

## REGULAR TOWN BOARD MEETING, August 15, 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, August 15, 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 August 10, 2018. The Pledge of Allegiance was said. 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 Jim Alt, public works employee Steve Jacobs and legal counsel Adam Jarchow. Others in attendance were Jeremy Hall, Jason and Wayne Lamminen, Mark Adams and Joyce McKenzie. Kelly/Koecher **moved** to approve the agenda; **motion carried**. Koecher/Dorsey **moved** to approve the minutes as printed for the July 18, 2018, 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 July 31, 2018, amounted to \$32,980.47, cash balance on July 31, 2018, was \$441,767.23. Dorsey/Kelly **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Mr. Jacobs stated gravel has been added to the town's gravel roads; a hole in the Deer Lake boat ramp was repaired; and he has about two hundred-fifty (250) to three hundred (300) hours of mowing remains. Discussion was had on the removal of ditches due to agriculture practices and the effect to the existing road base. Kelly/Koecher **moved** to notify the affected property owners with crops in the road right-of-ways that beginning September 1, 2018, the entire road right-of-way will be mowed and any cultivation in the road right-of-way next spring may result in a bill for ditch repair; **motion carried** on a unanimous roll-call vote, 5-0. Pricing was reviewed for spraying the road right-of-way to control invasive species with an estimate of two hundred dollars (\$200.00) per mile. Ms. Krueger presented the clerk's report. Kelly/Koecher **moved** to adopt Resolution 18-28 amending the 2018 budget; **motion carried** on a unanimous roll-call vote, 5-0.

### Resolution 18-28

#### A RESOLUTION TO AMEND THE 2018 BUDGET FOR THE TOWN OF ST. CROIX FALLS

WHEREAS the Town received and receipted in the Town's depository account a building inspection fee; and  
WHEREAS the two percent (2%) fire dues payment which is reimbursable to the contracted fire departments was more than anticipated and once reimbursed will exceed the budgeted amount in the Fire Contract account.

THEREFORE BE IT RESOLVED by the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, that the sum of \$200.00 is hereby transferred from the Operations Fund of which fifty dollars (\$50.00) to be transferred into the Fire Contract account and one hundred fifty dollars (\$150.00) is transferred into the Inspection account for the reimbursement of the two percent (2%) fire dues and inspection permit fee.

Dorsey/Appel **moved** to approve payment of vouchers 18-186 through 18-213 amounting to \$71,307.29; **motion carried** on a unanimous roll-call vote, 5-0. The 2018 year-to-date budget summaries were reviewed. Mr. Alt gave the zoning administration report. The plan commission continues to work on amendments to the zoning ordinance and an application for a special exception has been received. The zoning enforcement log and land use permit log were reviewed. The building inspection log and permit status was reviewed. There were no supervisor or chairman reports.

New Business: Mr. Alt presented a minor subdivision request to create two lots of parcel 044-00519-0000 located at 2151 140<sup>th</sup> Avenue with a new lot consisting of 5.53 acres and the remaining lot consisting of 29.07 more or less acres. Dorsey/Koecher **moved** to adopt Resolution 18-24 approving the minor subdivision; **motion carried** on a unanimous roll-call vote, 5-0.

### Resolution 18-24

#### A RESOLUTION APPROVING A MINOR SUBDIVISION IN THE TOWN OF ST. CROIX FALLS – LAMMINEN PARCEL

WHEREAS Wayne Lamminen, owner of real property in the SW ¼ of SE ¼ of Section 21, T34N, R18W, identified as Tax Parcel No. 044-00519-0000 and located at 2151 140<sup>th</sup> Avenue, and

WHEREAS the owner has proposed dividing the current 34.6 acres, more or less, into two parcels, new parcel consisting of 5.53 acres, and the remaining parcel consisting of 29.07 acres, more or less, and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on August 8, 2018, 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. 044-00519-0000 into two parcels, one parcel consisting of 5.53 acres, and the remaining parcel consisting of 29.07 acres, more or less; and

BE IT FURTHER RESOLVED that the Town Board authorizes a Town Representative 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.

Chairman Behning informed the board he had asked Jeremy Hall if he was interested in filling a seat on the plan commission. Mr. Hall was out of town at the time of last month's meeting and has since expressed his interest. Koecher/Kelly **moved** to adopt Resolution 18-20 appointing members to the plan commission; **motion carried** on a unanimous roll-call vote, 5-0.

