated a mess of rocks was left during the winter from a landscape contractor; the contractor was contacted and rocks have been cleaned up. Mr. Jacobs stated he was able to get the push lawn mower working and at this time there is no need to replace it. Ms. Krueger presented the clerk's report. Dorsey/Kelly **moved** to approve payment of vouchers 18-115 through 18-134 amounting to \$26,589.67; **motion carried** on a unanimous roll-call vote, 5-0. The 2018 year-to-date budget summaries were reviewed. Mr. Alt presented the zoning administrator's report and stated the plan commission held a hearing on the zoning amendments before the board for a first reading and continues to discuss potential amendments to the sign regulations, permitted uses and special exception uses. Numerous zoning violation letters have been sent to property owners. The building permit log was reviewed. There were no supervisor reports. Chairman Behning reported a landscape contractor has been removing boulders from the town property located at 160th Avenue and 200th Street and was told to stop. Chairman Behning stated the board should discuss at a future meeting what the town intends to do with the remaining rocks.

New Business: Road bids received were: Monarch Paving Company for pulverize and relay pavement on 180th Avenue and 190th Street triangle consisting of twenty-three feet wide amounts were \$19,829.44 for two and a half inches thick hot asphalt mix; \$19,822.047 for two and a half inches thick warm asphalt mix; \$22,045.10 for three inches thick hot asphalt mix; and \$22,036.22 for three inches thick warm asphalt mix. Monarch Paving Company - \$18,652.93 for eleven hundred foot wedge/overlay. Monarch Paving Company for patching/paving two areas on Tin Man Road - \$11,291.01 for cutting and removal of existing asphalt; and \$11,200.00 with town cutting out and removing asphalt. Chip sealing bids received for 140th Avenue were: Fahrner Asphalt Sealers - \$36,722.79. Chip sealing bids received for Summit Avenue were: \$11,725.74. A combined bid for both projects was received from Scott Construction in the amount of \$50,431.00. Bids received for spray patching various locations per map were: \$490.00 per hour from Fahrner Asphalt Sealers and \$375.00 per hour from Seal Tech, Inc. Bids received for crack sealing various locations per map were: Superior Sealers LLC - \$16,447.00; Seal Tech, Inc. - \$19,050.00; and Fahrner Asphalt Sealers - \$20,913.12. Kelly/Koecher **moved** to award the chip sealing of 140th Avenue in the amount of \$36,722.79 and the chip sealing of Summit Avenue in the amount of \$11,725.74 to Fahrner Asphalt Sealers; **motion carried** on a unanimous roll-call vote, 5-0. Dorsey/Kelly **moved** to award the bid for various locations of spray patching at a rate of \$490.00 per hour not to exceed the amount of \$19,600.00 to Fahrner Asphalt Sealers; **motion carried** on a unanimous roll-call vote, 5-0. Dorsey/Kelly **moved** to award the bid for crack sealing on various roads in the amount not to exceed \$20,913.12 to Fahrner Asphalt Sealers; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Koecher **moved** to award the bid for cutting and removal of asphalt and inadequate sub grade material and patching two areas on Tin Man Road in the amount of \$11,291.01 to Monarch Paving Company; **motion carried** on a unanimous

roll-call vote, 5-0. Kelly/Koecher **moved** to award the bid for wedge/overlay on Trap Rock Drive in the amount of \$18,652.93 to Monarch Paving Company; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Koecher **moved** to award the bid for pulverizing and paving twenty-three feet (23') wide, three inches (3") thick warm asphalt at the intersection of 180th Avenue and 190th Street in the amount of \$22,036.22 to Monarch Paving Company; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Koecher **moved** to amend the previous motion to include the removal of inadequate base fill and replacing base fill in the amount of \$39.54 per square yard; **motion carried** on a unanimous roll-call vote, 5-0. Proposals for portable toilets at the Deer Lake boat landing received were: El Stinko – monthly rate for one unit - \$125.00 and monthly rate for two units - \$200.00; Raska Sewer Service – monthly rate for one unit - \$135.00 and monthly rate for two units - \$200.00. Appel/Dorsey **moved** to contract with Raska Sewer Service for two portable toilets at the Deer Lake boat landing to be serviced weekly in the amount of \$200.00 monthly; **motion carried** on a unanimous roll-call vote, 5-0. Mr. Alt presented amendments to the Zoning Ordinance and the first reading was had. The second reading was had on the Broadband Network Project Ordinance. Dorsey/Kelly **moved** to approve Resolution 18-08 adopting Ordinance 18-01 entitled "Broadband Network Project Ordinance"; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-08

A RESOLUTION ADOPTING ORDINANCE 18-01 ENTITLED "BROADBAND NETWORK PROJECT ORDINANCE"

WHEREAS the Town Board for the Town of St. Croix Falls has village powers under Section 60.10(2)(c), Stats., that grants police powers as set forth in Section 61.34(1), Stats., to act for the good order of the Town, for its commercial benefit and for the health, safety, and welfare of the public; and

WHEREAS the Town Board of the Town of St. Croix Falls wishes to receive the "Broadband Forward" certification for broadband development; and

WHEREAS the Town Board of the Town of St. Croix Falls wishes to encourage the development of broadband access in the Town by reducing administrative obstacles to broadband service providers; and

WHEREAS the Town Board of the Town of St. Croix Falls held the first reading of the proposed broadband network project ordinance on April 18, 2018, and a second reading was held on May 16, 2018.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 18-01 entitled "Broadband Network Project Ordinance"; and

BE IT FURTHER RESOLVED that this ordinance becomes effective upon passage and publication of this enabling resolution.

Ordinance 18-01

Enactment of the Town of St. Croix Falls Broadband Network Project Ordinance (Broadband Forward! Community Certification)

Chapter 1. Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 **Purpose and policy.** The purpose of this chapter is to encourage the development of broadband access in the Town of St. Croix Falls by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesaid purpose.

1.2 **Definitions.** In this chapter:

- (1) "Applicant" means a person applying for a permit for a broadband network project.
- (2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of St. Croix Falls.
- (3) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (4) "Written" or "in writing" mean information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

1.3 **Point of contact.** The Town of St. Croix Falls shall appoint a single point of contact for all matters related to a broadband network project. The Town of St. Croix Falls shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of St. Croix Falls ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application.

3.1 **Completeness review.** Upon receiving a broadband network project application the Town of St. Croix Falls shall:

(1) Determine whether an application is complete and notify the applicant of the determination by the Town of St. Croix Falls in writing within 10 calendar days of receiving an application. If the Town of St. Croix Falls does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of St. Croix Falls determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the

application is complete.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the Town of St. Croix Falls shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of St. Croix Falls does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If the Town of St. Croix Falls denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fees imposed by the Town of St. Croix Falls to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of St. Croix Falls on or after the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the day of publication.

Adopted this 16th day of May, 2018, by Resolution 18-08.

Dorsey/Appel **moved** to approve the Deer Lake fireworks display for July 3, 2018 (rain date 7-7-2018); **motion carried.**

No closing public comment was had.

Future agenda items are discussion on boulders/rocks located on town property at 160th Avenue and 200th Street; second reading and approval of amendments to zoning ordinance; and inquiry session with Lakeland Communications representative about broadband network services.

There being no further business, Koecher/Dorsey **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 7:06 p.m.

Minutes prepared by Janet Krueger, town clerk.