

**TOWN OF BLACK BROOK
BOARD OF SUPERVISORS MEETING
JANUARY 16, 2023**

The meeting was called to order at 7:10 p.m. by Chairman Erik Henningsgard. Supervisor I, Jake Macholl, Supervisor II, Dale Wood, Treasurer, Carrie Blanchard and Clerk, Sally Pickard were also present.

There were 27 residents in attendance.

The meeting began by reciting the Pledge of Allegiance.

Reading of the meeting notice, pursuant Wisconsin Stats. 19.83 was made by the Chairman.

AGENDA: A motion by Supervisor Macholl, seconded by Supervisor Wood, to approve the agenda. Motion passed. 3 yes.

MINUTES: A motion by Supervisor Macholl, seconded by Supervisor Wood to approve the December 22, 2022 minutes. Motion passed unanimously. 3 yes

A motion by Supervisor Macholl seconded by Supervisor Wood to approve the vouchers and pay the bills. Motion passed unanimously. 3 yes.

CLERK'S REPORT:

There will be a primary on February 21st for Supreme Court and Amery School Board and then the Spring Election will be April 4th, which would also include these as well as our local election, Clear Lake School Board and any county offices that are up for election.

Just a reminder that our annual meeting, by statute, will be Tuesday, April 18th. In the past, we have just changed our monthly meeting to that date as well.

Got a letter from Randy Prochnow about Open Book and Board of Review. He is proposing Thursday, April 6th 1-3 p.m. for Open Book, which we don't have to be at and then Board of Review on Thursday, May 18th from 5-7, which is our regular meeting date.

Got a flyer wanting to buy used and surplus 2-way radios. Not sure if we have any or not.

Universal Truck is having an Open House on Wednesday, May 10th from 8a.m. – 2p.m. Ask for response by April 12th.

Polk County has new Operations Manager. Justin Reese is replacing Joshua Kelch. Contact information is the same.

TREASURER'S REPORT Apologized for delay in getting reports and dog tags out, but still learning the process.

Beginning bank balance was \$202,721.68, with deposits of \$450,613.36 including \$18.88 in interest. Checks written were \$47,558.03 and \$2,467.61 was electronically transferred for St & Fed Withholding leaving a balance as of December 31, 2022, of \$602,839.87. Savings earned .01 interest for a balance of \$32.75. Achieve Money Market #13 earned interest of \$92.13 for a balance of \$62,075.68; Money Market #03 for ARPA funds earned interest of \$198.93 and \$27,000 was transferred to checking for truck repairs for a balance of \$109,652.88. Total of all accounts on December 31, 2022, is \$774,601.18

Currently 14 outstanding checks 5,956.64. 1 is from October, and 3-4 from November, but the rest are December. Some don't cash them right away.

Question raised about City of Amery deposit – this is for municipal court fees. Also, questioned how long checks have been outstanding. 1 from Oct., 3-4 in Nov. and the rest in December. We wait a year before doing anything with them.

SUPERVISOR'S REPORT:

Supervisor Macholl – Merger for ambulance should have gone through as they are having a board meeting right now. No other complaints.

Supervisor Wood -Clear Lake ambulance also meeting right now. No other complaints.

ROAD REPORT: Plowing - trying to keep up. Citizen complained that some roads are being plowed twice before some are done even once. Also said that the used truck should have a belly blade on it. Appreciate knowing these things. Will keep working on this. Also questioned why people who push snow into the road aren't being fined. County has a \$500 Fine for doing this. State law says you can't push things into the roadway. Will check on our ordinance and see what it says. We don't want to go looking for issues but will deal with those that are brought to our attention.

CHIEF'S REPORT: No report.

TOWN PLANNING COMMISSION REPORT: - Will be addressed in the agenda.

CHAIRMAN'S REPORT: Had a few positive and a few negative comments, but he and Aaron discuss these to keep up on these things.

PUBLIC COMMENTS:

Glen Clausen – commented about forming a committee to investigate solutions before putting money into the old buildings. Question also raised if we are going to insulate, we need to check on those trusses and see what kind of load they will hold. The need for the committee to look at all of these things.

