

REGULAR TOWN BOARD MEETING, December 16, 2015

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, December 16, 2015, at the Town Hall. Proper notice was given as the agenda was posted in the three designated locations of the Town Hall, Super America and Lamperts on December 11, 2015. The Pledge of Allegiance was said. Present by roll call were Chairman James Beistle, supervisors Frank Behning, Mike Dorsey 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. Supervisor Sharon Kelly was absent. Behning/Koecher **moved** to adopt the agenda; **motion carried**. Koecher/Behning **moved** to approve the meeting minutes as printed for November 18, 2015; **motion carried**.

No public comment was had.

Reports were given: Ms. Spiess gave the treasurer's report. Receipts for the period ending November 30, 2015, amounted to \$13,773.34; cash balance on November 30, 2015, was \$297,408.75. Koecher/Dorsey **moved** to receive the treasurer's report; **motion carried**. Mr. Hein gave the highway report. Mr. Hein stated that he had attended highway safety training on December 9, 2015, and has been since raising signs that do not meet the minimum height requirement. The training addressed safety concerns of private roads not having stop signs where they intersect with town roads. The Chair asked that stop sign placement on private roads be added to next month's agenda. Mr. Hein also found out at the training that the 68 year old or older requirement for sign reflectivity testing has been removed. Mr. Hein informed the Board Trap Rock's sanding mix with 5% salt was \$26.50 per ton. The Board directed Mr. Hein to fill up with sanding mix from Trap Rock when possible. Behning/Dorsey **moved** to receive the highway report; **motion carried**. Ms. Krueger presented the clerk's report. Koecher/Dorsey **moved** to approve payment of vouchers 15-329 through 15-357 amounting to \$36,680.19; **motion carried** on a unanimous roll-call vote, 4-0. The 2015 year-to-date budget summaries were reviewed. Mr. Alt gave the zoning administrator's report. No building inspector report was received. Supervisor Behning stated he will follow up with Yunker Electric regarding replacement of lighting at the Town Hall/Shop. Mr. Beistle gave the chairman's report. Mr. Beiste informed the Board he has received confirmation from Doug Schmidt, Osceola Town Chairman, that the Town of Osceola has approved the amended Minor Road Maintenance agreement with the Town. Mr. Beistle also informed the Board that he intends to meet with Marguerite Lindblom after the first of the year.

New Business: Dorsey/Koecher **moved** to adopt Resolution 15-43 approving a Temporary Class "B" Fermented Malt Beverage and "Class B" Wine license for the December 19, 2015, Solstice Chase; **motion carried** on a unanimous roll-call vote, 4-0.

Resolution 15-43

A RESOLUTION APPROVING A TEMPORARY CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" WINE LICENSE FOR THE PERIOD OF DECEMBER 19, 2015

WHEREAS Woolly Bike Club, IMBA, Frank Lundeen, 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 December 19, 2015, 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: WOOLLY BIKE CLUB a chapter IMBA, FRANK LUNDEEN, AGENT, PO Box 1114, St. Croix Falls, Wisconsin, manager or person in charge being Frank Lundeen, for the purpose of providing beverage sales as authorized by Wisconsin Statutes 125.26 (6) & (10) during the Solstice Chase – Fat Bike Event held at the Big Rock Creek Retreat, 1674 State Road 87, St. Croix Falls, Wisconsin, 54024, on December 19, 2015; and

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

Behning/Dorsey **moved** to adopt Resolution 15-44 approving an additional operator's license; **motion carried** on a unanimous roll-call vote, 4-0.

Resolution 15-44

A RESOLUTION APPROVING ADDITIONAL OPERATOR'S LICENSE FOR THE YEAR ENDING JUNE 30, 2016

WHEREAS the individual listed below has made application to the Town Clerk requesting an operator's license pursuant to Sections 125.32(2) and 125.68(2) of the Wisconsin Statutes for the year ending June 30, 2016, 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 does approve and grant an operator's license to:

Lundeen, Stephanie Ann 1076 285<sup>th</sup> Avenue, Frederic, WI 54837, 2016-56

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

Dorsey/Koecher **moved** to approve Resolution 15-45 adopting the 2016 Budget; **motion carried** on a unanimous roll-call vote, 4-0.

