

Regular Town Board Meeting of August 20, 2019

Meeting was held at the Town Hall in Sayner. Meeting was called to order at 3:10 PM by Chairman Maines, who noted that this meeting was duly called with notice posted at the Town Hall in Sayner, the Sayner Post Office, and the Star Lake Post Office, and notice given to the Vilas County News-Review, The Lakeland Times, and WERL-WRJO Radio Stations of Eagle River, as well as posted on the town website. Supervisor Schmidt, Supervisor Wiggenhauser and Clerk Brooker were also present. There were 16 other people present.

Pledge of Allegiance was recited by all.

Supervisor Wiggenhauser made a motion to approve the agenda in any order. Supervisor Schmidt seconded; motion carried.

Motion to approve the minutes of prior Town Board Meetings (three meetings) was made by Supervisor Schmidt, Chairman Maines seconded, motion carried.

Citizens Comments and Correspondence:

Gary Errington conveyed his concern on the flow in the creek between Little Star and Star Lake saying that the water was stagnant in that area and is concerned about Blasto and winter kill due to the beaver dams. Chairman Maines said that the beaver control guy has been contacted several times. Gary Errington thinks a bigger culvert could be helpful and that taking the beaver dam apart by hand was useless as the beavers can rebuild the dam overnight.

Sheehan Donoghue asked if the Town pursued getting a bid for cleaning the carpet in the Town Hall by a professional cleaner which she thought would be more frugal than buying new carpet. She also asked about a resolution concerning the Grader and Chairman Maines told her that the resolution at the current meeting was about securing the \$35,000 loan for the Grader. Sheehan also wanted to make the Board aware of the fact that if Citizens comments are allowed during the meeting, the Board must allow people to also talk about things that are not listed on the agenda.

Sheehan also noted that she thought the notice for the meeting was not posted properly with the wording used about when the meeting would start. Sheehan also wanted to know how, besides writing a letter, should go about bringing concerns to the Town of Plum Lake about things that are not on the meeting agenda. She wanted to know where things stood with the Insurance Underwriting in regard to the accident the Town Truck was involved in with Jimmy Mortag as the driver. In response to that comment, Chairman Maines read a letter the insurance company had provided stating that the Town is cleared and in good standing with the Insurance Company and there will be no rate increases due to the accident.

Dale asked if the Town was still pursuing bringing in another company for Broadband Internet for the Township. Chairman Maines said that they had tried with Sonic Net, but because no landowners would allow them to put up a 90-foot tower on their property, it turned into a dead end. Dale also asked if the Town was proactive in trying to keep Hackers out of the system. Clerk Brooker said she has already implemented some things and will continue working on it.

Cheryl Carper asked who was responsible for keeping the outhouses at State House Point clean. She said that there had been complaints on how filthy they are and that there was no toilet paper. Clerk Brooker noted that Kent, a former employee kept the outhouses clean. The consensus was the Town Crew is responsible for cleaning them.

Gary E. would like the minutes of the meetings to be posted on the website. Clerk Brooker said it is one of the things on her agenda to get done. Gail Shea Nardi also would like to see minutes posted online. Chairman Maines will investigate with the Towns Association if it is mandatory to be posting minutes on website.

Clerk Brooker stated that the Board needed to let her know if they will be attending the WTA Fall seminar on 9/17/2019. She also wanted the Board to read an article about funding for local road projects in the Wisconsin Towns Association Magazine.

Report from Lakes Committee:

John Richter shared information from the 7/17/2019 and 8/14/2019 Lakes Committee meetings. At these meetings the following topics were discussed. Clean Boats Clean Waters, Town Lakes Management Plan, Small Lakes AIS Survey, and I-LIDS Additional Camera Installations. He stated that all projects are on budget for 2019. They will be looking to hire 2 interns for next summer, hopefully from the North Lakeland Discovery Center for the small lakes project. The Lakes Committee will be providing some additional monitoring at Town boat landings for the National Championship Musky Open Event. The I-Lids have recorded a total of 14,324 videos through August 12th, 2019 and 6,805 of those videos have been viewed for visible weeds. The DNR requested that the sound on the I-LIDS camera at the Star Lake Landing be turned off. The sound had already been turned down, so no other action was warranted.