#### Resolution 18-20

A RESOLUTION APPOINTING KYLE YUNKER AS A REGULAR PLAN COMMISSION MEMBER AND APPOINTING JEREMY HALL AS AN ALTERNATE PLAN COMMISSION MEMBER FOR THE TOWN OF ST. CROIX FALLS

WHEREAS the term of office for Al Frokjer "regular member" of the Plan Commission for the Town of St. Croix Falls expired June 30, 2018; and

WHEREAS Al Frokjer notified the Town Chairperson that he wished to resign his position on the Town's Plan Commission; and

WHEREAS the Town Chairperson has nominated alternate Kyle Yunker as a "regular member" to the plan commission for a three year term expiring June 30, 2021; and

WHEREAS the Town Chairperson has nominated Jeremy Hall to fill the vacant "alternate member" position of the plan commission with a term ending June 30, 2019.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, appoints to the Town of St. Croix Falls Plan Commission

Kyle Yunker as a regular member with a term ending June 30, 2021; and  
Jeremy Hall as an alternate member with a term ending June 30, 2019.

BE IT FURTHER RESOLVED that these terms begin immediately.

Discussion was had on the request from the Wisconsin Towns Association to pass a resolution asking the Legislature and Governor to fix the State's transportation dilemma. Members of the board expressed that raising taxes would not fix the problem or guarantee that the town would receive additional transportation funds. Koecher/Kelly **moved** to disapprove Resolution 18-22 for town transportation; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Koecher **moved** to approve the purchase of three thousand (3,000) gallons of propane at one dollar and thirty-five cents (\$1.35) per gallon; **motion carried** on a unanimous roll-call vote, 5-0. The amended "Agreement Letter" and "Public-Private Partnership Agreement" were reviewed and additional amendments were made. Dorsey/Kelly **moved** to approve the amended "Agreement Letter" and "Public-Private Partnership Agreement" with Lakeland Communications with the additional amendments; **motion carried** on a unanimous roll-call vote, 5-0.

#### Public-Private Partnership Agreement

This Public-Private Partnership Agreement (the "**Agreement**") is made this 15th day of August, 2018, by and between The Township of St. Croix Falls, Wisconsin, a political subdivision of the State of Wisconsin (the "**Township**"), and Lakeland Communications Group, LLC, a Wisconsin limited liability company ("**Lakeland Communications**"). The Township and Lakeland Communications are individually referred to herein as a "**Party**," and collectively as the "**Parties**."

#### RECITALS

**WHEREAS**, the Township desires to help provide access to resources and support structure necessary to promote the development of broadband services to unserved and underserved areas within its boundaries in order to enhance economic and social development;

**WHEREAS**, the Township has requested Lakeland Communications to expand its broadband facilities into the Township for the purpose of serving unserved and underserved residences and businesses within the Township boundaries;

**WHEREAS**, Lakeland Communications proposes to expand its broadband facilities to make high-speed broadband and related broadband service available to current unserved and underserved residences and businesses within the Township where such service is unavailable or is prohibitively expensive (the "**Project**");

**WHEREAS**, the Township believes the Project is in the public interest of the residents and businesses located within the Township;

**WHEREAS**, the Parties intend that Lakeland Communications, with the Township as its public partner, apply to the State of Wisconsin Broadband Expansion Grant Program in \_\_\_\_\_ 201\_, pursuant to Wis. Stat. § 196.504 (the "**Grant Program**"), to obtain a grant to assist with the cost of the Project; and

**WHEREAS**, to further support the application for a broadband grant and the goal of bringing high-speed broadband and related broadband services to unserved and underserved residences and businesses within the Township, the Township and Lakeland Communications enter into this Agreement.

**NOW, THEREFORE**, it is hereby agreed by and between the Parties as follows:

**1. Recitals.** The above set forth recitals are true and correct and are incorporated herein as though set forth in their entirety.