**Resolution 15-45  
A RESOLUTION ADOPTING THE 2016 BUDGET  
FOR THE TOWN OF ST. CROIX FALLS**

WHEREAS, the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, did propose a budget for the Calendar Year 2016, and

WHEREAS, on November 18, 2015, there was a public hearing on the proposed budget as required by Wis.Stats. 65.90.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does hereby adopt the 2016 budget for the Town of St. Croix Falls in the amount of \$601,700.00 for revenues and \$601,700.00 for expenditures and reserves.

BE IT FURTHER RESOLVED that hereby follows the 2016 Budget Summary for the Town:

**2016 SUMMARY BUDGET**

	2015 Budget	2016 Budget	Percent Change
<b>Balance January 1</b>			
Reserved for Highway Equipment	0.00	75,250.00	
Park Land Dedication	2,450.00	2,450.00	
Operations	270,700.00	190,700.00	-29.55
<b>Revenues:</b>			
<b>Taxes:</b>			
General Property Taxes			
Operational	380,527.00	381,620.00	0.29
Other Taxes	2,020.00	820.00	
Special Assessments	0.00	0.00	
Intergovernmental Revenues	106,752.00	110,110.00	
Licenses and Permits	12,070.00	12,260.00	
Fines, Penalties & Forfeitures	110.00	110.00	
Public Charges for Services	130.00	160.00	
Intergovernmental Charges			
for Services	0.00	700.00	
Miscellaneous Revenue	1,950.00	5,850.00	
Subtotal	503,559.00	511,630.00	
Fund Balance Reserve			
Operations	167,000.00	90,070.00	
TOTAL REVENUES	670,559.00	601,700.00	-10.27
<b>Expenditures:</b>			
General Government	133,990.00	135,630.00	
Public Safety	71,280.00	71,290.00	
Public Works (Highway)	333,089.00	282,430.00	
Health and Human Services	5,200.00	5,200.00	
Culture, Recreation, Education	2,000.00	3,500.00	
Conservation, Development	35,400.00	36,150.00	
Capital Outlay	4,500.00	5,000.00	
Other Financing Uses, Refunds	100.00	2,500.00	

	TOTAL EXPENDITURES	585,559.00	541,700.00	-7.49
Reserve for Contingencies		10,000.00	10,000.00	
Reserve for Capital Purchases		0.00	0.00	
Reserve for Hwy Equipment		75,000.00	50,000.00	
	TOTAL EXPENDITURES, RESERVES	670,559.00	601,700.00	-10.27
<b>Balance December 31</b>				
	Reserved for Highway Equipment	75,000.00	125,250.00	
	Park Land Dedication	2,450.00	2,450.00	
	Operations	103,700.00	100,630.00	-2.96
Total Anticipated Expenditures		670,559.00	601,700.00	
Less: Anticipated Non-Property Tax				
Tax Revenues	Revenues	290,032.00	220,080.00	
Amount Required for Levy, 2015/2016		380,527.00	381,620.00	0.29

Koecher/Behning **moved** to adopt Resolution 15-46 setting the date, time and location for the 2016 town caucus; **motion carried** on a unanimous roll-call vote, 4-0.

**Resolution 15-46**

A RESOLUTION SETTING THE DATE, TIME, AND LOCATION OF THE 2016 TOWN CAUCUS FOR THE TOWN OF ST. CROIX FALLS.

WHEREAS, the Town of St. Croix Falls uses the caucus method of nominating candidates to be placed on the Spring 2016 Election ballot, and

WHEREAS, Wisconsin Statutes requires the Town Board between December 1, 2015, and January 1, 2016, preceding this election to set the date, time, and location of the caucus and that the date set for the caucus be no sooner than January 2 and no later than January 21;

THEREFORE BE IT RESOLVED, that the 2016 caucus to nominate candidates for the 2016 Spring Election be held as follows:

**Day: Wednesday**  
**Date: January 13, 2016**  
**Time: 7:00 p.m.**  
**Town Hall**

Behning/Koecher **moved** to adopt Resolution 15-47 amending the 2015-2016 Town Board Rules and Procedures Policy; **motion carried** on a unanimous roll-call vote, 4-0.

