

Town Board of Supervisors
Regular Board Meeting May 12, 2016

Call to Order: The meeting was called to order at 6:34 p.m. with the Pledge of Allegiance. Dave Edblom, Barb Crow, Wendy Gustofson, Travis Stolp, Dave Mount were in attendance.

Motion to approve April 14, 2016 minutes: Barb Crow made a motion to approve the minutes with the following amendments, Wendy Gustofson seconded. Motion passed unanimously.

- Barb Crow: e-mailed amendments.
- Barb Crow: recommendation that all motions be titled and underlined.
- Dave Mount: Page 3, the e-mail from Don McTavish clarifying that he is not interested in retiring at this time.

Motion to approve the agenda: Travis Stolp made a motion to approve the agenda with the following amendments, Wendy Gustofson seconded. Motion passed unanimously

- Barb Crow would like to add to Town Hall – a metal plate for the table in the new addition.
- Wendy Gustofson would like to add to Planning – updates on D/NSSD and NSMB.

The Treasurer reported a beginning balance of \$556,292.17, Deposits of \$1,017.00, Expenses of \$22,829.94 leaving an ending balance of \$534,479.23. Claim 615 Hanft Fride was reviewed, and the final payment to Don Holm Construction for work done on the New Addition was noted. Bills were approved for payment.

Public Comment

- George Sundstrom: honorarium for the Memorial Day speaker. Discuss under Cemetery.
- Jo Thompson: The motion made to put funds aside for the community center ice rinks was a good motion brought forward because it shows long term budget planning from the board for the ice rink. Last fall Shane Stolp had a well-constructed handout he proposed for the hockey rink. His proposal was to be done in two phases the first phase was for the hockey rink and a smaller pee wee rink. The second phase was for long term improvements. It would be good if one person from the board would take the initiative on this, if we use volunteers all the time things sometimes get pushed to the back. The long term repairs did not get made, the short term repairs were completed. The Board suggested that proposals are welcome if there is an increment of work that was done but more that needs to be done.
- E-mail comment: Wendy Gustofson read the e-mail from Kelly McNaughton-Cox. Dave Mount responded to the e-mail on the following 3 points: why the request for funding wasn't in the newsletter; ABC is not for profit corporation and that the town funds under discussion, where they came from and that the issue of funds was a matter of perspective.

Department Reports

Police: On the corner of the Bergquist at the old French River store parking is beginning to become a visibility problem vehicles are encroaching on the County right of way.

Fire: One grass fire and lots of smoke from the Canadian and Range fires.

Planning and Zoning

- Storm Water: MS4 update with 16 people in attendance. Thank you to both Val Brady and Jo Thompson for the amount of time and effort they put into MS4 documentation. Val Brady presented the MS4 what has been done and what needs to be done. Annual Storm water Presentation Saturday May 21stduring recycling.
 - Dave Mount and Sue will try and set up a meeting with the PCA.
- Directors Report
 - Motion to approve Board Letter: "Recommendations for Policies and Procedures Regarding

Town Road Site Entry Permits and Meeting MS4 Storm water Erosion Control Requirements". A action required is to approve policies and procedures for implementing storm water requirements on town roads and approving site entry onto township roads. Barb Crow made a motion to adopt the policies and procedures, Wendy Gustofson seconded. Motion passed unanimously with the correction of "onto town roads" "not unto town roads".

- One variance hearing, portions of the variance were approved.
- Non Permitted greenhouse will be removed by the end of the summer.
- Facilities meeting to discuss the conceptual plan for fire hall #1 will be May 31st 5:30 p.m.
- NSMB: good meeting, better structure.
- D/NSSD: debt relief vote today in the senate.
- Motion on ATV Ordinance: details of the ordinance were sent to each Supervisor prior to this meeting. Lakewood Township has already responded in opposition of the ordinance. Dave Mount read a draft letter generated in response to the ordinance. Barb Crow made a motion to use the letter Dave drafted, Dave Edblom seconded. Motion passed unanimously.
- Dave had said he would write a letter supporting the WLSSD grant search but after reading the letter discovered the letter had to be in by April 8th. The notification envelope was very short.