**2. Obligations of Township.** The Township shall:

**a.** provide in-kind assistance to the Project in the form of waived fees and expenses for obtaining permits or permissions required from local government and impose no fees on services offer to residents or businesses such as video franchise fees;

**b.** without a fee or charge of any kind, grant Lakeland Communications an easement on, under, and across Township property to construct, install, connect, operate, maintain, inspect, test, upgrade, enlarge, repair, replace, and disconnect equipment and facilities for the provision of broadband services constructed pursuant to the Project and extensions thereof;

**c.** grant Lakeland Communications and its contractors permission to access Township property to engage in activities to construct the Project in compliance with all existing rules and regulations;

**d.** assist in support of the Project including facilitation of communication with property owners in the Township to procure easements for the Project;

**e.** no later than July 31, 2018, enact an ordinance that complies with Wis. Stat. § 196.504(5);

**f.** no later than July 31, 2018, file a complete application for certificate as a Broadband Forward! Community under Wis. Stat. § 196.504(4);

**g.** reimburse Lakeland Communications for the cost to move or relocate (whether on a temporary or permanent basis) Lakeland Communication's equipment and facilities used for the provision of broadband services constructed pursuant to the Project or any extensions thereof, where such move or relocation is requested by the Township or its contractors or agents; and

**h.** reimburse Lakeland Communications for the cost of repairs or replacement of its equipment and facilities used for the provision of broadband services constructed pursuant to the Project or any extensions thereof, where the need for such repair or replacement was caused by the negligent acts of the Township or its authorized contractors or agents.

**3. Project Ownership.** At all times, Lakeland Communications shall have sole ownership of the Project and extensions thereof, shall be solely responsible for the construction, operation, and maintenance of the Project and extensions thereof, and shall be solely entitled to revenue generated by providing services using the facilities constructed under the Project and extensions thereof.

**4. Records.** Lakeland Communications will maintain and be the custodian of all records associated with the administration and performance of this Agreement and will make those records available to the Township upon request. Lakeland Communications shall provide the Township with a copy of its application to the Grant Program at the same time the application is submitted to the Public Service Commission of Wisconsin.

**5. Termination.** This Agreement shall become on the first date written above and shall terminate:

**a.** In the event that Lakeland Communications' grant application filed in \_\_\_\_\_ 201\_ is unsuccessful, or it receives less than the amount requested from the Grant Program; or

**b.** Upon mutual agreement of the Parties.

**6. Authority.** Each Party represents and warrants to the other Party that: (a) it has the right, power and authority to enter into and perform its obligations under this Agreement; and (b) the person executing this Agreement on its behalf has been duly authorized to bind said Party hereto.

**7. Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, the rest of the Agreement will remain in full force and effect and will not be affected unless removal of that provision results in a material change to this Agreement. If a material change occurs as a result of action by a court, the Parties will negotiate in good faith for replacement language that must closely effectuate the unenforceable provision.

**8. Entire Agreement; Amendments.** This Agreement and the Exhibits referenced herein contain all agreements, promises, warranties, representations and understandings between the Parties regarding the subject matter hereof, and supersede all prior oral or written agreements, promises, warranties, representations or understandings between the Parties and shall constitute the entire agreement between the Parties regarding the subject matter hereof. Any addition, variation, modification or amendment to this Agreement will be null, void and ineffective unless made in a writing signed by both Parties.

**9. Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Wisconsin, without giving effect to conflict of law provisions.

**10. Counterparts.** This Agreement may be executed in counterparts, including via facsimile or other electronic means, each of which will be deemed an original and all of which together will constitute one and the same instrument.

**IN WITNESS WHEREOF,** the Parties have executed this Agreement, effective as of the date first set forth above.

An invoice was presented from Drake Underground LLC for the removal of tires dug up during trenching utility lines in the road right-of-way. Koecher/Dorsey **moved** to approve reimbursing Drake Underground LLC in the amount of four hundred nine dollars (\$409.00); **motion carried** on a unanimous roll-call vote, 5-0. An application for a temporary Class "B"/"Class B" License to sell fermented malt beverages and wine at a special event being held August 23, 2018, by the Mental Health Task Force of Polk County was presented. Kelly/Dorsey **moved** to adopt Resolution 18-25 approving additional operator licenses for the year ending June 30, 2019; **motion carried** on a unanimous roll-call vote, 5-0.

#### Resolution 18-25

#### A RESOLUTION APPROVING ADDITIONAL OPERATOR'S LICENSES FOR THE YEAR ENDING JUNE 30, 2019

WHEREAS the individuals listed below have made application to the Town Clerk requesting an operator license pursuant to Sections 125.32(2) and 125.68(2) of the Wisconsin Statutes for the year ending June 30, 2019, and

WHEREAS the applications appear to be complete and the required fee has been paid;

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls does approve and grant operator's licenses to:

Stoddard, Jean Marie 2387 River Road, St. Croix Falls, WI 54024, 2019-56  
Wilson, Molly Jordan 2464 Old State Road 87, Cushing, WI 54006, 2019-57

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue the licenses as the case may be.