Invoice Submitted by Roger Weber for Ball Park Repairs:

Roger Weber submitted a bill in the amount of \$920.43 for items that did not get approval from the Board. The only thing the Board had previously approved was work on the Concession Stand. After discussion, the Board was unanimous in their decision. Supervisor Schmidt made a motion that the Board deny payment of the invoice submitted and to ask Mr. Weber to take the invoice to the Lions Club for them to possibly consider. Supervisor Wiggenhauser seconded, motion carried.

DNR Proposal to Open ATV Routes on Northern Highland State Forest Property:

Chairman Maines said he had read articles that made it sound like the Town has already approved trails all over the Town of Plum Lake, not just the 2 routes that were approved but are not yet open. He also noted that the DNR will not approve a route from old Hwy K on the snowmobile trail to Stillwaters because it doesn't open a connector to any surrounding towns. It was noted that the DNR is proposing an expansion of ATV routes in the Northern Highlands. Chairman Maines stated that he is only in favor of the 2 routes already approved by the Board and that he doesn't foresee or want any further expansion in the near future.

Payroll for Proposed Youth Librarian:

Emilie Braunel, Library Director, told the Town Board that the Library Board had approved the hiring of a part-time Youth Program Assistant to work 5 to 10 hours a week year-round. The Library will provide the funds to pay the employee but requested that the pay be run through the Towns payroll system. Supervisor Wiggenhauser made a motion to approve Emile's request, Supervisor Schmidt seconded, motion carried.

Replacing Carpet in Clerk's Office and Possibly Main Meeting Area:

A bid from Eagle Carpet Cleaning to clean the main area of the Town Hall was \$343.44. It was noted the decision for cleaning or replacing of the main area would be made at the next meeting. Eagle Floor Covering submitted a bid of \$1,760.85 to remove and replace carpet in the Clerk's office. Supervisor Schmidt made a motion to approve getting Eagle Floor Covering to do the \$1760.85 bid for the new carpet in the Clerk's office. Supervisor Wiggenhauser seconded. After further discussion about total budget for Town Hall carpet and noting that tiles will be put in the office, a vote was taken, and motion carried.

Approval of Cemetery Lot for Dennis & Diana Meyer (Lot 94, Site A) and for Holly (Morrell) & Jeffrey Spieker (Block 1, Section A, Site 10):

Chairman Maines noted that Meyer's lot was in Sayner Cemetery Addition and Spieker's lot was in the Star Lake Cemetery. (Star Lake lot was one that someone sold back to the town.) Supervisor Wiggenhauser made a motion to approve the purchase of said lots. Supervisor Schmidt seconded. Motion carried.

Resolution to Approve Loan for Grader:

Chairman Maines said the loan for the Grader would be for \$35,000. Supervisor Wiggenhauser asked if anyone had looked at the Grader in person before purchasing. Chairman Maines said no, but he had done his research on it and felt that being a one owner history was a plus. He had talked with the dealer and stated he felt comfortable after researching that it was a good choice for the Town. Supervisor Schmidt made a motion to approve the Resolution for the loan on the Grader, Chairman Maines seconded, Supervisor Schmidt-aye. Chairman Maines-aye, Supervisor Wiggenhauser-nay, motion carried, 2 to 1.

