

TOWN OF DOVRE
TOWN BOARD MEETING

The Dovre Town Board met at 7:00 p.m. on Thursday September 24, 2015 at the Dovre Town Hall located at 304 25 ½ Street for a Town Board Meeting. 5 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 – James Plummer – Mitch Hanson – Dan North and Chairman Dean Trowbridge are all present. Also Present - Clerk/Treasurer – Kelly Phillips; Consultant – Greg LaFond and Attorney Dan Gustafson

Adoption of Agenda: Chairman Trowbridge would like to move NIS/Stout Construction pay application first, then public comment, then the rest of the agenda as presented. Motion by North seconded by Nyhagen to adopt the agenda with the changes. Motion carried, unanimous yes vote.

New Business:

- NIS/Stout Construction pay application:
 - Chairman Trowbridge says the town thought NIS was going to pay Stout Construction directly but after reviewing the agreement it says NIS has to pay the town and the town pays Stout; NIS understands this and is working to get the money transferred for the town to pay Stout
 - Chairman Trowbridge asked the board if they had a problem leaving 6th avenue as gravel over the winter; Supervisor Plummer suggested NIS inform the residents the gravel will be there all winter and they will be paving next year; Supervisor North asked about the dust situation during construction and NIS says they water regularly so it hasn't been an issue; Supervisor Plummer says he has not heard any complaints from residents; Supervisor Hanson asked if they had a tentative date for paving next year; NIS says they don't have a firm date yet and will have a better idea after the spring thaw
 - Chairman Trowbridge stated according to the road agreement with NIS, they were supposed to deposit the entire amount of the project of \$797,011.46 before it started; the current pay request from Stout is \$232,927.81; NIS says with the way the sand industry is right now they would like to hold off depositing the entire amount; Chairman Trowbridge suggested amending the highway use agreement so that NIS will need to deposit the amount of the pay request within 10 days of the request; Supervisor Nyhagen would like an irrevocable letter of credit or bond to ensure the contract will be paid by NIS; Chairman Trowbridge would like to see the funds come through the town and the town pay Stout per the agreement and get an irrevocable letter of credit for \$550,000. Motion by Nyhagen seconded by Plummer to (1) create an amendment to the highway use agreement that requires payment of the current pay request of \$232,927.81 to the town within 10 days of tonight's date 9/24/15 (2) on all future pay requests the town will, upon receipt, forward them to Brian Gilbertson at NIS and who will have 10 days to pay the town and (3) an initial \$550,000 irrevocable letter of credit which will be reduced in the future as payments are made

Public Comment: 15 minutes with 3 Minute Limit per Person

- Residents, Land Owners, Guests

- Guest – Heather Anderson from the Town of Auburn asked if the board is familiar with NR 135.14 the intermittent mining agreement? The sand companies have a responsibility to keep the pollution down during intermittent mining
- Tom Mikkelson asked if the board saw the Chetek Alert and the article about Chieftain mining into the water table; the board said no; Supervisor Nyhagen asked if the Mikkelsons had requested a public hearing related to changing the agreement to mine into the water table and they said no; Consultant LaFond said the request had to come from a resident not the town board

Chairman Trowbridge asked the Mikkelson's for an update and if they have been in contact with Chieftain; they said no, they have not had contact with Chieftain; Supervisor North asked if they had tried contacting them and they said no, that Jeff Goldsmith will not speak with them even though they are the owners of the property along with Peter and had even shown them the paperwork

Convene in Closed Session:

Motion by Trowbridge seconded by North to convene into closed session and invite Consultant LaFond, attorney Gustafson and Clerk/Treasurer Phillips. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

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

- a. 19.85(1)(g) Conferring with legal counsel for the Town regarding oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation in which it is or is likely to become involved – Westphal PVG and mediation with Chieftain; review of Chieftain blasting

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

Motion by Plummer seconded by Nyhagen to hire new attorney Terry Dunst with Bakke Norman for all town business. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Motion by Plummer seconded by Trowbridge for Supervisor North and Consultant LaFond to meet with the new attorney regarding mediation with Chieftain. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Motion by Trowbridge seconded by Nyhagen for Consultant LaFond to draft a letter to Chieftain Sand per the blasting issue to be reviewed by and signed by the attorney. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Motion by North seconded by Trowbridge for Consultant LaFond to draft a letter in response to the current records request by Chieftain for specific dates and clarification and forward to the clerk to mail. Roll call vote – Trowbridge – Yes; Nyhagen – Yes; North – Yes; Plummer – Yes; Hanson – Yes. Motion carried.

Motion by Trowbridge seconded by Nyhagen to adjourn at 915pm. 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