Question raised about land ownership and if that has been resolved.

Dick Waterman questioned the need to have a dumpster here at the town hall, but feels it would be better if he is on the agenda. Will put this on the agenda for next month.

OLD BUSINESS: None

NEW BUSINESS:

1. REVIEW AND UPDATE ON THE STATUS OF THE 60TH AVE PROJECT:

Dan Fedderly, our engineer on 60th appearing by ZOOM to give an update on the project. The Town was a TRI S project, and we were awarded \$631,540.00 which is 69.4% of the \$910,000.00 proposal. All projects, over 100 applications, were funded by the same percentage. Wetland delineation has been done as well as safety. Wetland mitigation is an issue as there are 6 areas affected. Well on the way on the preliminary outlay and now working on final design. Using a T-4 standard so it is a 3R standards on the project. Looking at going with new surface of 24' wide 6' gravel shoulders. Currently at 20' - 21' if stretched and up to 4' shoulders in some spots. This is the top end of the 3R standards, so, if we need to scale back, we have some room to work with. Because of all of the wetlands (6) so hoping to avoid as much wetland mitigation as possible as this is costly. We would do a recycle of the current road, inject the pulverized material with oil, and then put that back down and then pave over that. Did the same thing on 10th Ave. in the Town of Alden a few years back. Hasn't had a crack for several years. High traffic road, high ag traffic, similar to 60th. By doing this allows us it allows us to maintain pretty much the same lay-out, but the fact that we have wetland on both sides makes it a little more difficult. Question raised about the traffic on 60th. Will also put another base layer on it, which will raise the profile – vary between 6-8". Also concerned with the intersection of 85th, but it appears that the issue is more on 85th than 60th. There was a comment made about changing 60th to a county road and County Road F back to a town road. There was some discussion about this years ago, and the County would be willing to entertain that again if we are interest. If that is the case, then we should entertain that discussion sooner rather than later. We would lose road mileage, but it might be worth it. State funding is good for 6 yrs, but our loan is only good for so long. Will continue to explore this provided the road would meet county standards. Will also work with the State to get the shared roads with Lincoln designated correctly. Look to let bids between March 14 and April 11th because of the DOT bid process. Open bids in March and award bid on April 18th. Dan will get the ad ready to solicitate bids and send it to me to publish. Is there any way to reduce costs for the project. Can look at not doing the additional gravel base, and not doing the oil injection, but that wouldn't address the truck issue.

2. REVIEW/DISCUSSION/DECISION REGARDING APPLYING FOR WisDOT LOCAL BRIDGE FUNDING FOR THE BRIDGE ON 50TH AVE.

There is significant increase in federal funding, however, so far no projects done with any of these funds. However, Wisconsin is looking at \$82 million for the next four (4) yrs for bridge repairs. Replacement is usually 80/20 – but Dan has been working with the State and there is wording in the federal bill that off system bridges (which are most county and town bridges) can fund up to 100%, so that is what it is looking like. The argument is that the Dept have discretionary authority to fund rehab at 100% if it is not cost effective to rehab. the bridge to make the best use of the funds. It will be several years before it would fall below the 50% to be eligible for the 80/20 program and this is for 100%. The question becomes do we want to invest in the study and make the argument that it is not cost effective to rehab. the bridge. The cost of the study would run about \$7500.00. **A**

motion by Chairman Henningsgard, seconded by Supervisor Macholl to hire Dan Fedderly to complete the study showing that it is more cost effective to replace the bridge on 50th Ave rather than rehabbing it at a cost of approximately \$7500.00. Roll call = Supervisor Wood -Aye; Supervisor Macholl – Aye; Chairman Henningsgard – Aye; Motion passes 3 yes.

3. **PUBLIC HEARING – COMMENTS FROM RESIDENTS REGARDING ANIMAL CONTROL ORDINANCE.** Try and give public opportunity to comment and make suggestions regarding current ordinance.

Resident asked if this discussion was just about dogs. No, ordinance is all animals.

Question brought up about weaning calves

Supervisor Macholl indicated that the Ordinance defines an ANIMAL as a non-human living being domestic or wild.