Resolution for Loan from mBank for Grader

WHEREAS the Town of Plum Lake, Vilas Count, Wisconsin, is presently in need of funds aggregating exactly Thirty-Five Thousand Dollars (\$35,000.00) for public purpose: Purchase a used Grader ; and

WHEREAS, the Town of Plum Lake deems it necessary and in the best interests of the Town that, pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of exactly Thirty-Five Thousand dollars (\$35,000.00) be borrowed for such purposes(s) upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED, that for the purpose(s) hereinabove set forth the Town, by its Chairperson, and Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from mBank ("Lender"), the sum of \$35,000.00 and to evidence such indebtedness, said Chairperson and Clerk shall make, execute and deliver to the Lender for and on behalf of the Town the promissory note of the Town to be dated August 21, 2019. In said principal amount with interest at the rate of three and twenty-nine hundredths percent (3.29%) per annum and payable as follows:

Installments of Principal and Interest in six (6) equal payments of \$5,201.62, due on January 31, 2020 and on the same day(s) of each third month thereafter, plus a final payment of the unpaid balance and accrued interest due on July 31, 2021. All payments include principal and interest. Interest is payable on January 31, 2020 and on the same day of each third month thereafter. Interest is computed for the actual number of days principal is unpaid on the basis of a 360-day year. Said interest to be payable on the dates set forth above on the outstanding principal balance, with prepayment privileges on any principal or interest payment date on or after August 21, 2019. A copy of the promissory note shall be attached to this resolution.

BE IT FURTHER RESOLVED, that there be, and hereby is, levied on all the taxable property of the Town, a direct annual irrevocable tax sufficient in amount to pay the principal and interest on said note as the same become due and payable, said tax to be in the following minimum amounts:

<u>Amount of Tax</u> <u>(principal & interest)</u>	<u>To Meet Note Payments</u> <u>Due On</u>	<u>Year of Levy</u> <u>(must be in years prior to due date)</u>
\$20,806.48	1/31/20; 4/30/20; 7/31/20; 10/31/20	For the year 2019
\$15,604.86	1/31/21; 4/30/21; 7/31/21	For the year 2020

If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said note when due, the requisite amount shall be paid from other funds of the Town then available, which sums shall be replaced upon the collection of the taxes herein levied.

In the event that the Town exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

In each of said levy years, the direct annual tax so levied shall be carried into the tax rolls each year and shall be collected in the same manner and at the same time as other taxes of the Town for such years are collected; provided, that the amount of tax carried into the tax roll may be reduced in any year by the amount of any surplus in the debt service account for the note. So long as any part of the principal of, or interest on, said note remains unpaid, the proceeds of said tax shall be segregated in a special fund used solely for the payment of the principal of, and interest on, said note.

BE IT FURTHER RESOLVED, that there be and hereby is established in the treasury of the Town, if one has not already been established, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted account principles. Sinking funds established for obligations previously issued by the Town may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for Promissory Note dated August 21, 2019", which account shall be used solely for the purpose of paying principal and interest on said note. There shall be deposited in said account any accrued interest paid on said note at the time it is delivered to the Lender, all money raised by taxation or appropriated pursuant hereto, and such other sums as may be necessary to pay principal and interest on said note when the same shall become due.

BE IT FURTHER RESOLVED, that the proceeds of said note shall be used solely for the purposes for which it is issued, but may be temporarily invested until needed in legal investments, provided that no such investment shall be in such a manner as would cause said note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or the Regulations of the Commissioner of Internal Revenue thereunder; and an officer of the Town, charged with the responsibility for issuing the note, shall certify by use of an arbitrage certificate, if required, that, on the basis of the facts, estimates and circumstances in existence on the date of the delivery of the note, it is not expected that the proceeds will be used in a manner that would cause said note to be an "arbitrage bond".

BE IT FURTHER RESOLVED, that the projects financed by the note and their ownership, management and use will not cause the note to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, and that the Town shall comply with all provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the note.

BE IT FURTHER RESOLVED, that the Town Clerk shall keep records for the registration and for the transfer of the note. The person in whose name the note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid. The note may be transferred by the registered owner thereof by presentation of the note at the office of the Town Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Town Clerk, shall be made on such note.

