

TOWN OF DOVRE
TOWN BOARD MEETING

The Dovre Town Board met at 6:00 p.m. on Tuesday October 13, 2015 at the Dovre Town Hall located at 304 25 ½ Street for a Town Board Meeting. 16 Town of Dovre Residents and Guests signed in and were present. Names of persons present at the meeting are on file with the Clerk/Treasurer.

Chairman Dean Trowbridge called the meeting to order at 6:00 p.m.

Roll call: Supervisors – Al Nyhagen – James Plummer – Mitch Hanson – Dan North and Chairman Dean Trowbridge are all present. Also Present - Clerk/Treasurer – Kelly Phillips; Consultant – Greg LaFond, Patrolman Art Harelstad, Jr. and Attorney Dunst

Approval of Agenda: Consultant LaFond suggests to add discussion of NIS consent agreement and billing for legal services under old business; motion by North seconded by Trowbridge to approve the agenda with the changes. Motion carried, unanimous yes vote.

Public Input

Residents – none

Landowners – none

Guests – Aaron Kent – received a document for the performance bond for the portion of the road that was closed down; it is on file with the clerk

Town Patrolman Report

- Road rating has been completed for 2015
- The gravel by Olynick is done at ½ ave and Lame Back Lane
- Would like to get 150 more yards of gravel from Olynick and would be under \$2,000. Motion by Trowbridge seconded by Nyhagen to authorize Patrolman Harelstad to order the extra gravel and not to exceed \$2,000. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.
- Rented the 3 point disc mower from Barron County and put about 12 hours on and it was under \$200; it's about \$8,000 to purchase
- Patrolman Harelstead will be having knee surgery on October 23
 - a. Driveway Permits
 - b. Driveway for the building on 2 ¾ avenue
 - i. Motion by Nyhagen seconded by Trowbridge to approve the driveway permit for Northern Natural Gas Co on 2 ¾ Ave. Motion carried, unanimous yes vote.

Building Inspector Report

Lawrence Fouts screen porch

Approve Minutes of September 8 2015 Meeting: Motion by Hanson seconded by Nyhagen to approve the minutes as presented. Motion carried, unanimous yes vote.

Approve Minutes of September 24 2015 Meeting: Motion by Trowbridge seconded by Nyhagen to approve the minutes with the clarification that Weld Riley is no longer representing the town and for the clerk to draft a letter to the sand companies stating this. Motion carried, unanimous yes vote.

Clarification of August 11 2015 Board Minutes: As per the recording the minutes should be clarified to "LaFond stated that Chieftain is in breach of the operations agreement regarding the lack of notice prior to blasting. LaFond noted that such notice is required under Chieftain's NR 135 Permit which is incorporated in the operations agreement. Motion by Trowbridge seconded by Nyhagen. Motion carried, unanimous yes vote.

Financial Report: Motion by North seconded by Plummer to approve financial report as presented. Motion carried, unanimous yes vote.

Treasurer's Report: Motion by Nyhagen seconded by North. Motion carried, unanimous yes vote.

Set Date for Next Meeting – November 10 2015 6pm

Old Business

- Railroad
 - a. Shawn Kuiper general manager for Wisconsin Northern is present to answer questions from the board and residents. Supervisor North asked how has the fluctuation of sand affected the operation? They are continuing to operate, the workforce hasn't changed and are putting 11 miles of new rail in from Bloomer to Chippewa Sands. Supervisor Plummer mentioned the sand spillage north of Chieftain was not cleaned up and should have been and there's a lot of old ties laying around to get rid of. Shawn Kuiper said they have a contractor coming out daily to remove them and with the new track project there's as many old as there are new. Supervisor Plummer noticed between Chetek and Cameron there are a lot of ties where the prairie is and Shawn Kuiper said the DNR came out and went down the line from Cameron to New Auburn to make sure there was nothing in the water ways and they received a letter from the DNR they were in compliance
- NIS Road Construction Payment
 - a. Brian Gilbertson said NIS needs to get lien releases for the bank to release the money and should have it to the board by Friday 10/16. Their bank is not a commercial bank but an investment bank so they don't do an irrevocable letter of credit but can give the board a letter saying that the money is there and set aside for the project and available upon request. There is a sworn construction statement signed by Brian Gilbertson that these funds are allocated to the project. As soon as the funds are sent to the town's bank for the first pay request and verified the town will get a check for Stout Construction
 - b. NIS consent agreement: Consultant LaFond states paragraph 1.4 is still in the agreement and attorney Gustafson wanted to take it out and this section is not necessary as it is addressed in the operations agreement. If the paragraph is kept in, the question will be which agreement will control? Consultant LaFond suggests Attorney Dunst be given a copy of the original and the amended agreement and get his opinion. Brian Gilbertson wants to make sure the town will give NIS the opportunity to respond if there is any conflict with operations. A special meeting will be held Thursday October 22 at 6pm to review the agreement
- Billing for legal services: The agreements and ordinances for each sand company are different – Reimbursement for legal fees is written into the agreements for NIS & SCS. The non-metallic mining ordinance states the companies are responsible for legal fees if a company pursues an

operations agreement and Chieftain has challenged the billing. Consultant LaFond states it should be addressed by Attorney Dunst