**Resolution 15-47**

A RESOLUTION AMENDING THE 2015 - 2016 TOWN BOARD RULES OF PROCEDURES POLICY FOR THE TOWN OF ST. CROIX FALLS

WHEREAS the Town Board wished to establish specific procedures for the actions of the town board in the operation of the town; and

WHEREAS the Town Board adopted the 2015-2016 Town Board Rules of Procedure on May 20, 2015; and

WHEREAS 2015 Wisconsin Act 79 signed into law on November 11, 2015, and published on November 13, 2015, gives the option for publication of certain legal notices to be published on the Town's website and one location instead of three locations within the Town.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, hereby amends Rule #5 of the 2015 – 2016 Town Board Rules of Procedures.

**Rule 5: Location of Notice Postings Sites**

The following two locations shall be used as the posting sites for notices and other announcements for the Town when three posting sites are not required by statute when using the town's Website:

Town Hall, 1305 200<sup>th</sup> Street and US Hwy 8

Town's Website, [www.townofstcroixfalls.org](http://www.townofstcroixfalls.org)

If additional posting sites are required by statute the following two locations shall also be used:

Wayne's Café – 1961 US Highway 8

Lamperts – 2213 US Highway 8

BE IT FURTHER RESOLVED that these terms begin effective upon passage and posting of this resolution.

Dorsey/Koecher **moved** to raise the election salary to ten dollars (\$10.00) per hour; **motion carried**. Behning/Dorsey **moved** to adopt Resolution 15-48 appointing the 2016-2017 Election Board; **motion carried** on a unanimous roll-call vote, 4-0.

## Resolution 15-48

### A RESOLUTION APPOINTING THE 2016-2017 ELECTION BOARD

WHEREAS, Wisconsin Statutes require each municipality in the State to appoint the Election Inspectors (aka Election Board) and special voting deputies in its jurisdiction between December 1 and December 31, of each odd-numbered year for a two-year term, and

WHEREAS, terms of current election inspectors expire on December 31, 2015, and

WHEREAS, Wis. Stat 7.30 (4) allows the two dominant parties to submit list of names from which appointees shall be made, and

WHEREAS, no lists were received from the two dominant parties; and

WHEREAS, the Town Chairperson is to submit a list of nominated individuals as members and alternates for approval by the Town Board;

THEREFORE BE IT RESOLVED, that the following list of individuals be named to the 2016-2017 Election Inspectors (aka Election Board) for the Town of St. Croix Falls for the 2016 and 2017 election cycle:

#### **Members:**

Rebecca Lumsden, 1895 140<sup>th</sup> Avenue, St. Croix Falls, 54024, Unaffiliated;

Margie (Maggie) Thaemert, 1637 200<sup>th</sup> Street, Centuria, 54824, Unaffiliated;

Elaine J. Nelson, 1920 140<sup>th</sup> Avenue, St. Croix Falls, 54024, Unaffiliated;

Sharon Kelly, 1383A Bay View Drive, St. Croix Falls, WI 54024, Unaffiliated; and

Joyce McKenzie, 1474 Neils Street, St. Croix Falls, 54024, Unaffiliated;

#### **Alternate Members:**

James K. Nelson, 1920 140<sup>th</sup> Avenue, St. Croix Falls, 54024, Unaffiliated;

Joyce Turnquist, 1824 180<sup>th</sup> Avenue, Centuria, 54824, Unaffiliated;

Maxine Spiess, 1617 210<sup>th</sup> Street, St. Croix Falls, 54024, Unaffiliated;

James H. Beistle, 1605 200<sup>th</sup> Street, St. Croix Falls, 54024, Unaffiliated;

Peggy Johnson, 1758 190<sup>th</sup> Street, Centuria, 54824, Unaffiliated; and

Loren Johnson, 1758 190<sup>th</sup> Street, Centuria, 54824, Unaffiliated.

