



Town of Superior

4917 South State Road 35
Superior WI 54880



Phone: 715 399-8385
Fax: 715-399-0181
E-mail: townofsuperior@centurytel.net
Web: www.townofsuperior.net

Chair: Ronald Pete
Supervisor: Janet Dalbec
Supervisor: Bob "Zimm" Zimmerman
Clerk: Joan Radzak
Treasurer: Cindy Theien

MINUTES OF THE TOWN BOARD OF SUPERVISORS MEETING Wednesday, May 10, 2017

Meeting called to order by Chairman Ron Pete at 7:00 pm.

Pledge of Allegiance was recited and compliance with the open meeting law was met with postings at Vine Body Shop, Superior Meats, Bartley's, Four Corners Store, and the Town Hall. Present: Chairman Pete, Supervisors Dalbec and Zimmerman, Treasurer Theien, and Clerk Radzak.

Zimmerman motioned and Dalbec seconded to approve the April 12, 2017 board meeting minutes. Motion passed unanimously.

Clerk reported the bills paid under the Alternative Claims Procedure. Vouchers presented for payment were processed with check numbers 5190-5222 and two ACH transactions totaling \$19,432.14. Dalbec motioned and Zimmerman seconded to accept the alternative claims procedure report. Motion passed unanimously.

Vouchers presented for payment were reviewed prior to the board meeting and processed with check numbers 5223-5234 for a total of \$11,558.42. Dalbec motioned and Zimmerman seconded to approve the payment of the bills. Motion passed unanimously.

Fire Department Report

Chief Fiegle reported the department responded to 15 calls in April, comprised of 9 fire/rescue calls and 6 EMS calls. The pancake breakfast on April 11th had a great turnout. The fire department staff served a total of 680 pancakes, 560 eggs and sausage during the event. Gross funds from the event came to \$2,444. The new Engine 1 will be delivered at the end of June or early July. The truck will be paid for through a FEMA grant and funds out of the fire equipment fund. The department was able to purchase a 2009 Chevy ¾ ton extended cab pickup truck for \$1 from Enbridge. The truck will be placed in Oliver and used as a fire response, replacing an old Gold Cross unit which will be sold on the Wisconsin surplus site. The full report is on file with the clerk.

Treasurer Report

Treasurer Theien provided a cash summary report and the treasurer's and clerk's separate reconciliations. The ending balance for April 2017 was \$525,615.73. Treasurer reported the Fire Department balance at month end of \$36,338.16. Zimmerman motioned and Dalbec seconded to approve the payment of the bills. Motion passed unanimously. The full report is on file with the clerk.

Plan Commission Report

Dalbec reported the Plan Commission recently welcomed new members Diane Zimmerman and Patty Ziburski. The Plan Commission reviewed the Greg Syring 3-year renewal conditional use permit and recommended approval to the board with recommended conditions.

Stony Brook Report

Dablec indicated that a Stony Brook meeting was held on May 8th. However, a quorum was not present. Dalbec reported that the Easter Egg Hunt was well attended. Future meeting dates will be determined. Fire Department Chief Fiegle asked if the department could perform a controlled burn on the grassy field located on the south side of Stony Brook Park. He indicated that if approved, the burn would be used as a training event. Dalbec motioned and Pete seconded to allow the TSFD to complete a controlled burn on the south side of Stony Brook Park. Motion passed unanimously.

Chairperson Report

Pete reported he received 3 calls in his first 22 days in office, all pertaining to road grading. Residents were questioning why the grader was going down the road with the blade up having only partially graded the road. The garage staff will be asked to put the blade down in order to grade the whole road, not just a portion. Pete indicated that the new fire signs look very nice. It was recommended that the old fire signs be used in front of houses which have more than one house on the same driveway to help the TSFD identify the correct location. The garage staff will be working on a joint project with the Village of Oliver along Mitchell Avenue (off Highway 105). The Village has been responsible for plowing this location. The Town of Superior will assist by ditching this location, since the Village does not have proper ditching equipment. The ditching could be a 2-year project.

Inspection Services Report

One building permit was issued for a remodel on East County Road B.

Correspondence

- a. The State of Wisconsin Department of Health Services sent notification regarding the maximum amount (\$100) which may be charged for cigarette and tobacco products license fee.
- b. The Minnesota Department of Transportation invited the public to a hearing on May 17, at 5:30pm at The Duluth Depot regarding the Northern Lights Express Passenger Rail Environmental Assessment.

Old Business

- a. Douglas County Zoning reported an update on accumulation of vehicles on property in the Town. A determination will be made 1) if the current use of the property is in compliance with the permitted use as a "commercial storage facility" and 2) to resolve the apparent use as a salvage yard. The owner has been instructed to commence immediately to achieve removal of the salvage materials within 30 days.
- b. Discussion took place regarding the Resolution for the Town of Superior Fire Department Length of Service Award Program. Pete wanted clarification on the year the annual contributions would be appropriated. Chief Fiegle indicated that the 2017 payment would be due in January or February of 2018. Pete noted that the contribution would need to be voted on as part of the 2018 budget consideration by residents in November. Zimmerman motioned and Pete seconded to approve the Resolution for the Town of Superior Fire Department Length of Service Award Program. Eligibility begins in 2017 with the first payment in 2018 contingent on approval of the 2018 budget. Motion passed unanimously.
- c. Chairperson Pete expressed his concerns related to the Five Bugles Agreement which was previously approved by the Board and signed by the prior Chairperson. Pete met with Town Attorney Johanna Kirk related to the Agreement. He noted that Five Bugles did not provide the hourly rate sheet mentioned in the Agreement. Documents produced by Five Bugles become their property if the project does not proceed. If the agreement is litigated, litigation would take place in Eau Claire County and not here. Zimmerman indicated that the contract does not cover architectural design, but a needs assessment only. A resident pointed out that the Board asked for several changes to the Agreement at their meeting on March 22, 2017. However, Five Bugles did not make those changes in the final agreement. Chief Fiegle indicated that those changes were relayed to Five Bugles. Pete is willing to contact Five Bugles and ask that they concede on various points of the Agreement. Pete motioned that if Five Bugles will not concede, that the Town's attorney send a letter to Five Bugles cancelling the agreement according to its terms. The agreement has a 7 day notice provision. The Town would have to pay Five Bugles for what was done to date. Pete asked that his Motion be withdrawn. He will contact Five Bugles and ask for a new agreement. If we can't get a new contract he will call for a special Board meeting to discuss the

