

TOWN OF TROY
654 GLOVER ROAD

REGULAR TOWN BOARD MEETING – November 9th, 2017

Vice-Chairperson, Jan Cuccia convened the regular Town Board meeting on Thursday, November 9th, 2017 at 7:00 p.m. Supervisors Suzanne Van Mele, and Jason. Kjos were present. Chairperson Dan Pearson and Supervisor Ray Knapp were absent.

Staff present: Jill Berke and Ron Schock. Rory O’Sullivan and Gwen Kuchevar arrived later in the meeting.

The following people signed the attendance sheet: Tom Jenkins, Bob Feidler, Michael Kretz, Dianne Hickock and Cline Hickock. Others were present that did not sign the attendance sheet.

APPROVE MINUTES – The October 12th, 2017 Regular Town Board meeting minutes were distributed to the board.

S. Van Mele moved to approve the minutes of October 12th. Seconded by J. Kjos. Motion carried.

CITIZEN INPUT – Mike Kretz, 256 Troon Court, provided a follow up to the tree trimming project in Troy Village and thanked the board for their support. Stated one homeowner would not cooperate and allow the trimming on an intersection. May need to ask for further support from the board to make the intersection safe.

PARK BOARD REPORT – J. Berke provided the October Park Board report.

PARK RANGER, HUMANE OFFICER & SHERIFF REPORTS – Copies of the Park Ranger and Humane Officer reports were distributed and reviewed by the board.

Ranger R. Schock provided the Park Ranger Report.

ZONING ADMINISTRATOR REPORT – Cedar Corp provided a written report of zoning activity.

REVIEW TOWN INSURANCE POLICY WITH RURAL INSURANCE – Insurance representative Tom Jenkins reviewed the policy. Coverage of the Town Hall and garage and shop structures will decrease by approximately \$100,000 to reflect their actual value. Currently we have a \$250 deductible. T. Jenkins is suggesting the board consider increasing the deductible to reduce the overall cost of the policy as we do not have a high history of claims. Deductible is per occurrence.

J. Kjos moved that the board change the deductible on the Business Owners Policy with Rural Mutual Insurance to a \$1,000 deductible per occurrence for 2018. Seconded by S. Van Mele. Motion carried.

DISCUSS AND CONSIDER BONDING/INSURANCE LEVEL OF COVERAGE AND INTERNAL ACCOUNTING CONTROLS – J. Cuccia began the discussion by reviewing the current level of insurance and bonding coverage and summarizing the committee’s recommendation. The Town has a \$10,000 blanket bond through The Horton Group that covers all statutory positions, elected officials and town employees, in addition to Employee Dishonesty insurance coverage through Rural Mutual expected to be \$50,000 per occurrence and \$100,000 aggregate in 2018. This item will be added to a future agenda for full board discussion.

J. Clark explained the proposed internal accounting control process drafted by J. Clark and J. Cuccia.

- Create a Stamp to include:
 - Date received
 - Reviewed by Staff (initials)
 - Fund Account Code (determined by staff)
 - Reviewed by elected official (initials)

- An elected official prior to the monthly Town Board meeting and approval of the payment would review the bill.
- Checks to be signed by the Chair or Vice-Chair and the Clerk/Treasurer

S. Van Mele moved that we move ahead with internal controls and processing of bills as presented that the sub-committee recommends. Seconded by J. Kjos. Motion carried.

DISCUSS AND CONSIDER WINDMILL MARINA ASSOCIATION, INC. WINTER DOCK STORAGE AGREEMENT – J. Kjos moved to approve the Dock Storage Agreement with Windmill Marina as presented for 2018 in the amount of \$\$582.75. Seconded by S. Van Mele. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER LAWN BARBERS LAWN CARE, LLC LAWN CARE COMMERCIAL CONTRACT FOR 2018 – S. Van Mele moved to accept the Lawn Barbers Lawn Care Contract for 2018 with a cost for weekly lawn care up to \$9,984; weed control and fertilizer total cost per season of \$3,091 and aeration of both fields for a total cost of \$315. Seconded by J. Kjos. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER RESOLUTION 2017-07, RESOLUTION IN OPPOSITION TO SENATE BILL 387 AND ASSEMBLY BILL 479 – J. Cuccia moved to adopt

*TOWN OF TROY RESOLUTION 2017-07
OPPOSING SB387 AND AB479
STATE OF WISCONSIN
Town of Troy
St. Croix County, Wisconsin*

WHEREAS, SB 387 and AB 479 proposes to limit the authority of local government to regulate development on substandard lots and generally prohibit the merging of substandard lots; and

