

**TOWN OF BLACK BROOK
BOARD OF SUPERVISORS
FEBRUARY 17, 2022
MEETING MINUTES**

The meeting was called to order at 7:25 p.m. by Chairman Erik Henningsgard. Supervisor I George Fowler, Supervisor II Dale Wood, Clerk Sally Pickard and Treasurer Cindy Nelson were also present. There were several residents present for the meeting as well.

Agenda: A motion by Supervisor Fowler, seconded by Supervisor Wood, to approve the agenda. Motion passed unanimously—3 yes.

Minutes: A motion by Supervisor Wood seconded by Chairman Henningsgard to approve the January 20, 2022 minutes. Supervisor Wood had some corrections to the minutes in Chief's report that he did not see someone plowing at the Hwy 46 location, but that he had seen that it had been plowed. Also, needed to change the Motion coming back to closed Session. Should read seconded by Supervisor Wood. **Motion by Supervisor Wood, seconded by Supervisor Fowler to accept the January minutes with the changes as noted. Motion passed unanimously – 3 yes.**

Vouchers: A check for Supervisor Wood was accidentally omitted. Clerk with run that tomorrow and get it to him. **A motion by Supervisor Fowler, seconded by Supervisor Wood to approve the vouchers and pay the bill with the added check. Motion passed unanimously – 3 yes.**

CLERK'S REPORT:

Primary for the Clear Lake School Board was this past Tuesday. This was the only issue on the ballot so only had 41 ballots cast out of 323 registered voters. The top two names will be on the April ballot along with the Amery School Board and County Supervisors.

Had another glitch with the payroll software – same as October so hopefully will get it fixed.

TREASURER'S REPORT:

Beginning bank balance was \$452,906.69, with deposits of \$780,241.27 with \$33.00 in interest. Checks written were \$362,907.79 as well as \$2,024.45 electronically transferred for State and Federal withholding, leaving a balance as of January 31, 2022, of \$868,215.72. Savings earned .00 interest for a balance of \$32.68. Achieve Money Market earned interest of \$20.94 for a balance of \$61,659.65; MM for ARPA funds earned interest of \$20.56 for a balance of \$69,188.69. Total of all accounts on January 31, 2022, is \$999,096.74.

There is 1 outstanding check for \$212.21

There will be a lot of money going out for taxes.

Question on how to handle billing for animal control calls with regard to administrative fees. This will be put on the March agenda.

Also question about adding ARPA funds to our United Funds as our collection was about \$200 lower than past years. Will discuss this in March as well.

SUPERVISOR'S REPORT:

George Fowler: Nothing

Dale Wood: Nothing

ROAD REPORT: Nothing new. Due to the number of residents present, Chair introduced Ryan and also mentioned that he is leaving, and we are in the process of looking for his replacement. Also assured residents we don't plow after every little dusting. Question raised as to how long it takes to plow all of the roads, his comment was about 18 hrs. to plow all of the roads. There were several comments about how good the roads were as well.

CHIEF'S REPORT. Stepped up patrol on 95th Street as requested. Also commented about how good the roads were for winter driving conditions. Will cut back on 60th until spring – hard to find places to park. When we get ready to hire a new road supervisor, he will run a background check.

PLANNING COMMISSION: At the public comment piece – there were several comments about the potential for a kennel in the Town of Black Brook and are still in attendance at the board meeting as well. Multiple residents that noted the need for a kennel in Black Brook and appreciated the kennel at the previous location. There is a need for a dog kennel. People are advocates for local business, but this may not be the place to do it., That we need to review and follow the Comp Plan. There needs to be a streamlined process to go through. Threatening Dogs on 95th. Spot Zoning does not make sense. There will be public comments again and people are welcome to speak at that time as well.

There was also much discussion about the proposed CSM which is an agenda item and will be discussed at that time.

CHAIRMAN'S REPORT: Chairman and Supervisor Wood attended the Polk Co Chapter meeting of the Town's Associations at Brow Tine. The learned that STPA funding will apply to Town roads, but application needs to be in by April 1st. This will be a yearly program. Also commented that we got a call about 6:30 a.m. with a freeze warning in the building. The furnace went out and so spent most of the day there making sure we had heaters working as they couldn't get the part, so it took until the following Tuesday to get the furnace fixed.

PUBLIC COMMENTS: Chairman noted that the agenda item regarding the re-zone for the dog kennel has been asked to be removed so it will not be addressed at tonight's meeting, but public is welcome to speak to the issue.

A question raised about the comments made earlier at the Plan Commission whether they are carried forward. Explained that they are not. Plan Commission is a separate meeting. Comment by resident that they are remembered, but not recorded was a good explanation as to previous comments. It was also explained that there are minutes taken and the meeting and comments are recorded during this meeting if

Adam Donnelly spoke for the record that he is an advocate for small business and there is a need for a kennel, but there is no need to rezone to commercial for the kennel issue. The Comp plan suggests that the commercial be located along the major highway corridors of US 63 and STH 46 and the area east of

95th Street is identified as residential. This is not the area for commercial zoning, especially such a small area. Question also raised about set back from property lines. Original request was to re-zone to the area for commercial zoning especially such a small area. Question also raised about set back from property lines. Original request was to re-zone to Commercial B-3 which would allow the use of their existing building as it didn't apply to the setbacks. There is another option to re-zone to Ag 10 but they must be 300' from the property line so they wouldn't be able to use the existing building.

