

VILLAGE OF OSCEOLA BOARD PROCEEDINGS

The Village of Osceola met remotely for a Regular Meeting on May 13, 2020. Village President Jeromy Buberl called the meeting to order at 6:02 p.m.

Present: Buberl, Bob Schmidt, Deb Rose, Bruce Gilliland, Tim Anderson, Joel West, and Van Burch.

Staff present: Benjamin Krumenauer, Frances Duncanson,

Public present: Holly Walsh, Lia Falls, Germaine Ross, Lisa Curry, Trudy Lorenz, Suzanne Lindren, Kyle Weaver, Sarah Korte, Mike Forecki, and Eric Utne.

Motion by Rose and seconded by Anderson to approval the agenda.

Ayes-7 Nays-0 Motion carried.

Motion by Anderson and seconded by Schmidt to approve the minutes of the April 14, 2020 Regular Board Meeting.

Ayes-7 Nays-0 Motion carried.

Public input and ideas (Limit 5 minutes per speaker)

1. Reports

a) Staff Reports

- i. Fire & Police-Schmidt: The ladder truck purchase is complete and there may be an open house held in the future.
- ii. Administration-Krumenauer: Updated on the proposed Resolution by Polk County that would modify tax payment and settlement dates and the WI Supreme Court striking down the Stay at Home order.

The building permit, public works, and library department reports were in the packet and were not verbally presented.

- b) Chamber of Commerce/Mainstreet-Germaine Ross reported on local business reopening. The Chamber is working with businesses and on signage. They are developing a virtual education program for businesses. People were generous with donations and the flower program will move forward and they are working with the streetscape committee. Buberl asks about how businesses were doing. Ross responded it varies from place to place and the chamber is trying to educate them so they can reopen with confidence when the time comes.

2. Other business – discussion and possible action re:

a) Potential Rybak Mine expansion update 20-minute limit (resident request for discussion)

Mike Forecki stated a lot has happened since the last Board and gave a history of the mine. Forecki focused on two points: the risk to groundwater and the risk if the mine is not reclaimed. The site is 80 acres behind the hospital in the Town of Farmington. There is aggregate, limestone, and some sand mined there with a wash pond on the site. The Town enacted a moratorium to permit time to enact an ordinance. This moratorium will expire at the end of June. The mining company has applied for a permit for an additional 200 acres. The size of this expansion will change the nature of Village growth and impact Village services. The Village has the option of exercising the right to extraterritorial zoning control within one and one-half (1 ½) miles from the Village limits. Paul Wotzka of Land & Water Consulting out of Altura, MN addressed the water quantity and quality concerns. Rybak mines both industrial sand and limestone and is mining within the water table, 855' feet deep, 50-55' within the ground water table. The DNR has reasonable concerns. Wotzka said the monitoring wells the mine uses to test ground water are not adequate and these two wells, because of their construction and location, should not be used to determine if the existing mine is polluting groundwater. Rybak has not completed all the DNR requirements yet including the water discharge report. There is the potential of groundwater pollution to the Town of Farmington and Village of Osceola. Attorney Sarah Korte of Moen, Sheehan, and Meyer Law Firm of LaCrosse spoke about extra territorial zoning. Korte encouraged the Village to enact extra-

territorial zoning by resolution. There would be an interim zoning ordinance adopted and published, transferring zoning authority to the Village. There would be a direct Planning Commission to develop an ordinance and form a joint Committee. The Village Board could then adopt the ordinance or send it back to the Committee. This would enable the Village to extend the moratorium on mining permits. Wotzka stated Rybak may want to mine in the groundwater for industrial sand risking heavy metal contamination. Buberl had questions about the maps and where they came from. Geologist Jeff Broberg reviewed projects he has worked on for counties pertaining to mining and groundwater and has reviewed well logs in the area. The local Osceola terrace water table is close to the surface. West asked if well monitoring is required by the DNR and/or Town? The response was the DNR has not recognized that it is two separate aquifers. Gilliland why expand if the market is poor? Broberg stated markets may change as mines in Texas and elsewhere are mined out. Anderson asked what is the outcome they are looking for? The response was to go back to sand and gravel operations and prevent expansion. Burch stated he was for making a resolution to adopt the extra territorial zoning because we can have some say of what is happening. Village residents on Ridge Road are affected and need representation. Buberl stated we cannot do tonight, as it needs legal and informational analysis. Rose state we are not able to do it right now, and all aside we need to pay attention to growth potential, be good neighbors, and investigate options. The St. Croix Communities Against Frac Sand Mining is name of group is who is presenting the information. Forecki stated once the expansion application is approved, the door is closed. Schmidt stated we have heard one side and would like to sit down with Farmington and see what they have done and gather more information. Buberl thanked the group.

Motion by West and seconded by Burch to approve 2014 & 2015 Airport Entitlement Transfer of \$292,359.51.