WHEREAS, SB 387 and AB 479 are in part a reaction to the United State Supreme Courts affirming the rights of State and local government to merge substandard lots in Murr v. State of Wisconsin, et al; and

WHEREAS, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty, recreational, geological, historic, cultural, and other positive values; and

WHEREAS, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16 U.S.C. § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors Falls to the confluence with the Mississippi River as part of the National Wild and Scenic River System; and

WHEREAS, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress, Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River and directed the Wisconsin Department of Natural Resources to adopt guidelines and specific standards for Riverway zoning ordinances; and

WHEREAS, effective January 1, 1976, the Wisconsin Department of Natural Resources adopted Administrative Code NR 118, providing regulations for the Lower St. Croix National Scenic Riverway, including minimum standards for the “issuance for building permits” and the “establishment of acreage, frontage and setback requirements” for the “banks, bluffs and bluff-tops” of the river; and

WHEREAS, effective January, 1976, St. Croix County amended its zoning Ordinance to include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis. Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect subsequent changes by the Wisconsin Department of Natural Resources in NR 118; and

WHEREAS, the County Riverway Zoning Ordinance and NR 118 were enacted to reduce the adverse effects of overcrowding and poorly planned shoreline and bluff area development, prevent soil erosion and pollution, to allow for the provision of sufficient space on lots for sanitary facilities, minimize flood damage, maintain overall property values, and to preserve and maintain the exceptional scenic, cultural and natural characteristics of the water and related land; and

WHEREAS, the St. Croix County Ordinance requiring merger of adjacent substandard lots in common ownership furthers the goals of the Riverway Act, State Statute and County Ordinance by reducing overcrowding along the St. Croix River, thereby enhancing property values; and

WHEREAS, merger provisions, like the one challenged in the Murr case and subject to the proposed legislation, have been a common, well-accepted feature of zoning ordinances for decades and are well within the reasonable expectation of land owners and attorneys; and

WHEREAS, merger provisions have long been recognized as the most reasonable way to reconcile a single land-owner's interest in developing substandard lot with the community's interest in preventing congestion and preserving property values; and

WHEREAS, The St. Croix River is the Town of Troy's western boundary and the Town of Troy wants to insure the continued protections of the scenic beauty of the bluffs and shorelands along the river; and

WHEREAS, the State has previously taken away local control of nonmetallic mining, livestock facility siting, wireless communication and shoreland regulation; and

WHEREAS, this is one more attempt by the Wisconsin legislature to take away local control from local governments.

THEREFORE, BE IT RESOLVED that the Town of Troy is strongly opposed to adoption of 2017 SB 387 and 2017 AB 479; and

BE IT FURTHER RESOLVED the Town of Troy is requesting that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to property values, quality of life and tourism; and

BE IT FURTHER RESOLVED that the Town of Troy requests that Governor Scott Walker line item VETO Sections 29, 30, and 31 of SB 387 and AB 479; and,

BE IT FURTHER RESOLVED the Town of Troy emails Governor Scott Walker @ Governor@Wisconsin.gov a copy of this resolution asap and emails a copy of this resolution to St. Croix County, and the towns of St. Joseph, Hudson, and Somerset.

Seconded by J. Kjos. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER TAX COLLECTION AGREEMENT WITH ST. CROIX COUNTY – J. Cuccia moved to approve the Tax Collection Agreement for 2018 with St. Croix County. Seconded by S. Van Mele. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER RECYCLING CENTER SPECIALIST OPEN POSITION(S) – J. Kjos moved to approve the hiring of an additional employee at the recycling center. Seconded by J. Cuccia. Motion carried.

DISCUSS AND CONSIDER EMPLOYEE PERFORMANCE AND WAGE REVIEW PROCESS – J. Kjos moved to approve the appointment of the employee wage and performance review committee of S. Van Mele and J. Cuccia. Seconded by S. Van Mele. Motion carried.

DISCUSS AND CONSIDER MUNICIPAL TAX COLLECTOR BOND – J. Cuccia moved to adopt

TOWN OF TROY RESOLUTION 2017-08
 RESOLUTION ADOPTING TOWN TREASURER'S
 TAX BOND EXEMPTION
 Town of Troy
 St. Croix County

WHEREAS, under Section 70.67 of the Wisconsin Statutes, the treasurer of each town, city or village shall, unless exempt under subsection (2) of said section, execute and deliver to the county treasurer bond conditioned for the faithful performance of the duties of said office and that he or she will account for and pay over according to law all state and county taxes which shall come into his or her hands.