Dorsey/Appel **moved** to adopt Resolution 18-26 approving a Temporary Class "B"/"Class B" license for August 23, 2018, Mental Task Force of Polk County event; **motion carried** on a unanimous roll-call vote, 5-0.

#### Resolution 18-26

##### A RESOLUTION APPROVING

A TEMPORARY CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" WINE LICENSE FOR THE PERIOD OF AUGUST 23, 2018

WHEREAS Mental Health Task Force of Polk County, Tom Brock, agent, has made application to the Town Clerk requesting a Temporary Class "B" fermented malt beverage and "Class B" wine license pursuant to Wis. Stats. 125.26 (6) & (10) for the period of August 23, 2018; and

WHEREAS the application appears to be complete and the required fee has been paid.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve and grant a Temporary Class "B" fermented malt beverage and "Class B" wine license to:

MENTAL HEALTH TASK FORCE OF POLK COUNTY, TOM BROCK, AGENT, PO Box 432, St. Croix Falls, Wisconsin, manager or person in charge being Tom Brock, for the purpose of providing beverage sales as authorized by Wisconsin Statutes 125.26 (6) & (10) during the "A Summer Night" event held at 1265 220<sup>th</sup> St. Croix Falls, Wisconsin, 54024, on August 23, 2018; and

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue the license as the case may be.

An application was received from Anderson Recycling to sell secondhand items. Dorsey/Appel **moved** to adopt Resolution 18-27 approving a Secondhand Article Dealer/Secondhand Jewelry Dealer license for the year ending December 31, 2018; **motion carried** on a unanimous roll-call vote, 5-0.

#### Resolution 18-27

A RESOLUTION APPROVING A SECONDHAND ARTICLE DEALER/SECONDHAND JEWELRY DEALER LICENSE FOR THE YEAR ENDING DECEMBER 31, 2018 – ANDERSON RECYCLING

WHEREAS Wisconsin Statutes 134.71 requires the licensing of secondhand article and secondhand jewelry dealers to be by the local municipality, and

WHEREAS Rhonda Anderson doing business as Anderson Recycling at 1930 US Hwy 8, St. Croix Falls, Wisconsin, has made application for a license under the provisions of Wis.Stats. 134.71; and

WHEREAS the required license fee as specified in Statutes, has been received and deposited with the Town Treasurer; and

WHEREAS a criminal history check has been conducted pursuant to Wis.Stats.134.71(6);

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls approves the license application of Rhonda Anderson dba Anderson Recycling, 1930 US Hwy 8, St. Croix Falls, Wisconsin, and

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue a secondhand article dealer/secondhand jewelry dealer license to the same for the year ending December 31, 2018.

Discussion was had on a request received from Derek Anderson, Ice Age National Scenic Trail volunteer, to place "Ice Age Trail Connector" signs along River Road and 160<sup>th</sup> Avenue. Dorsey/Koecher **moved** to approve Ice Age Trail signage along River Road and 160<sup>th</sup> Avenue provided the sign placement does not contradict regulations in the "Manual on Uniform Traffic Control Devices"; **motion carried**. Discussion was had regarding an occasional part-time employee for the highway department. Dorsey/Kelly **moved** to advertise one week in the advertiser for occasional part-time help, CDL preferred but not required: **motion carried** on a unanimous roll-call vote, 5-0. The process to condemn or raise buildings was discussed. Follow up letters will be sent to ensure receipt regarding the town's property at 160<sup>th</sup> Avenue and 200<sup>th</sup> Street. Chairman Behning informed the board of a couple unexpected issues with the 170<sup>th</sup> Avenue road project. There was not enough reclaimed gravel to meet the required eight to nine inches specified, however, savings from line items should cover the cost for additional gravel; and due to the ditching that was done some existing accesses will need culverts installed. Dorsey/Appel **moved** to purchase culverts for two accesses on 170<sup>th</sup> Avenue with a cost not to exceed five hundred dollars (\$500.00); **motion carried** on a unanimous roll-call vote, 5-0.

Closing public comment: Steve Jacobs mentioned a property owner along 170<sup>th</sup> Avenue is concerned about potential water drainage onto his property due to culvert installation under the road.

Future agenda items: Town Facebook Page and change date of November town board meeting.

Future meetings: Budget Workshop (special town board meeting) October 24, 2018, and special town meeting and 2019 budget hearing November 20, 2018.

There being no further business, Appel/Kelly **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 7:52 p.m.

Minutes prepared by Janet Krueger, town clerk.