Ayes-7 Nays-0 Motion carried.

Motion by Rose and seconded by West to approve the Special Agency Agreement between Bureau of Aeronautics and Village of Osceola (OEO)

Ayes-7 Nays-0 Motion carried.

Krumenauer stated this relates to the CARES Act assistance for COVID-19. The Airport may be eligible for up to \$30,000 in funding to offset airport expenses. The Bureau of Aeronautics would need to approve the agreement to obtain grant funding. There is no airport commission approval needed.

Motion by Anderson and seconded by Gilliland to approve the Administration & Finance Committee recommendation “Revision to Direct Deposit for Employee Payroll” (Section XXIX Pay Periods) and change the pay date from Monday to Wednesday.

Ayes-7 Nays-0 Motion carried.

Motion by Burch and seconded by Schmidt to approval of 2020 Park Mowing Contract with Jagusch Lawn Care for \$11,847.50.

Ayes-7 Nays-0 Motion carried.

Motion by Gilliland and seconded by Anderson to approved “Resolution #20-10 Resolution Amending Resolution Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof”

Ayes-7 Nays-0 Motion carried.

The Resolution corrects and clarifies language of the refinance resolution previously approved by the Board.

Motion by Burch and seconded by West to approve Ordinance #20-02 Chapter 161 – Fireworks with 161-3 the revision to Village President rather than Administrator as stated.

Ayes-7 Nays-0 Motion carried.

Motion by Schmidt and seconded by Burch to approve Ordinance #20-03 Update to Chapter A222 –

Fees and Salaries

Ayes-7 Nays-0 Motion carried.

This pertains to fees for fireworks permits and cleans up language for open records fees, parking tickets and was recommended by the Police and Fire Committee.

Update on billing disagreement with Mill Pond Learning Foundation

Buberl stated Krumenauer has been working with Bob Wolf but has not heard back from Mill Pond representatives since February. The Village Attorney reached out and we did get a response that they have been busy, and it was put on back burner. The construction company did not agree with the cost of the garage projected by the Mill Pond Foundation. They estimated about \$300,000 less to the Village’s favor. Schmidt stated his frustration and we need to send them a final bill and move on. West agreed we should send them a final bill as they committed to a certain amount, the Village relied on it, and send the bill as need to be to qualify as continuing legal debt. Burch stated we have questions from constituents and to send them a certified letter and we need we need accountability. Gilliland stated to figure out a final number and bill it once a month. Buberl stated it does not feel like it has been a partnership as intended. Rose wants us to continue to partner with people who made specific contributions like RCU and thinks we need to honor naming plates and not punish people whole donated for a specific item. Buberl stated a lot of people donated a lot of money for the building to be used, and the group did raise money. Schmidt felt we need to be involved in any signage. Anderson wants us to be proud of building and the groups who use it. Buberl will call a special meeting to review the final billing to the Mill Pond group.

Sale of Public Property to Federated Cooperative (\$70,000)

This item was on a previous agenda and there has been negotiation since then. Federated CoOp is a good quality neighbor and the sale was reviewed by both the Public Works and Police & Fire Committees and they approve. The land use was reviewed and deemed consistent with shared ditches and easements protected. Both parties will contribute to future costs of the shared driveway and share closing costs.

Motion by Rose and seconded by Gilliland to approve the sale of public property to Federated Cooperative for \$70,000.

Ayes-7 Nays-0 Motion carried.

Motion by Burch and seconded by Gilliland to approve Resolution #20-11 Extending Term of General Obligation Promissory Note of \$950,000 for two months.

Ayes-7 Nays-0 Motion carried.

Permits and Licenses

b) Licenses

Motion by Rose and seconded by Anderson approve Operator License for Tiberg and Murphy

Ayes-7 Nays-0 Motion carried.

Board, Committee, Commission and Agency Reports:

- a. January 29, 2020 Police & Fire Committee
- b. March 3, 2020 Planning Commission
- c. March 12, 2020 Osceola Library Board
- d. March 17, 2020 Osceola Library Board (Special Meeting)
- e. April 1, 2020 Admin & Finance Committee

Motion by Schmidt and seconded by Gilliland to approve reports.

Ayes-7 Nays-0 Motion carried.

Motion by West and seconded by Gilliland to approve vouchers payable.

Ayes-7 Nays-0 Motion carried.

Board appointments

Motion by Gilliland and seconded by Burch to approve Board appointments as listed with Board member West on Airport and Industrial Development.

Ayes-7 Nays-0 Motion carried.

Motion by West and seconded by Anderson to appoint of Joe Greene to the Airport Commission for a one-year term to expire 04, 2021

Ayes-7 Nays-0 Motion carried.

Discussion of and action on any other appropriate items

Rose commented on how well the remote meetings have went. Burch reported the on fill was dumped at the Veterans Memorial site.

President Buberl adjourned the meeting at 8:15 p.m.