

TOWN OF DOVRE
TOWN BOARD MEETING

The Dovre Town Board met at 7:00 p.m. on Tuesday September 8, 2015 at the Dovre Town Hall located at 304 25 ½ Street for a Town Board Meeting. 14 Town of Dovre Residents and Guests signed in and were present. Names of persons present at the meeting are on file with the Clerk/Treasurer.

Chairman Dean Trowbridge called the meeting to order at 7:00 p.m.

Roll call: Supervisors – Al Nyhagen – Absent; – James Plummer – Mitch Hanson – Dan North and Chairman Dean Trowbridge are all present. Also Present - Clerk/Treasurer – Kelly Phillips; Consultant – Greg LaFond and Patrolman Art Harelstad, Jr.

Adoption of Agenda: Motion by Plummer to adopt agenda with an amendment to the closed session under the same provision to include discussion about Art's insurance seconded by Trowbridge. Motion carried, unanimous yes vote.

Approve Minutes of August 11 2015 Meeting: Motion by North seconded by Plummer to approve minutes as presented. Motion carried, unanimous yes vote.

Financial Report: Motion by North seconded by Hanson to approve the financial report as presented. Motion carried, unanimous yes vote.

Treasurer's Report: Motion by North seconded by Hanson to approve the treasurer's report as presented. Motion carried, unanimous yes vote.

Set Date for Next Meeting: October 13, 2015; regular meeting 6pm

Public Comment: 15 minutes with 3 Minute Limit per Person

- Residents, Land Owners, Guests
 - Al Albrecht – requested to put the flagpole at the front of the building instead of the back
 - Mary Nitzel – thinks that the town would make the right decision to change attorneys and residents are concerned there is a conflict of interest with the current attorney; if the board can choose an attorney that does not represent sand companies, she would be all for it as a resident;
 - Aaron Kent – asked if the town meetings could be at the same time each month; Chairman Trowbridge says the town is on the winter schedule now and they will be at 6pm until spring when they will switch back to 7pm; Mr. Kent also asked if the town was going to charge the sand plants for the attorney's time that it be timely so they have a chance to verify the charges

Old Business:

- Railroad Discussion
 - Email from Shawn Kuyper – unable to attend due to the flu

New Business:

- Bakke Norman presentation
 - Terry Dunst, attorney at Bakke Norman out of New Richmond, WI who primarily works with municipal, real estate and contract law and has been involved with frac sand and its involvement with towns; works with Arland and Sumner drafting ordinances, mining agreements and load agreements; the firm does not represent any sand mines but have represented land owners with leases with sand mines; Consultant LaFond asked about types of language they would include in any agreements, Supervisor Hanson emphasized the importance of timely responses and Chairman Trowbridge asked about availability to attend meetings
 - Resident Jim Scheffer asked if travel time was charged and how many towns do you represent and will that conflict with the representation and presence at the Town of Dovre meetings
- Westphal PVG Update
 - Chairman Trowbridge stated that Chieftain's attorney said Chieftain is not responsible for the PVG payment. Motion by Trowbridge seconded by North that if the town does not hear from Chieftain's attorney John Muir by Monday September 14th, the board will authorize the town's attorney to send a breach of agreement letter to Chieftain. Motion carried, unanimous yes vote.
- Chieftain representative and update
 - Chairman Trowbridge asked a representative from Chieftain to be present at the board meeting and no one attended. Chairman Trowbridge says the board has requested update of tonnage of sand shipped and they won't do that and have failed to respond to emails. Section 3.2 of the operations agreement states the town can inspect all production reports. Consultant LaFond will draft a certified letter to be sent to Chieftain requesting access to 2013, 2014 and 2015 records through July. Chieftain also did not follow the agreement to notify landowners timely of blasting. Motion by Trowbridge seconded by North for Consultant LaFond to draft two breach of agreement letters – one for the production reports and one for notification of blasting – and a third on the 14th regarding the Westphal property. Motion carried, unanimous yes vote.
- Progress, determination and results of 1st Avenue traffic survey
 - Chairman Trowbridge spoke with Zech from Morgan Parmley and he is close to having the results within the next couple of days
- Review snowplow contracts
 - The board directed the Clerk to update the snowplow contract on the website with the current address and dates. The fee will stay the same and verbiage will be added that the driveways will be plowed if there are three inches or more of snow per snowfall. The contract will also be mailed to previous participants and a notice will be put in the Chetek Alert
- Fall Clean-Up
 - October 24-25 2015 with a notice in the Chetek Alert for three weeks beginning October 7th
- NIS Consent to Assignment
 - Consultant LaFond states and reiterates Attorney Gustafson's email that the assignment as drafted removes every obligation the assignee has to the operations agreement. Motion by North seconded by Trowbridge to authorize Consultant LaFond and Attorney Gustafson to draft a response to NIS with the board's concerns about the agreement. Motion carried, unanimous yes vote.

