

Approval: March 9, 2021

MINUTES

TOWN BOARD OF THE TOWN OF POLK

Town of Polk Town Hall * 3680 State HWY 60* Slinger, WI 53086

Washington County, Wisconsin

Tuesday, February 9, 2021 at 7:00 p.m.

1. Meeting was called to order at 7:00pm.

A. Pledge of Allegiance- was recited.

B. Verification of Official Meeting Notice. Notice was given to the West Bend Daily News, Milwaukee Journal Sentinel, and WTKM radio station. Notice was posted at Cedar Lake Hills Subdivision, Roskopf's RV Center, the Town Hall, and on the Town website.

C. Roll Call: Present: Chairman Albert Schulteis, Supervisor Robert Roecker, Dennis Sang, Treasurer Lynette Bartlett, Zoning Administrator Tracy Groth and Town Clerk Sandra Rotar.

D. Moment of Silent Prayer

E. Public Comments (15 minutes)

- Rick Hanke, Jr, 3974 County Rd. C, West Bend: Mr. Hanke stated that he had concerns with New Business, Item H. He stated he had concern with the Town pursuing a conditional use permit and felt the proposed activities should be covered as an approved use. The Petition does not allow his Company to provide the services planned for site and he questioned the need for the change as the Town Board had approved the desired uses in 2017.

F. Approval of Minutes

- **January 12, 2021 – Town Board Meeting:** A motion to approve the minutes as written was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.
- **January 28, 2021 – Special Town Board Meeting:** A motion to approve the minutes as written was made by Supervisor Sang and seconded by Supervisor Roecker. All voted in favor and the motion carried.
- **February 2, 2021 – Special Town Board Meeting:** A motion to approve the minutes as written was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

G. Washington County Supervisor, Pam Konrath, Report:

- Supervisor Konrath was unable to attend.

H. Washington County Sherriff Department activity within the Town of Polk for January 2021:

- Deputy Sherriff Jeremy Miller from the Washington County Sheriff's Department reported in January of 2021 there were 497 calls for service in the Town of Polk; including 217 property/business checks made, 72 traffic stops, and 63 traffic accidents, including 8 accidents involving hitting deer and 39 accidents resulting in a vehicle in ditch. Deputy Miller reminded everyone to be careful while driving on icy/snow covered roads.

I. Chairman's Report

- **Salt Deliveries:** The Town had received 30.5 tons of salt over the past two weeks for use in snow operations.
- **LRIP Reimbursement:** The Town is still awaiting the 2020 reimbursement for the LRIP program. Chairman Schulteis stated he contacted Washington County Highway Department and was told that due to COVID-19 and staff furloughs, there was a significant backlog in work. The Town's reimbursement request would be processed as soon as possible.
- **2021 Road Building:** The planning process for the 2021 road projects has begun. Roads being considered for repair include: Lily Rd between HWY 60 to Cedar Creek Road, the 2nd lift remaining for the 2020 Cedar Creek Road project and Foxboro Drive in the Birnamwood subdivision. Asphalt contractors had been contacted and will start working on estimates as soon as possible.

J. Treasurer's Report

- Review of Town bank account balances: Town Treasurer Lynette Bartlett reviewed the largest revenues and expenditures for January 2021.
- Approval of vouchers/checks issued in January 2021 – A motion to approve the payment vouchers for check numbers 11511-11576 was made Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

2. Unfinished Business: Review/Action – none.

3. New Business: Review/Action.

A. Bartender/Operator License for 2020-2021 Licensing Year

- Jesse Vranek (NEW) – Sheryl's Club 175
- Town Clerk Sandra Rotar stated the applicant had submitted a complete application, the required documentation and paid the necessary fee. Ms. Rotar also stated a background check had been conducted, and no concerns were found.
- A motion to approve the Operator/Bartender License as presented was made by Supervisor Sang and seconded by Supervisor Roecker. All voted in favor and the motion carried.

B. Resolution No. 02.2021 Town of Polk Election Day Emergency Response Plan

- Town Clerk Sandra Rotar stated that in 2020, the Town adopted Resolution 02.2020 which updated the Town's Election Day Emergency Plan. The Resolution required the Town Clerk to review the plan annually and suggest any updates to the Town Board if needed.
- Ms. Rotar stated that upon review, it was decided to update the Plan to include a section on operating during a Pandemic/Public Health Crisis. The COVID-19 public health crisis resulted in several changes to how elections were conducted in terms of personal protective equipment, voter flow, masking and other measures implemented to protect the health of voters and poll workers.
- Discussion ensued regarding the changes and other sections of the plan (severe weather, electrical outage, etc.)
- A motion to approve Resolution No. 02.2021 Town of Polk Election Day Emergency Response Plan was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

C. Resolution No. 03.2021 Resolution Authorizing the Town of Polk to Become a Member of the Mid-Moraine Municipal Court

- Town Clerk Rotar stated the Town had petitioned the Mid-Moraine Municipal Court to become a member.
- To be fully accepted, there were several items that must be completed. Item C and D are two of the items required.
- Ms. Rotar stated the Agreement before the Town Board was the 14th Amendment, which required approval by the Town of Polk Town Board as well as the Governing Bodies of current Court members.
- A motion to approve Resolution No. 03.2021 Resolution Authorizing the Town of Polk to Become a Member of the Mid-Moraine Municipal Court was made by Supervisor Sang and seconded by Supervisor Roecker. All voted in favor and the motion carried.

D. Ordinance No. 02.2021 An Ordinance Relating to Creating and Adopting the Mid-Moraine Municipal Court as the Municipal Court for the Town of Polk

- Town Clerk Rotar stated this Ordinance was related to Item C and was one of the requirements to become a member of the Mid-Moraine Municipal Court.
- Ms. Rotar stated the Town of Polk Code of Ordinances does not designate the Municipal Court for Town violations. Ordinance 02.2021 will create a Municipal Court section and designate the Mid-Moraine Court as the Town's Municipal Court.
- Discussion ensued regarding the benefits and costs of joining the Court.
- A motion to approve Ordinance No. 02.2021 An Ordinance Relating to Creating and Adopting the Mid-Moraine Municipal Court as the Municipal Court for the Town of Polk

was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

E. Request by Town Clerk to Attend the 2021 Municipal Clerks Institute (Year 3) July 12-16, 2021 (virtual)

- Town Clerk Sandra Rotar stated she attended the Year 1 and Year 2 of the Municipal Clerks Institute over the past two years and felt that the courses were very beneficial to her understanding of the roles and responsibilities of the Clerk position. The Clerks Institute is a three-year program, and UW- Green Bay is offering it virtually this year. Ms. Rotar stated she would like to complete the three-year program. The cost of the 2021 training is \$489.00.
- A motion to approve the Town Clerk's request to Attend the 2021 Municipal Clerks Institute was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

F. Resolution 04.2021 Amendment of the Town of Polk Fee Schedule

- Mr. Paul Launer, representing Lake Country Inspections, LLC, stated an error was recently discovered regarding the calculation of the permit fee for addition and remodeling projects in the current fee schedule. He stated the fee schedule, submitted by Lake Country Inspections, LLC, included this error. Therefore, the company was requesting an amendment to the fee schedule to correct the mistake.
- Chairman Schulteis stated he was comfortable amending the fee schedule but felt the change should not impact projects that were submitted to the Town before the Town Board's adoption of the Resolution. This concern was also voiced by Supervisors Roecker and Sang.
- A motion to approve Resolution 04.2021 Amendment of the Town of Polk Fee Schedule, excluding building permit projects received prior to February 9, 2021 which will follow the previous fee schedule, was made by Chairman Schulteis and seconded by Supervisor Sang. All voted in favor and the motion carried.

G. Amendment of the Lake Country Inspections, LLCs 2020-2022 Contract to Reflect New Permit Fee Schedule

- Town Clerk Sandra Rotar stated that Building Permit fees are included as an exhibit in the Town of Polk's Building Inspection contract with Lake Country Inspections, LLC. Therefore, since the Town Board had adopted a new Fee Schedule for building permits in Item F, the contract also needed to be amended.
- A motion to amend the Lake Country Inspections, LLC 2020-2022 Contract was made by Supervisor Sang and seconded by Supervisor Sang. All voted in favor and the motion carried.

H. Draft Petition to Amend Chapter 17 Town of Polk Zoning Code Section 3.09 M-1 Industrial District by adding the crushing and processing of bank run aggregate, asphalt, and topsoil, except washing as a Conditional Use in the district

- Zoning Administrator Tracy Groth stated crushing and processing of bank run aggregate, asphalt, and topsoil, and washing of bank run aggregate were not permitted uses in the M-1 Industrial District.
- Ms. Groth explained within the Town Board packets there are two versions of a draft Petition for possible submission to Plan Commission. Both versions would permit crushing and processing of bank run aggregate, asphalt, and topsoil as a Conditional Use. Version 2 would allow the crushing of asphalt. Washing of bank run aggregate would not be permitted in either version. The Town Board needed to decide which version should move forward to the Plan Commission.

- A motion to forward Version 2 of the draft petition to Amend Chapter 17 Town of Polk Zoning Code Section 3.09 M-1 Industrial District by adding the crushing and processing of bank run aggregate, asphalt, and topsoil, except washing as a Conditional Use in the district was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried.

I. Discussion: Adoption of a Road Restoration Ordinance

- Zoning Administrator Tracy Groth stated the Town of Polk Code of Ordinances does not have an ordinance that would allow the Town to charge for road damage caused by development. She stated the type of project (residential units, business development, etc.) impacted by a fee would be determined by the Town Board
- Ms. Groth stated to recover costs related to repairing road damage, the Town Board is being presented with two options by the Town Attorney:
 - o Road Impact Fee Ordinance
 - o Road Restoration Ordinance
- Ms. Groth stated the State Statutes relating to a Road Impact Fee were very strict and may be more complex than the Town needs. In comparison, the Road Restoration Ordinance would allow the Town to require a bond of the developer to offset the costs of fixing/repairing any damage to a Town road.
- Injury to Highway Wis. Stat. §86.02 which allows municipalities to charge triple the cost of restoring road damage.

- The Town Board directed the Zoning Administrator to speak with Town Attorney about drafting the language to address development other than residential housing, and clarify if road restoration/damage issues could be addressed through development agreements and site plan permits.

J. Receipt of the Plan Commission Report from the February 2, 2021 Plan Commission meeting

- A motion to receive the Plan Commission report from the February 2, 2021 Plan Commission meeting was made by Supervisor Sang and seconded by Supervisor Roecker. All voted in favor and the motion carried.

4. Motion to adjourn was made by Supervisor Roecker and seconded by Supervisor Sang. All voted in favor and the motion carried. Time of adjournment was 8:26pm.

Respectfully submitted,



Sandra Rotar, Clerk