Legal: Auditor letter, Tim will contact Jeff Reed to find out if and when the letter is coming.

Roads:

- County Snowplowing contract 2016/2017. They will charge \$875.00 per mile to maintain the roads in addition we will ask for salt/sand at the Town Hall parking lot for the Homesteaders. Sign the document.
- The County Calcium Chloride quote came in today. Last year we used magnesium chloride instead of calcium chloride.
- Culverts need to be put into the ground and the Johnson Road needs some gravel.
- A concerned resident felt that the Shilhon Road ditches were causing a flooding problem on a property along Ryan Road. They weren't it was a wet spring.
- Now that the roads are graded complaints are coming in about the dust.

Joint Use Committee

Town Hall

- Town Hall holding tank renewal: Dave Mount will complete.
- Dan Holm Construction: final payment was made at this meeting.
- Parking Lot Lights: Dave Edblom will pick up.
- New Addition Stormwater plan and work: We will be doing the work ourselves with no contractor involvement. Jo, Val and Sue will develop a simple plan for a rain garden and a swale for water management.
- Motion for a metal plate: A metal plate for the new table with builder Terry Carl's name and a description of the antique voting canisters. Dave Mount made a motion to spend \$20.00 on a metal plate, Wendy seconded. Motion passed unanimously.

Materials Management: No report this meeting.

Emergency Planning: No report this meeting.

Cemetery:

- Motion for Memorial Day honorarium: Wendy Gustofson made a motion to allocate \$50.00 for Memorial day speakers in perpetuity, Barb Crow seconded. Motion passed unanimously.
- Sexton report:
 - There was very little water damage from spring rains this year.
 - Some headstones are slightly leaning.
 - Molly is working to better define the grave sites on a section of the cemetery.

Communications:

- Wendy would like to set up a meeting with Don McTavish, Janet Johansen and another supervisor to discuss the content of the newsletter and web site.
- Web site e-mails aren't working again Wendy will work with Janet to fix the current issues.
 - Barb Crow/Facebook: If there is a facebook page that's created that doesn't have privacy controls, everybody can come to and comment and is open to everyone, that doesn't violate the open meeting law. If there is a facebook page that has friends and only friends can see and comment on it, and more than two Supervisors are in that group and they communicate about township stuff on that facebook page, that communicates to me that would violate the open meeting law. Tim Strom: I would share that opinion.

Personnel: Rental coordinator at NSCS, we have requested a quarterly statement for reimbursement; Barry Wolff would prefer an annual statement. We will reimburse NSCS for the amount of time the rental coordinator spends dealing with NSCS rentals.

Old Business

- Clover Valley School update: Wendy received an e-mail from Darren Jablonsky, the County is reviewing security measures.
- Old Clover Valley sign: Wendy will ask Darren if the town may have the sign.

New Business

- First amendment to the Use Agreement: ABC asked the board to consider the following proposed amendment to the use agreement

"Now therefore, Town, ABC and NSCS hereby agree to amend the Use Agreement as follows

1. Town hereby agrees to pay ABC the sum of \$200,000.00, in consideration for the community use, through the year 2055, of the \$3,500,000 addition completed in 2015.
2. ABC, NSCS and Town agree that \$100,000 of the funds in the CCF have been expended to pay for a portion of the costs of a new town hall.
3. ABC will cause the temporary classrooms to be removed from the Land that the establishment of recreational facilities as determined through input that ABC and NSCS will solicit from community.
4. The term "Property" as used in the Use Agreement shall be amended by adding the following as Item E to Section 2 of the Use Agreement:
 "(E.) All buildings, structures or other improvements described in the 2016 Proposal."
5. Except as amended, the remaining terms and provisions of the Use Agreement remain in full force and effect."