WHEREAS, under Section 70.67 of the Wisconsin Statutes, as amended, the treasurer of any municipality shall not be required to give such bond if the governing body thereof shall at any regular meeting by resolution obligate such municipality to pay, in case the treasurer thereof shall fail so to do, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

NOW, THEREFORE, BE IT REOLVED that Jennifer Clark, Clerk/Treasurer of the Town of Troy, shall not be required to give a bond to the County Treasurer(s) of the County of St. Croix, State of Wisconsin, as required under Section 70.67 of the Wisconsin Statutes, but the Town of Troy shall be and is hereby obligated to pay, in case the above mentioned Treasurer of the Town of Troy shall fail to do so, all state and county taxes levied in the tax roll of 2017 as required by law to be paid by such treasurer to the county treasurer.

Seconded by J. Kjos. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER DESIGNATION OF PUBLIC DEPOSITORIES – J. Clark reported that (5) proposals were received. A committee recommendation will be made in December.

BUILDING PERMITS –

<u>PERMIT #</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>PROJECT</u>
17-239	Conrad Braun	340 Soo Line Road	Alteration
17-240	Scott Gunderson	546 Gilbert Road	Repair
17-241	Ron Roen	805 Glover Road	Deck
17-242	Marty Purintun	501 Old Highway 35 South	Electrical
17-243	Craig Emmerich	247 Cove Lane	Storage Shed
17-244	Creative Homes	367 Meadow Valley Trail	New Home
17-245	Terry Sveiven	723 Glover Road	Electrical
17-246	William Bowman	570 German Court	Electrical
17-247	Dale Magnusson	531 Old Highway 35 South	Alteration
17-248	Nathan Zimmer	328 County Road F	Alteration
17-249	Dennis Rivard	594 Boundary Road	Repair

DRIVEWAY PERMITS –

<u>PERMIT #</u>	<u>APPLICANT</u>	<u>ADDRESS</u>
17-131	Creative Homes	367 Meadow Valley Trail

REVIEW 2018 PROPOSED BUDGET – The board reviewed the draft budget and process for adoption at the Budget Hearing, Special Town Meeting and Special Town Board meeting on Thursday, November 16th, 2017 at 7:00pm.

AMEND 2017 BUDGET – J. Kjos moved to approve the budget amendments as presented. Seconded by J. Cuccia. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

CLERK/TREASURER REPORT – Copies of the bank account reconciliations, impact fee summary, legal and engineering, and 2017 budget to actual summary reports were distributed and reviewed by the board.

APPROVE BILLS – S. Van Mele moved approve bills #28234 – 28286 plus the Elan bill for \$148.96 for a grand total of \$174,607.68. Seconded by J. Kjos. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

CORRESPONDENCE – Correspondence was reviewed by the board.

COMMITTEE REPORTS – S. Van Mele reported on her attendance at the Intergovernmental Meeting held in October.

MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATE STATUTES §19.85(1)(g) TO CONFER WITH THE TOWN’S LEGAL COUNSEL WHO WILL RENDER ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE ADOPTED BY THE TOWN BOARD WITH RESPECT TO THE TOWN’S LEGAL ACTION AGAINST THE CITY OF RIVER FALLS CONTESTING THE CITY’S ANNEXATION OF NONCONTIGUOUS LAND IN MANN VALLEY AND THE CITY’S REZONING OF A PORTION OF THE ANNEXED AREA FROM EXCLUSIVE AG TO AN INDUSTRIAL ZONE – J. Kjos moved to go into closed session pursuant to Wisconsin State Statutes §19.85(1)(g) to confer with the Town’s legal counsel who will render oral or written advice concerning strategies to be adopted by the Town Board with respect to the Town’s legal action against the City of River Falls contesting the City’s annexation of noncontiguous land in Mann Valley and the City’s rezoning of a portion of the annexed area from Exclusive Ag to an Industrial Zone. Seconded by S. Van Mele. Roll call vote taken: S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia - Yes. Motion carried.

RECONVENE INTO OPEN SESSION TO TAKE ACTION ON CLOSED SESSION ITEMS, AS NECESSARY – J. Cuccia moved to end closed session. Seconded by S. Van Mele. Roll call vote taken – S. Van Mele – Yes; J. Kjos – Yes and J. Cuccia – Yes. Motion carried.

No action taken.

ADJOURN - J. Kjos moved to adjourn. Seconded by S. Van Mele. Motion carried.

The meeting adjourned at 9:34 p.m.

These minutes were taken at a meeting of the Troy Town Board on the 9th day of November 2017.

Jennifer Clark, Clerk/Treasurer

Jan Cuccia, Town Vice-Chairperson