BE IT FURTHER RESOLVED, that Rebecca Lumsden and Maggie Thaemert be designated as Chief Election Inspectors and that James H. Beistle be designated as Alternate Chief Election Inspector; and

BE IT FURTHER RESOLVED, that, pursuant to Wis.Stats. 7.32, the minimum number of election officials required to work at the polling place during a town election is three (3); however, the town clerk has the right to choose the necessary number of inspectors from the approved election board, and

BE IT FURTHER RESOLVED, that the compensation be established at \$10.00 per hour when performing duties as election inspectors or in training as required by Wisconsin Statutes and by the State Elections Board; and

BE IT FURTHER RESOLVED, that there be no special voting deputies appointed at this time.

Behning/Koecher **moved** to adopt Resolution 15-49 approving the amended Minor Road Maintenance Agreement between the Town of Osceola and St. Croix Falls; **motion carried** on a unanimous roll-call vote, 4-0.

## Resolution 15-49

### A RESOLUTION APPROVING THE MINOR ROAD MAINTENANCE AGREEMENT BETWEEN THE TOWN OF OSCEOLA AND THE TOWN OF ST. CROIX FALLS

WHEREAS, the Town of Osceola and the Town of St. Croix Falls share common boundaries on portions of 120<sup>th</sup> Avenue and Summit Street; and

WHEREAS, the Town Board of the Town of St. Croix Falls approved a Minor Road Maintenance Agreement on November 4, 2015; and

WHEREAS, the Town of Osceola requested the boundary roads be included.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, amends the Minor Road Maintenance Agreement between the Town of Osceola and the Town of St. Croix Falls; and

BE IT FURTHER RESOLVED, that the Minor Road Maintenance Agreement be made part of this Resolution by reference and attached hereto.

### Minor Road Maintenance Agreement

This Minor Road Maintenance Agreement ("Agreement") is entered into by and between the **Town of Osceola** ("Osceola") and the **Town of St. Croix Falls** ("St. Croix Falls") effective as of \_\_\_\_\_, 2015 ("Effective Date").

#### **RECITALS:**

WHEREAS, Osceola and St. Croix Falls share common boundaries some of which contain roadways which are approximately one-half in Osceola and one-half in St. Croix Falls, and

WHEREAS, both jurisdictions are responsible for maintaining their respective sections of the roadway; and

WHEREAS, both jurisdictions would like to increase the efficiency of the minor maintenance operation and allocate the state maintenance dollars equitably, and

WHEREAS, pursuant to Wis. Stat. 66.0301 the parties have the authority to contract with each other for the purpose of providing services and jointly exercising their respective powers to take care of roadways.

NOW, THEREFORE, in consideration of the mutual promises set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

#### **AGREEMENT:**

##### **1. Definitions.**

(A) **Minor Road Maintenance.** "Minor Maintenance" means brushing and mowing; snow and ice control; and snow plowing.