- Town hall rental
 - Motion by Trowbridge seconded by North to accept the town hall rental contract as presented with the two changes discussed. Motion carried, unanimous yes vote.
- Tonnage of sand shipped
 - The only report received was from GNS
- James Scheffer PVG payment
 - Closed on September 4; check will be sent out to James from the town tomorrow
- Review town hall notice posting
 - Dovre residents had a meeting last week and they liked the idea about the flag and the memorial. The group thinks they can find someone to move it but requested the town contribute and would need more time than the 60 days as noticed. Supervisor North suggested they should be at the next meeting to present their idea and Supervisor Hanson suggested to get an idea of how much it would cost to tear it down and contribute that much to the move.

Motion by North seconded by Trowbridge to convene into closed session and invite consultant Greg LaFond and Clerk/Treasurer Kelly Phillips. Roll call vote – Trowbridge – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Convene in Closed Session. The Board will consider convening in Closed Session pursuant to the following provisions of Chapter 19 of the Wisconsin Statutes:

- a. 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.– Legal representation

Motion by North seconded by Plummer to reconvene into open session. Roll call vote – Trowbridge – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

The board notes that no action took place regarding the patrolman's health insurance in closed session.

- Fire & Ambulance Report
 - Supervisor Plummer – fire board meeting tomorrow; Supervisor Hanson – ambulance commission meeting and discussion about the upcoming year's budget which will stay the same
- Driveway Permits
 - Motion by Trowbridge seconded by North to approve the driveway permit for Heely driveway 1b and driveway #2 off 1 ½ avenue on south side. Motion carried, unanimous yes vote. Driveway #3 needs to be paid before the board will approve.
- Building Inspector Report
 - Nichols, Mueller, Anderson, Wagner, Kollwitz, Agler, Roycraft
- Patrolman Report
 - Called Olynick and they anticipate starting Lane back lane in two weeks, the gravel is crushed; got a price on three-point boom mower is \$8,650; could rent one out from the county to try it before purchasing. Motion by Trowbridge seconded by North to rent or demo a mower from the county for a couple of days to try it out. Roll call vote – Trowbridge – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

- Board Member Reports and Updates
 - Supervisor North – met with representative from Culligan Water; the town hall water PH is low and iron is high and they suggested a system to neutralize the PH and iron. Motion by Trowbridge seconded by Hanson to install and rent a water system from Culligan. Roll call vote – Trowbridge – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried. Supervisor North also attended the highway commission meeting – there was some damage from the recent rain, the county sold both of their trucks and hired a mechanic. Also went to WTA meeting – lake association still alive
 - Supervisor Plummer – also went to the WTA meeting; at the recent fire board meeting it was decided to put matting under the fire hall and around the parking lot because of the clay
 - Supervisor Hanson – noticed there is a new office next to the laundromat in Chetek about the lake district
 - Chairman Trowbridge – discussion about the speed limit on 25 1/4; contacted Kyle and DJ Fedderly
- Next Meeting Agenda Items
 - Update on town attorney decision
 - Confirmation of employee health insurance increase
 - Railroad discussion
 - Westphals PVG
 - Representative and update from Chieftain
 - 1st avenue traffic study
 - NIS consent to assign
 - Old town hall update
 - 3 point mower update and possible purchase

Review & Pay Bills: Motion by Trowbridge seconded by North to review and pay bills. Motion carried, unanimous yes vote.

Motion by North seconded by Trowbridge to adjourn at 10pm. Motion carried, unanimous yes vote.

Minutes are not official until approved by the board at the next meeting

Kelly Phillips
 Clerk/Treasurer
 Town of Dovre Barron County