Nuisance Ordinance # 10-1-98 – Section C #9 – reads “The keeping or harboring of any animal or fowl which is frequently or habitually howling , yelping barking or crowing or making other noises which greatly annoy or disturb a neighborhood or any considerable number of persons within the town.”

The complaint doesn't necessarily affect the town or whole neighborhood. The ordinances seem to conflict.

Question raised as to where we were at in the codification of ordinances.

Chairman indicated that we had lost communication with the person working with us so kind of got lost.

A resident asked How do you determine when you are training a dog, how long they bark. It takes time to train a dog **Supervisor Macholl** indicated that the ORDINANCE specifically states that a dog that is specifically hunting is not to be considered to be running at large.

A comment by a resident moved here a year ago. Thinks the ordinances we have is fine. Lives near people who have hunting dogs. Would rather hear that than what he would hear in the Cities. People have different understanding of what is annoying. People need to be more understanding & respectful/mindful of the area you are moving in to.

Question as to whether or not the same person is making the complaint. The most recent has been the same person, but there have been other complaints, however, the issue either resolved itself or they stop complaining.

A comment that nuisance to one person is not the same to someone else. Dogs bark at feeding time, but they don't bark all night, but they do bark.

A suggestion was made to take away the habitual barking and eliminate agricultural animals.

A resident commented that there is no recourse if accused and the control officer comes out. Nothing in the place to stop the person from continuing to complain. Likes the tiered approach which is being discussed.

The current ordinance does not specifically exempt agricultural animals and/or operations. This should probably be looked at. There is a fine line to break this down and interpret what is being stated. Annoyance is subjective and different to everyone. For the present time Supervisor Wood will continue to address animal control calls and

determine whether or not further action is needed and if a citation is warranted. The issue of kennel license wording needs to be reviewed as well.

The board thanked the public for all their comments. Felt that there was good input to assist with reviewing the current ordinance.

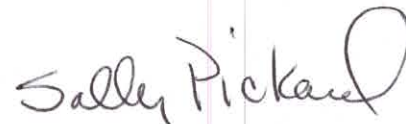
4. **REVIEW/DISCUSSION/DECISION REGARDING ANIMAL CONTROL ORDINANCE.** We will continue with our current policy and have Supervisor Wood investigate calls and then determine whether further action is needed we can contact the Clear Lake Police Dept. Board will look at this ordinance along with the nuisance ordinance next month to make sure they are compatible.
5. **REVIEW/DISCUSSION/DECISION JACOB & KRISTIN QUIST CSM/DRIVEWAY AGREEMENT** The 3 lot CSM was presented to the Plan Commission back in November, but they needed to clear up a boundary issue as well as a shared driveway agreement, which they had today. Plan Commission made recommendation to approve the CSM as well as the driveway agreement. **A motion by Supervisor Wood, seconded by Supervisor Macholl to approve the CSM and driveway agreement as presented by Jacob and Kristin Quist. Motion passed unanimously. 3 yes.**
6. **DISCUSSION/DECISION REGARDING THE NEEDS FOR THE SHED.** Board met prior to the meeting to look at the building and made of list of concerns and issues that need to be looked at or addressed due to the age of the building. Too small to currently house all of our equipment; Also, while the town hall is structurally sound, there are some needs that need to be addressed. So, do we look for another location, stay where we are...many big decisions to look at. Comment about putting together an ad hoc committee to do a feasibility study as to what our options are. We will put forming ad hoc committee on the agenda for next month. At this point it is agreed to not put a lot of money into the shed, other than to reinforce the rafters. **A motion by Supervisor Macholl, seconded by Supervisor Wood to reinforce the rafters in town shop. Motion passed unanimously 3 yes.**
7. **REVIEW/UPDATE/APPROVE FEE SCHEDULE** Our garbage collection fee schedule hasn't been updated for a while so felt we needed to be the same as what is charged at Waterman Sanitation. **A motion by Chairman Henningsgard, seconded by Supervisor Macholl to update our fee schedule to make it the same as Waterman Sanitation. Motion passed unanimously 3 yes.**

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

Meeting adjourned 10:15p.m.



Erik Henningsgard, Chairman



Sally Pickard, Clerk