2. **Term.** This agreement shall commence on the Effective Date stated above and shall continue through December 31, 2025. Thereafter it shall be renewed from year to year on the same terms unless either party notifies the other on or before December 1, 2025, or December 1 of any succeeding year that it is terminating this contract.
3. **Affected Streets.**
  - (A) **Minor Road Maintenance – Roadway to be Maintained by Osceola.** Osceola shall perform the Minor Maintenance on the following sections of Roadway:
    - (i) **Poplar Lane for second half of the agreement commencing on the sixth year of the agreement and every other five years thereafter.**
    - (ii) **120<sup>th</sup> Avenue from County Road Y (198<sup>th</sup> Street) to 208<sup>th</sup> Street.**
  - (B) **Minor Road Maintenance – Roadway to be Maintained by St. Croix Falls.** St. Croix Falls shall perform the Minor Maintenance on the following sections of Roadway:
    - (i) **Summit Road from 220<sup>th</sup> Street including the portion entirely in the Town of Osceola and the portion entirely in the Village of Dresser.**
    - (ii) **Poplar Lane for the first five years and every other five year period thereafter.**
4. **Default.** It shall be an act of Default (“Default”) under this Agreement with respect to a party if such party:
  - (A) fails to perform any of its obligations under this Agreement, or rectify any breach of any covenant or other undertaking by such party in this Agreement; or
  - (B) a party ceases to exist, becomes insolvent or the subject of bankruptcy or insolvency proceeding; or
  - (C) in rendering the services under this Agreement, a party fails to conduct itself in a professional and workmanlike manner consistent with other services in Northwestern Wisconsin.
5. **Indemnification.** Each party will indemnify, defend and hold harmless the other party and its officers, board members, employees, agents, consultants, advisors, accountants, financial advisors, legal counsel or other representatives (“Representatives” and collectively, with the party, the “Indemnified Persons”), and will reimburse the Indemnified Persons for any loss, liability, claim, damage, expense (including costs of investigation and defense and reasonable attorneys’ fees and expenses) or diminution of value, whether or not involving a third-party claim (collectively, “Damages”), arising from or in connection with (with respect to a party):
  - i. Any event of Default by such party pursuant to this Agreement;
  - ii. Any breach of any covenant or obligation of such party in this Agreement;
  - iii. Any of the services provided by such party pursuant to this Agreement; or
  - iv. Any willful misconduct or negligence of such party or any of its officers, board or council members, agents, representatives, contractors or employees.
6. **General.**
  - (A) **Governing Law.** This Agreement will be governed by and constructed under the laws of the State of Wisconsin without regard to conflicts-of-laws principles that would require the application of any other law.
  - (B) **Venue.** Any suit, action or proceeding with respect to this Agreement shall be brought exclusively in the Wisconsin state courts of competent jurisdiction in Polk County, Wisconsin or United States District Court located in the City of Madison.
  - (C) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement.
  - (D) **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto and no statement, promise or inducement made by either party, or an agent or either party, that is not contained in the Agreement will be valid or binding on the parties hereto. This Agreement may not be renewed, enlarged, modified, or extended except by the written approval of both parties. Unless renewed or extended, this Agreement will automatically expire on the Expiration Date. Once effective, this Agreement terminates and supersedes any prior agreements between the parties.
  - (E) **Insurance.** Upon request, each party will provide the other party with certificates of insurance evidencing that such party has obtained (and is maintaining during the term of this Agreement) policies of insurance that are standard for municipalities in Northwestern Wisconsin.
  - (F) **Prior Agreement.** Effective upon the Effective Date, that certain agreement regarding minor road maintenance dated February 8, 1994, between the Town of St. Croix Falls and the Town of Osceola that that portion of the February 8, 1994, agreement be and hereby is terminated.

Behning/Koecher **moved** to adopt Resolution 15-50 appointing Darel Hall as the Town’s Humane Officer; **motion carried** on a unanimous roll-call vote, 4-0.

### Resolution 15-50

#### A RESOLUTION APPOINTING DAREL HALL

#### AS HUMANE OFFICER FOR THE TOWN OF ST. CROIX FALLS

WHEREAS Wisconsin Statute 173.03 authorizes the Town to appoint an humane officer to investigate and handle animal issues within the Town of St. Croix Falls; and

WHEREAS the Town Board of the Town of St. Croix Falls appointed Darel Hall as the Town’s Animal Control Officer under Wisconsin State 172.02 on March 18, 2015; and

WHEREAS Darel Hall successfully completed the Wisconsin Human Officer Training on September 25, 2015.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, appoints Darel Hall as the Humane Officer for the Town of St. Croix Falls under the terms and conditions outlined in the Animal Control Officer Agreement; and

BE IT FURTHER RESOLVED that the Animal Control Officer shall be paid on a per call basis, at an hourly rate of \$20.00 per hour and mileage reimbursable at current IRS mileage rate; and

BE IT FURTHER RESOLVED that the clerk will provide notice to the department of agriculture, trade and consumer protection as required by Wisconsin Statutes 173.03(1).

Behning/Dorsey **moved** to approve Wisline training for the zoning administrator; **motion carried** on a unanimous roll-call vote, 4-0.

No closing public comment was had.

The Town Board meeting for January will be held jointly with the Plan Commission on January 13, 2016. Tim Anderson with the Polk County Planning Department will be present to go over the new Polk County shoreland zoning. Additional agenda item is consideration of stop sign placement on private roads.

There being no further business, Behning/Dorsey **moved** to adjourn; **motion carried** and the meeting adjourned at 6:52 p.m.

Minutes prepared by Janet Krueger, Town Clerk