Attorney Tim Strom: the legal basis for the township to make a payment contribution to the charter school we have to ask ourselves two questions 1. will this benefit the town as the user of the

community center and if so what are the reasons for that. 2. If that is answered in the positive then what amount of contribution is roughly commensurate with the benefit we are receiving and why. Those are the two questions we have to answer. We have wrestled with those two questions before but have never taken them to an end conclusion.

A letter from the Auditor is still pending on the last motion that we made, what is the status of the letter? Tim will contact Jeff Reed to find out.

Motion on the Proposed First Amendment to the Use Agreement: Wendy made a motion that we approve the proposal put forth by ABC; Barb Crow seconded the motion for the sake of discussion.

Discussion:

- Is the JUC agreement as it is now is antiquated or outdated?
- Attorney Tim Strom I don't think it is there should have been retrospective language covering an addition. This is a glitch in the Use Agreement we need to clean up.
- Is there a benefit to the town? Is the amount of the contribution by the town roughly commensurate to the benefit?
- ABC didn't come to us to get our opinions or our input into how the new construction could benefit the community in addition to the school. That being said now that it's done is it ok for them to come to us retrospectively. We then still need to apply the same criteria how does it benefit the community and is this price commensurate with the benefit discussion is the same.
- Attorney Tim Strom: I would be very reluctant to advise the board to disperse funds for this unless the board looks carefully at what spaces are we talking about what community center uses are going to be made of those spaces, over what period of time and what amount of money is roughly commensurate with that benefit. Then lay out reasons if it is challenged, did you follow the process and did you give reasons did you work your way through and do your homework.
- The use of the greenhouse space by those not inside the schools control was a problem that it required background checks is that true? Answer: If you are in the building during the day and working with children without direct supervision you are required to have a background check. During the day we would have a red flag going off if we had the whole neighborhood coming in and out of the building at will. The entire building however is open after school hours.
- If we didn't agree to this amendment if the school or ABC decided we would not have access to the new addition what sort of impact would that have on our community? Some would say fine others would say that's a shame.
- This proposal has two elements; 1.1 enhanced child/community safety measures and 1.5 a five thousand square foot hard-surfaced outdoor recreation area, these are things the town has already contributed funds to, it seems odd that the Town is buying space we've already funded. Exhibit C of the proposal lists the security system and repurposing the slab they might have been missed when the use agreement was re-written and updated.
- We need to try to find a way to work with ABC and the school to find projects the way it was envisioned under the JUC by working together to identify things by which to disperse funds.
- The funds are still frozen.
- We have to find some projects that maybe aren't 100% of the highest priority of ABC and the School on which we can spend some funds.
- Barb Crow called for the question.

Vote on the Motion:

- Dave Mount: I will vote no tonight because I am ill prepared to think through how I would justify that not that I am intrinsically opposed to it.
- Wendy Gustofson: I will vote no tonight I think there are better ways to get you the amount you need faster and with less contention and less letters to the Auditor.
- Dave Edblom: I can't vote for it for the facts that have already come out and the thing is Travis I hear what you say but after following the correspondence Kent Sulem I don't know if he was here tonight I don't know if he would say the same thing as he said at the beginning. I'm not confident of that at all either.
- Barb Crow: I don't see this as a viable legal document for me given the legal counsel I hear from Tim and the criteria we need to look at to evaluate community use I don't think this is it.
- Travis Stolp: I'm not going to vote for it. We need to come forth with some proposals that will work.

Motion failed.

Dave Mount will put out a doodle poll for a combined ABC, NSCS and Town Board meeting to discuss a way to move forward.

Correspondence

- E-Mail Regarding Use Agreement amendment - done
- SLCAT meeting minutes and agenda - Noted
- US Department of Commerce – Dave Mount will handle
- Land Stewardship project - NOTed
- Couri & Ruppe proposal for legal services – advertisement and noted

Meeting Schedule: Town Board Meeting June 9th.

Motion to adjourn: Wendy made a motion to adjourn, Dave Edblom seconded. Motion passed 10:08 p.m.