OLD BUSINESS:

Review Chapter 14 Subdivision & Planning Ordinance #2021 - We received new material, but we are still waiting for this despite having asked about it 3 different times in the past week. **Motion by Supervisor Wood, seconded by Supervisor Fowler, to table as we don't have anything updated on Chapter 14, Motion passed unanimously. 3 yes.**

Review, discuss and approve road agreements with local Towns: Atty Edrman spoke with Ryan after the last meeting, and they tweaked the proposed agreement that deals with roads we share with neighboring Towns so it is in writing. All are done, but the City of Amery. Would like to be able to review the changes before approval. Also suggest that we discuss these with the other Towns as well. The purpose of these agreements is to have it in writing who is responsible for what part of shared roads. **A motion by Chairman Henningsgard, seconded by Supervisor Fowler to table road agreements to March. Motion passed unanimously. 3 yes.**

Discussion/decision regarding Anna & Bryan Melberg opening a kennel service at their residence located at 376 95th Street. The applicant asked that this be removed from the agenda so there will be no discussion regarding this.

NEW BUSINESS:

Discussion/decision regarding 2 proposed CSM by Kenny Meyer, Secluded Land Company regarding Brian Johnston property. Discussion/decision regarding 2 proposed CSM by Kenny Meyer, Secluded Land Company regarding Brian Johnston property. The original plan was to have 8 lots/40-acre parcel and reduced it down to 4 lots/40. There are maps, draft of protective covenants. This was brought to the Plan Commission and discussed at length. There were extensive public comments made at the Plan Commission. There were concerns about who would move in and potential complaints about the farming community and direct neighbors too. There was a motion at the Plan Commission meeting to deny the CSM. On a vote of 3 to 1 in favor of denying the CSM. Therefore, the Plan Commission voted to deny the proposed CSM. Kenny from Secluded Land and Surveyor Ty Dodge were present to answer any questions. Attorney Michelle Erdman, our town attorney, provided information from Wisconsin Stats. Section 2.36, and what governs sub-divisions. In reviewing it the first time looked at where it was located, will it disrupt agriculture, is it in an appropriately zoned area, but will look at it again due to the many concerns of the residents. The leading case relating to this from the Supreme Court of Wisconsin says "location units of government may not reject a proposed plat under this section unless the plat conflicts with an existing statutory requirement, or an existing written ordinance, master plan, official map or rule under subsections..." She will review again and provide the board with a recommendation or some input. Essentially what it comes down to is, after the fact, you are a little late and you should be looking proactively at what you can do to concur. It doesn't have to be the end of it, happy to look again. She also commented that the developer listened to comments and brought back a reduced scale on the proposal. May be room for some discussions with the developer. Chairman Henningsgard commented that the proposed CSMs fall within the current Comprehensive Plan. **A motion by**

Supervisor Wood, seconded by Supervisor Fowler to deny the CSMs as presented. Motion passed 2 yes, 1 nay. Attorney commented that there needs to be a reason to deny the proposed development. Comment by surveyor that there is usually a citation or reason in a certain part of the ordinance for the denial, not just because it doesn't feel good, and you don't like it. Concerned about people coming in not and not liking the smell.

Discussion/decision regarding installation of security cameras. Ryan met with Ryan from CSW Security, regarding placement of cameras and he suggests that we should have two cameras. The first proposal was for one camera at a cost of \$1467.00 Adding a second camera comes to \$1568.32. For discussion down the road, we should look at putting a camera facing the back area. **A motion by Supervisor Wood, seconded by Supervisor Fowler to approve 2nd camera from CSW for a total of \$1,568.32. Roll call - Wood – Aye; Fowler – Aye; Henningsgard-Aye. Motion passed 3 yes.**

Go into closed session pursuant to Wis Stats. 19.85 to discuss hiring of new town employee position. Motion by Supervisor Fowler, seconded by Supervisor Wood to go into Closed Session. Wood – Aye; Henningsgard – Aye; Fowler – Aye; Go into closed session at 8:05 p.m.

Chairman Henningsgard thanked everyone for attending the meetings tonight and that we are working on the web site.

A motion by Supervisor Wood, seconded by Supervisor Fowler to Reconvene into Open Session pursuant to Wisconsin Stats. 19.85(2) at 8:30 p.m. Wood – Aye; Fowler – Aye; Henningsgard – Aye; Motion passes 3 yes.

A motion by Chairman Henningsgard, seconded by Supervisor Fowler to re-post the job posting for the Town Road Maintenance Worker. Board will also meet on March 8, 2022, at 6:00 p.m. to conduct an interview for maintenance supervisor contract. Clerk will post.

A motion by Supervisor Fowler, seconded by Supervisor Wood to adjourn.

Meeting adjourned 8:40 p.m.

Respectfully submitted:



Erik Henningsgard, Chairman



Sally Pickard, Clerk