options. Chief Fiegle will ask Assistant Chief Zimmerman to provide copies to the Town Clerk of all future correspondence related to the new fire hall to be shared with the Board.

- d. Douglas County Highway Department notified the Town of the June 30, 2017 deadline for 2018 requests for County Aid to Bridges. Pete asked for time to review the Bridge Report and that the matter be placed on the agenda for the June Board meeting.
- e. As noted previously, the Plan Commission recommended approval of the request by Greg Syring for a 3-year renewal conditional use permit, with conditions applicable to a non-metallic mine. Zimmerman motioned and Dalbec seconded to approve the Greg Syring 3-Year Renewal Conditional Use Permit contingent on the conditions recommended by the Plan Commission. Motion carried unanimously.

New Business

- a. Electors approved the sale of the sand pit property (Dump Road) and the rock quarry property (Darrow Road) at the Annual Meeting. Pete will ask the Town Attorney to prepare a Request for Proposals for the sale of the properties. The request will state that the properties are being sold as-is and the Town may reject any or all proposals without cause. A resident suggested that the properties be sold at an auction. Pete indicated that if the Board rejected all proposals the properties could be sold at an auction. Pete motioned and Zimmerman seconded to contact the Town Attorney to request she prepare Requests for Proposals for the sale of the sand pit property and the rock quarry property to include legal descriptions, town clerk hours and address to inspect any documents, and a provision that any all proposals may be rejected. Motion carried unanimously.
- b. Because the Town Constable is an elected position, the vacant position should have been included on the 2017 ballot but was not. As confirmed at the Wisconsin Towns Association Workshop, the Town may not appoint anyone to fill this elected position but must instead wait until the April 2019 election. However, a dog catcher or some similar position may be appointed. A resident asked if the garage staff could temporarily act in this capacity (after hours with additional pay). Zimmerman will talk to the garage staff to determine their interest. The Town Attorney will be asked to prepare a job description for this position.
- c. Instead of forming a garbage audit committee, Clerk Radzak will complete a garbage audit to compare town records to produce a list of residents who are not participating in the Town's garbage/recycling program.
- d. Due to the recent change in elected Town officials, credit cards in the names of Sheila Keup and Patti Stalvig were cancelled and new cards applied for in the name of Ronald Pete and Joan Radzak. In accordance with the Town's Credit Card Policy, the Board must authorize any application for a credit card under the Town's name. Dalbec motioned and Zimmerman seconded to approve the application for credit cards for Ronald Pete and Joan Radzak under the Town's name. Motion approved.
- e. The Municipal Clerks and Treasurers Institute is scheduled for July 9-14 in Green Bay. Patti Stalvig and Cindy Theien have gone in the past. Cindy indicated the institute is a very good place to learn best practices and to establish relationships with other clerks and treasurers. Hotel and registration (not including mileage and meals) would be approximately \$1,800 to send both Joan Radzak and Cindy Theien. Since this is not a budgeted item, Chairman Pete asked that the budget amendment be added to next month's agenda for consideration.
- f. Dalbec updated the Board on the request from Enbridge for a Conditional Use Permit for three 100 foot communication towers. The towers are necessary to transmit communications for any pipeline malfunctions. The Plan Commission will meet to review the request.
- g. The Board has been in the practice of appointing alternate members for the Board of Review Annually. Pete Radzak and Joanne Thompson agreed to serve as alternate members. Pete motioned and Dalbec seconded to approve an Ordinance to Appoint Peter Radzak and Joanne Thompson as Alternate Members for the Board of Review. Motion carried unanimously.
- h. Zimmerman met with the garage staff and reported that they have been busy cleaning equipment used this winter and getting summer equipment greased and oiled. They have installed 300 new fire signs to date. The culvert on Mertes Road appears to be weakening due to a failing extension. Mowers used for the sides of the roads are being serviced. The road by the cemetery (Old Highway 35) needs ditching. It was also reported that the septic system at the Town Hall has not been functioning properly and it should be looked at.

- i. Treasurer Theien received written confirmation from the WI Department of Revenue documenting that the Town does not need to repay railroad terminal distribution payments for years 2011 through 2016 which the State incorrectly calculated. The Town was overpaid a total of \$126,042.
- j. The Board of Review is scheduled for May 19 from 6-8 p.m.

Meeting adjourned at 9:05 pm.

DRAFT MINUTES 5-14-17

MINUTES APPROVED ON THIS _____ DAY OF _____, 2017.

CHAIR SIGNATURE _____

CLERK SIGNATURE _____