- 1st Avenue Speed Restrictions
 - a. Zech Gotham reported in August the board requested Morgan Parmley to conduct a speed study on 1st Avenue from 25 ½ street to 29th street. The first step was for a resident to request the reduction. Second was to have an engineering study done to find the facts and characteristics to see if reducing the speed limit was warranted. In 3.7 miles there is rolling terrain and steep grades up to 10% and it's mainly straight. Morgan Parmley conducted a traffic count the first week of September and there were 132 vehicles per day. There was also speed data collected by the town patrolman – 22% of the vehicles were non-compliant. It is warranted that the speed be reduced from 55 to 45 based on the pace range, presence of a school and hidden and partially hidden entrances due to the curves and by state statute 349.11 the town can reduce the speed by 10 miles per hour by adopting a resolution and properly posting the speed limits. The board directs attorney Dunst to draft a resolution for the next board meeting
- Status of Old Town Hall
 - a. Karen Jorstad has a couple of estimates to move the town hall across the road. The options are to leave it where it is and restore it or move it across the road. Brenda asked what is the cost of leaving the hall where it is now and if they can have an extension to the spring? Supervisor North proposed a monthly update at each meeting. The committee will meet next week for discussion as to how to raise the funds
- ATV Trails
 - a. There is a proposed change to the ATV trails including adding residential trails. Motion by Trowbridge seconded by North to instruct attorney Dunst to draft an amendment to the ATV ordinance to include the specified streets in the proposal. Motion carried, unanimous yes vote. The Chetek ATV Cruzers will maintain the residents signs and purchase the new signs for the new trails

New Business

- Appoint Representatives to Review Chieftain Shipping Records
 - Motion by North seconded by Hanson to appoint Supervisor Nyhagen and Consultant LaFond to review Chieftain shipping records and coordinate the time and place. Motion carried, unanimous yes vote.
- Fire District Discussion
 - Consultant LaFond reviewed the equalized values for the town and was able to allocate the percentages to the Chetek Fire District and New Auburn Fire District
- Implements of Husbandry (IOH)

Supervisor North stated last year was the first year and the town chose option F for the Implements of Husbandry and if the town wants to change the board has to decide by the end of November. The board decided on no change.
- Overview of 2016 Budget Proposal
 - Opening Balances
 - Revenues & Expenses
 - Budget Issues
 - Schedule Budget Workshop
 - The budget workshop has been scheduled for October 22 615pm

Motion by North seconded by Nyhagen to convene into closed session and invite Consultant LaFond, Attorney Dunst and Clerk/Treasurer Kelly Phillips. Roll call vote Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

- Convene in Closed Session. The Board will consider convening in Closed Session pursuant to the following provisions of Chapter 19 of the Wisconsin Statutes:
 - 19.85(1) (g) Conferring with legal counsel for the Town regarding oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation in which it is or is likely to become involved
 - Westphal Property Value Guaranty & Chieftain Sand Position
 - Chieftain Sand Blasting Response
 - Conflict of interest between Chairman Trowbridge and Chieftain
 - 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility
 - Discuss Payroll Processing Issues

Motion by Trowbridge seconded by Nyhagen to reconvene into open session. Roll call vote Trowbridge – yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Motion by Trowbridge seconded by Nyhagen that the chairman will contact Barron County to get a copy of their employee handbook. Motion carried, unanimous yes vote.

Motion by North seconded by Trowbridge that going forward all overtime, vacation and sick time will be approved by the chairman. Motion carried, unanimous yes vote.

Reports

- Fire & Ambulance Report
 - a. Ambulance – nothing from Supervisor Hanson
 - b. Fire – Supervisor Plummer reports they are close to finalizing the new hall and have cut into the contingency fund and they opted to not put blacktop down this year.
- Board Member Reports
 - a. Supervisor Plummer met with Karen Jorstad and Brenda Carlson about the old town hall and wants to put up pictures of all the old board members to put some history into it.
 - b. Supervisor Nyhagen – nothing
 - c. Supervisor North attended the Barron County Highway meeting and Dovre should be eligible for LTRIP program funding in 2016. The speed limit on Highway 53 from Eau Claire to Rice Lake will change to 70 mph. The county is fully staffed and employees are starting to use up their vacation. They will be building a new cold storage shed. There was no discussion of sand hauling. There was discussion of manure lines in the right of way and construction on Highway 53 from New Auburn to Rice Lake has been postponed from 2015 until 2022.

Other Administrative Matters

- Authorize Payment of Bills: Motion by Trowbridge seconded by North to pay bills. Motion carried, unanimous yes vote.

- Next Regular Meeting Agenda Items
 - a. Pass resolution for speed change on 1st ave
 - b. Old town hall update
- Special Meeting Agenda Items
 - a. Discuss legal bills – closed session
 - b. Possible moratorium
 - c. Budget workshop

Motion by North seconded by Trowbridge to adjourn at 920pm

Minutes are not official until approved by the board at the next meeting

Kelly Phillips
Clerk/Treasurer
Town of Dovre Barron County