* **BE IT FURTHER RESOLVED**, that the note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income, for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations. (4)

BE IT FURTHER RESOLVED, that the Town officials are hereby authorized and directed, so long as said note is outstanding, to deliver to the Lender any audit statement or other financial information the Lender may reasonably request and to discuss its affairs and finances with the Lender.

BE IT FURTHER RESOLVED, that said note shall be delivered to the Lender on or after the date of said note, upon receipt of the total principal amount of the loan evidenced thereby, plus accrued interest, if any, to date of delivery, provided that, if this is a refinancing, the refunding note shall be immediately exchanged for the note being refinanced.

DNR Resolution for Nixon Lake Road Project:

Chairman Maines said that the DNR is committed to the Nixon Lake Road Project, which is totally funded for up to \$152,000.00, and that no money would come out of Town funds. The Resolution was read at the meeting and Supervisor Schmidt said he was uncomfortable with some of the wording and thought a person should get more information on the specs expected by the DNR for the road. Board had a discussion on if the Town Crew would do the work or if a Contractor would be hired or both. Supervisor Schmidt made a motion to table the discussion until the next Regular Town Board meeting in September. Supervisor Wiggenhauser seconded, motion carried. Craig Dalton will be invited to attend the September meeting and the board will try and get clearer specs on what the DNR has planned for the project in advance of the September meeting.

Speed Limits for All Town Roads:

After a discussion, the Board felt they needed to do more research on how many signs they would need and find out the legal posting requirements for them. They thought 25 mph would be the best speed to post the town roads at. Since they couldn't add anything to the budget until the research is done, Supervisor Schmidt made a motion to table it until the next Regular Town Board Meeting. Supervisor Wiggenhauser seconded, motion carried.

RFP'S for Logging Town 40:

Chairman Maines opened the two sealed bids. Nordine Loggers bid \$11,564.95 for the specified cordage and Cloverland Logging (Klessig) bid \$14,037.50. Supervisor Wiggenhauser made a motion to approve the Cloverland Logging Proposal of \$14,037.50. Supervisor Schmidt seconded; motion carried. Thoughts were the Town Crew could handle cutting down any trees selected in the new Star Lake

cemetery area. Clerk Brooker to contact Klessig to let them know they got the job and to ask when they will be starting the job.

Bicycle Kiosk Placement:

Chairman Maines reported the Kiosk is all built and ready to be installed. The Gerlach's will need help from the Town Crew to move it out of their garage. After discussion, Supervisor Schmidt made a motion to put the Kiosk by the Fire Department near the corner for the bicycle parking. Supervisor Wiggenhauser seconded, motion carried.

Possible Diesel Tank in Star Lake or Portable Tank for 1-Ton Truck:

Supervisor Schmidt did research on options for fueling vehicles in Star Lake. One option for \$7,000.00 was to install a tank set up on a pad that included electrical. Possibility of sharing this tank with the Barnstormers. Other option was for a \$500 portable tank that holds around 36 gallons and can be carried in back of the truck. After discussion, Supervisor Schmidt made a motion to put money in the budget for a vehicle based portable tank for refueling the grader and the Mower. Supervisor Wiggenhauser seconded, motion carried.

Approve Vouchers for Payment and Financial Report:

Supervisor Schmidt questioned Clerk Brooker on an I-LIDS expense payment for maintenance and questioned where she took it from. The Lakes Committee may need to reimburse the Town for the maintenance paid for I-LIDS. Thoughts were that there was an agreement that the Lakes Committee would pay for maintenance on the I-LIDS. Supervisor Schmidt made a motion to approve the vouchers for payment in the amount of \$182,859.09. Supervisor Wiggenhauser seconded, motion carried.

Meeting was adjourned at 4:35 pm.

A voice recording of this meeting is available in the town office. These minutes were taken at a Regular Town Board meeting held on the 20th day of August 2019 and were entered in this Record Book by: