

TOWN OF MILTON

MEETING MINUTES

2012

TOWN OF MILTON
TOWN BOARD MEETING
January 18, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present. Also present were five community members.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Bagniewski made a motion to approve payment of all bills submitted. Supervisor Dienger seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the December 12, 2011 meeting. Supervisor Dienger made a motion to approve the minutes; seconded by Supervisor Bagniewski. (Motion passed).

Report on CapX2020 (John Frie): Mr. Frie reported that there are two studies (USDA and PSC), both of which have different deadlines. The deadline for comment on the USDA report is February 13, 2012. Several Highway 88 residents attended a hearing on January 9th sponsored by the USDA and were able to point out a number of inaccuracies in the USDA report. Mr. Frie later spoke with a USDA representative who said that a more complete impact study was going to be requested from USDA. The comment deadline to the PSC was December 23, 2011 for all but the Highway 88 comments. The Highway 88 comment period was extended to January 23rd. Mr. Frie believes there is a big push from Dairyland Power and others to stay with the Q1 route. There are more public hearings scheduled for Tuesday, March 13, 2012 at 1:00 p.m. or 6:00 p.m. at the American Legion in Alma.

Roadwork: When the weather allows, the Board will look at Genos Drive to see if it merits some type of additional work this year.

Flood Reimbursement: We still haven't received the \$13,007.86 in reimbursement from the State, nor the 12.5% reimbursement from the County. Chairperson Platteter will check into that.

Recycling: The recycling is going well from Snapper's perspective.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski (motion passed).

Meeting adjourned 7:55 p.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
February 15, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present. Also present were six community members.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Bagniewski made a motion to approve payment of all bills submitted. Supervisor Dienger seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the January 18, 2012 meeting. Supervisor Dienger made a motion to approve the minutes; seconded by Supervisor Bagniewski. (Motion passed).

Improvements to Mississippi Thunder Speedway: Bob Timm was not available to attend the meeting so this issue will be rescheduled for the March meeting.

Report on CapX2020: John Frie was not available to report in person, but did send an e-mail with the following information: there are PSC hearings in Alma on March 13, 2012 at 1 p.m. and 6 p.m. There are also hearings in Centerville on March 14, 2012 at 1 p.m. and 6 p.m. The Board will work on submitting a letter, similar to the one submitted by the Buffalo County Finance Committee.

Roadwork Update: Paul Duellman will trim brush on Waumandee Creek Road.

Operator's License Application of David Fischer: Upon a motion by Supervisor Bagniewski and a second by Supervisor Dienger, David Fischer was granted an Operator's License. (Motion passed).

Recycling Issues: The recycling site at Snapper's doesn't take brush or compost. The Fountain City and CBC sites take this material, but it not part of the County program. Del Twidt is working on a solution and Chairperson Platteter will report back.

Discussion/Announcements:

- **MABIS:** The Fountain City Fire Association wants the Town of Milton to adopt a resolution for MABIS (Mutual Aid Box Alarm System), which is a mutual aid system for fires. This will be on the March agenda.
- **Sand Mines:** There has been a lot of talk lately of possible sand mine operations in the township. The County regulates zoning and has attempted to make sure that townships and residents are protected. Once an application is received, the first step would be the Board of Adjustment. No applications in our townships have been received yet. The Town Board will monitor this.

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 8:00 p.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
March 21, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present. Also present were eight community members.

Informal Public Comment: Daryl Schmitt asked when the road maintenance contract for the Town of Milton expired. Chairperson Platteter informed him that it expired in 2014.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the February 15, 2012 meeting. Supervisor Bagniewski made a motion to approve the minutes; seconded by Supervisor Dienger. (Motion passed).

Improvements to Mississippi Thunder Speedway: Bob Timm was present to address questions regarding the improvements being made to the racetrack. He stated that they are making more room for parking and are also placing foundry sand in low spots. The foundry sand use has been approved by all permitting authorities and is coming from Badger Foundry. The project will take 18-24 months and will include the placement of topsoil and vegetation over the foundry sand. They will also fix existing drainage problems in that area. Mr. Timm also stated that the race season is scheduled to start on April 27th and that there are two Friday evening practices scheduled in the two weeks preceding the start date. At this time, there are no other practices scheduled. The race schedule is posted on the www.mississippithunder.com website.

Report on CapX2020: John Frie was not present to provide a report.

MABIS (Mutual Aid Box Alarm System) Resolution: A resolution in support of mutual aid for area fire departments was presented. Upon a motion by Supervisor Bagniewski and a second by Supervisor Dienger, the resolution was adopted.

Resolution to Extend Terms of Office: Due to a recent statute change, newly elected town officials are not scheduled to take office until later in April, leaving a gap between the end of the current officer's terms and the new officer's terms. A resolution was presented which would extend the existing officer's terms in order to prevent any gap in governance. Upon a motion by Supervisor Dienger and a second by Supervisor Bagniewski the resolution passed.

Operator's License Application of Esther Pedersen: The Board reviewed the license application and criminal background check of Esther Pedersen, which revealed multiple convictions, including alcohol related violations. Upon a motion by supervisor Bagniewski and second by Supervisor Dienger, the Board voted to deny the application.

Recycling Issues: The CBC site will not take brush and compost from Town of Milton residents at its site, even for a fee. Another possible option would be to go back to Fountain City for recycling, but Board members have received comments from several residents stating that they like the current set-up at Snapper's, where they can take both garbage and recycling to one location. Since there has been only one resident request for having such a site, no action will be taken at this time.

Road Survey: The Board will be having a special meeting on April 4th, 2012 starting at the Town Hall at 4:30 p.m. to travel on the town roads and to survey them for roadwork needs.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 7:53 p.m.

Submitted by Kalene Engel, Town Clerk

ADDENDUM B TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT

RESOLUTION NO. 2012-01

WHEREAS, the Town of Milton, Buffalo County, Wisconsin (hereafter Town of Milton) provides fire and/or emergency medical services under contract with Fountain City Fire Department in accordance with Chapters 181 and/or 213 of the Wisconsin Statutes.

WHEREAS, whenever an emergency in the Town of Milton takes place, or another community requests the Town of Milton to provide mutual aid in such an event, the Fountain City Fire Department could act swiftly to mitigate the incident.

WHEREAS, the Town of Milton has reviewed the agreement which is entitled the "Mutual Aid Box Alarm System Agreement" and has determined that it would be in the best interest of the Town of Milton to allow the Fountain City Fire Department under contract with said Town of Milton to participate in the Agreement for the provision of fire and/or emergency medical services.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Milton:

1. That the Mutual Aid Box Alarm System Agreement submitted for consideration and approval is hereby approved;
2. That pursuant to the contract for fire and/or emergency medical services between the Fountain City Fire Department and the Town of Milton, the Fountain City Fire Department may participate in the Mutual Aid Box Alarm System Agreement in accordance with its terms.
3. That Fountain City Fire Department shall keep on file with the Town of Milton Clerk current proof of insurance and other certifications required in the execution of this contract.
4. That the Chairperson and the Town of Milton Clerk shall be, and are duly authorized to sign the Mutual Aid Box Alarm System Agreement form presented and submit it to the Mutual Aid Box Alarm System Executive Board.
5. That each of the fire and/or emergency medical service organizations within the Town of Milton be furnished with a copy of the signed agreement and of this Resolution.

Introduced and adopted at a regular meeting of the Town Board of the Town of Milton.

Dated this 21st day of MARCH, 2012

Buffalo County, Wisconsin

By: Bob Platetter

Bob Platetter, Chairperson

Attest: Kalene M. Engel

Kalene Engel, Clerk

| MABAS-Wisconsin Policies, Procedures, and Guidelines | |
|---|--|
| Index Number: | Appendix B |
| Subject: | MABAS-Wisconsin Agreement |
| Functional Area: | Administration |
| Category: | Policy |
| Approved: | MABAS-Wisconsin Executive Board on December 12, 2007 |
| Revised: | |

MUTUAL AID BOX ALARM SYSTEM

AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto [hereafter "Unit(s)"] that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

WHEREAS, the parties hereto have determined because of geographical considerations it is important for Illinois units and Wisconsin units to coordinate mutual aid through the Mutual Aid Box Alarm System for the effective and efficient provision of Mutual aid; and

WHEREAS, it is recognized and acknowledged that emergencies, natural disasters, and man-made catastrophes do not conform to designated territorial limits and state boundaries; and

WHEREAS, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state. (Wis.Stats. 66.0303(3)(b).)

WHEREAS, the State of Illinois has provided similar provisions under the "Intergovernmental Cooperation Act" of 5 ILCS 220/1 et seq.

THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION ONE

Purpose

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

SECTION TWO

Definitions

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

- A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"): A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time;
- B. "Member Unit": A unit of local government including but not limited to a county, city, village, town, tribe or band, emergency medical services district, or fire protection district having a fire department recognized by the State of Illinois, or

SECTION THREE

Authority and Action to Effect Mutual Aid

- A. The Member Units hereby authorize and direct their respective Chief Officer or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Chief Officer, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.
- B. Whenever an emergency occurs and conditions are such that the Chief Officer, Incident Commander or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.
- C. The Chief Officer, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

Determine what equipment, personnel and/or services is requested according to the system maintained by the MABAS. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit; dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of the MABAS; notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

SECTION SEVEN

Indemnification Liability and Waiver of Claims

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Agreement; provided, however, that such claim is not a result of willful or reckless misconduct by a party hereto or its personnel. The Stricken Unit hereby expressly agrees to hold harmless, indemnify and defend the Aiding Unit and its personnel from any and all claims, demands, liability, losses, including attorney fees and costs, suits in law or in equity which are made by a third party that may arise from providing aid pursuant to this Agreement.

All employee benefits, wage and disability payments, pensions and worker's compensation claims, shall be the sole and exclusive responsibility of each party for its own employees provided, however, that such claim is not a result of willful or reckless misconduct by a party hereto or its personnel.

SECTION EIGHT

Non-Liability for Failure to Render Aid

The rendering of assistance under the terms of this Agreement shall not be mandatory and the Aiding Unit may refuse if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond, however, failure to immediately notify the Stricken

Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049.

SECTION ELEVEN

Binding Effect

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto.

SECTION TWELVE

Validity

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

SECTION THIRTEEN

Notices

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

SECTION FOURTEEN

Governing Law

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Wisconsin.

Town of Milton

Political Entry

Chairman - Ed Platt

President or Mayor, or Chairman

March 21, 2012

Date

ATTEST:

Kalene Engel

Title

3/21/12

Date

(Note: Signature page may be modified to meet each individual jurisdiction's official signature(s) requirements.)

SPECIAL MEETING RE: ROADS
April 4, 2012

Meeting recap: Beginning at 4:30 p.m., the board surveyed the roads in the Town of Milton, for overall condition, crack filling, and reconstruction. It was determined that all the roads are in fairly good condition overall, with the following roads considered for crack filling; Lower Eagle Valley Rd, Bechly Rd, Alfred Dr, Esther Ln, Willow Ln, and Henry Ln. It was also determined that Paul Duellman could start sweeping streets as usual. Meeting was adjourned at 6:30 p.m.

Bob Platteter, Chairperson

TOWN OF MILTON
ANNUAL MEETING

April 18, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:00 p.m. with 27 people present, 4 of whom were non-residents of the Town of Milton. Near the end of the meeting, two additional residents showed up.

Elector's Input on Agenda Items: None.

Introduction: Chairperson Platteter reviewed the format of the annual meeting.

Approval of Minutes: Clerk Engel read the minutes of the April 20, 2011 Annual Town Meeting. Kevin Dienger moved to approve the minutes; Paul Duellman seconded the motion. By a show of hands, the motion carried unanimously (23-0).

Financial Report: The 2011 Financial Report was distributed prior to the meeting. Sandy Isakson moved to accept the report; Bill Duellman seconded the motion. Motion passed unanimously (23-0).

2011 Year in Review:

- **Road Report and Trip Grant:** In 2010 we had negotiated an agreement with Allied Blacktop to withhold a portion of the final payment on that job in order to assure that the problems in the road were fixed to the Town's satisfaction. They were not. Therefore, the Town retained those funds. The final repairs were made to the bridge that was washed out during the flood and we received reimbursement from both the federal and state government for a portion of those repairs.
- **Sign Retroreflectivity:** In 2011, the Town adopted a blanket sign replacement plan to comply with the MUTCD. Over the next few years, the Town will be replacing signs on town roads so that they will meet the reflectivity requirements.
- **Election Update:** Several election officials retired in 2011 and new officials were recruited to man the elections. There will be up to five elections this year.
- **Recycling/Garbage Update:** The garbage program has not changed over the last year. Residents can dispose of garbage on Saturday mornings at a cost of \$1 per bag at the dumpster located at Snapper's. The recycling program has changed due to Fountain City's withdrawal from the Buffalo County Recycling Program. When Fountain City withdrew, the Town opted to have its own recycling center at Snapper's. Recyclables are accepted during the same hours as garbage. Board members have heard many positive comments about the current system of garbage and recycling and it appears to be working well.
- **MABIS:** The Town entered into a mutual aid agreement (MABIS) for fire protection. This will allow departments to cross state lines to assist other departments.

- **CapX2020:** For several months, the Town received updates on the CapX 2020 project from John Frie. There haven't been any recent updates.
- **Attorney/Assessor Appointment:** Eric Kleven is the appointed town assessor. Robert Loberg of Ellsworth was recently appointed as the attorney for the town.

Discussion of License Fees: Clerk Engel reviewed the current license fees for dogs and liquor/operators licenses. The Town is already charging the maximum allowed fees for liquor licenses. No advisory motions were made or passed.

Discussion of Election Worker and Town Board Compensation:

- **Election Worker:** The Town pays election officials \$9/hour plus \$5/mileage. The Chief Inspector gets an extra \$10 per shift work. No advisory motions were made or passed.
- **Town Board:** Clerk Engel reviewed the past years' salary increases for Board members. No motions were made or passed.

Next Annual Meeting Date: Kalene Engel moved that the next annual meeting date be set for the third Wednesday of April at 7:00 p.m., prior to the regular Board meeting. Sandy Isakson seconded the motion. The motion passed unanimously (25-0).

Adjournment: A motion to adjourn was made by Sandy Isakson and seconded by Paul Duellman. Motion passed unanimously (25-0).

Meeting adjourned 7:22 p.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
April 18, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present except Treasurer Baures. Also present were 31 community members.

Informal Public Comment: All frac sand (non-metallic mining) public comments were reserved until the agenda item discussion on that issue. Gerald Goran asked to speak on the lack of an option for disposing of compost in the township. He asked board members to explain why they “voted against that.” Chairperson Platteter explained that the Board did not vote against anything, but when Fountain City decided to pull out of the Buffalo County Recycling Program, the Board needed to make a decision on the best recycling option for town residents. After considering the alternatives, the best option was to have the recycling and garbage at the same location with regular hours. Chairperson Platteter also stated that the issue was not a dead issue, that he and Del Twidt, County Board Chairperson (who was present) had had numerous conversations about possible options and that options would continue to be explored.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the March 21, 2012; April 4, 2012 and April 12, 2012 meetings. Supervisor Dienger made a motion to approve the minutes; seconded by Chairperson Platteter. (Motion passed).

CapX 2020: The line has been approved to come to Alma, but there is no new information on the proposed line in the Town of Milton.

Operator’s License Applications of Michelle Wallentine and Becky Birkeneder: The Board reviewed the license applications and criminal background checks of Michelle Wallentine and Becky Birkeneder. Upon a motion by Supervisor Bagniewski and second by Supervisor Dienger, the Board voted to grant the applications.


Recycling Issues: Everything appears to be working ok with the recycling program.

Comprehensive Plan: Each township is required to develop a comprehensive plan. This plan is different and more expansive than the Land Use Plan that the Town of Milton completed several years ago. If anyone is interested in being on the committee to develop the plan, please contact one of the Board members.

Liquor License Fees: No action was taken.

Road Survey: The Board surveyed the roads on April 4, 2012 and determined that eight roads needed crack filling. Bids will be solicited.

Moratorium Ordinance for Nonmetallic Mining: Town resident Ben Adank requested that the town pass a one year moratorium on the expansion/creation of nonmetallic (frac sand) mines in the township to allow the town to examine the possible impacts of such operations on the health, safety and welfare of town residents. The town attorney was consulted, stated that the Town could do this to allow time for study and provided a sample ordinance. Del Twidt explained that the hearing on the application by John & Patricia Starkey for a “frac sand plant” near C-FC had been submitted with a hearing scheduled for





May 9, 2012. He explained that the three members of the Board of Adjustment could vote on the application and had to deal with the facts, much like a judge would do. Many people spoke about the possible effects of a frac sand plant near the school including adverse impact on the roads, insufficient road width to handle truck traffic, problems with train backups, increased truck traffic endangering schoolchildren and others, DNR wetland issues, silica dust issues, a possible tax base increase and decreased property value of neighbor's real estate. It was noted that all of these unresolved and concerning issues were exactly why a moratorium was needed—to take time to objectively and factually look at the issue. One resident felt that the best outcome would be for Buffalo County to set up some regulations that they could enforce and that would address any concerns that the town had. Another resident felt that the local legislative representatives needed to be contacted. John Schlesselman of Fountain City provided information on his research into the frac sand issue, noting that Chippewa County is currently pulling together a costly study on the issue. Supervisor Dienger noted his concern that the Town could be opening itself up to a lawsuit. Chairperson Platteter noted that any moratorium would have to be reasonable in length and that the time would need to be used to study the issue. Supervisor Bagniewski made a motion to adopt the proposed Moratorium Ordinance with a 9 month limit and Chairperson Platteter seconded the motion. (Motion passed). Ben Adank, Erika Duellman, Shelli Brone and Sharon Kamrowski volunteered for the frac sand study committee.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 8:44 p.m.


Submitted by Kalene Engel, Town Clerk



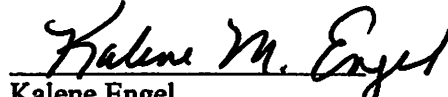
RESOLUTION

Be it resolved that we, the Town Board of the Town of Milton, being duly assembled as a special meeting on April 12, 2012, hereby hires the following attorney/law firm Robert Loberg, Loberg Law Office, 359 West Main Street, Ellsworth, WI 54011 to provide legal advice and representation to the Town.

Adopted at a duly called and noticed meeting of the town board on the 12th day of April, 2012.


Robert Platteter
Chairperson

ATTEST:


Kalene Engel
Town Clerk

TOWN OF MILTON
SPECIAL TOWN BOARD MEETING
April 19, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 9:32 a.m. with all board members except Treasurer Baures present.

Chairperson Platteter stated that the meeting was held on a 2 hour posted notice pursuant to Wis. Stat. Sec. 19.84(3) with good cause existing because the Clerk needed clarification on some of the terms of the Moratorium Ordinance immediately in order to accomplish posting of the ordinance, so that it would take effect as soon as possible.

Discussion was had on terms of the ordinance including the elimination of reference to the Town Comprehensive Plan (which does not yet exist), the designated name of the study committee, the time length for the committee to report results to the town, and the penalty provision. Supervisor Bagniewski moved to adopt the Moratorium Ordinance as amended; Chairperson Platteter seconded the motion.

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 9:42 a.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
May 16, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members. Also present were 38 community members, which included seven non-residents. One non-resident arrived after the meeting started.

Informal Public Comment: All frac sand (non-metallic mining) public comments were reserved until the agenda item discussion on that issue. There were no other requests for informal public comment.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the April 18, 2012 and April 19, 2012 meetings. Supervisor Bagniewski noted that Chairperson Platteter seconded the motion made at the April 19, 2012 meeting, not Supervisor Dienger. With that correction, Supervisor Bagniewski made a motion that the minutes be approved. Supervisor Dienger seconded the motion. (Motion passed).

CapX 2020: CapX 2020 is a standing agenda item. The line has been preliminarily approved to go through the township. The Township will receive a one-time impact fee and annual impact fee.

Presentation from Wayne Steinmetz and Tom Hubbard, Glacier Sands: Wayne Steinmetz and Tom Hubbard of Glacier Sands gave a presentation on the proposed frac plant near C-FC Schools (see the printout of the Powerpoint on the Town of Milton website). Following their presentation, Mr. Steinmetz and Mr. Hubbard fielded questions from the audience. The C-FC School District attorney indicated that the school wanted to express its concern about the traffic issues that the plant could create and asked that a member of the school board be appointed to the Non-Metallic Mining Ad Hoc Study Committee.

Operator's License Application of William Borchert: The Board reviewed William Borchert's operator's license application and criminal history check. Mr. Borchert failed to disclose any criminal history on his application (as required by the application) and this was inconsistent with the printout of his criminal history. Supervisor Bagniewski voted to deny the license on the basis of nondisclosure; Supervisor Dienger seconded the motion (motion passed). In so doing, the Board noted that Mr. Borchert may re-apply and come before the Board to explain his application.

Appointment of Members to Comprehensive Plan Commission: The following individuals were appointed to the Comprehensive Plan Commission: Ben Adank, Erika Duellman, Sharon Kamrowski and Becky Holzer. Carl Duley advised Chairperson Platteter that the township was in "good shape" with respect to the development of a comprehensive plan. Mr. Duley will assist

the township in the development of a plan. The first meeting of the commission will likely occur in mid-June.

Appointment of Members to the Non-Metallic Mining Ad Hoc Study Committee: The following individuals were appointed to the Non-Metallic Mining Ad Hoc Study Committee: Ben Adank, Erika Duellman, Shelli Brone, Sharon Kamrowski, Becky Holzer and a school board member.¹

Road Sign Replacement Plan: The township adopted a road sign replacement plan last year to comply with the requirement that road signs have a certain level of reflectivity. One of the sign companies has a sale on stop signs so the township would like to take advantage of the sale. Supervisor Dienger and Chairperson Platteter will deal with this issue.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 8:38 p.m.

Submitted by Kalene Engel, Town Clerk

¹ Susan Pronschinske

TOWN OF MILTON
TOWN BOARD MEETING
JUNE 20, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:36 p.m. with all board members. Also present were 16 community members and/or guests.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Bagniewski made a motion to approve payment of all bills submitted. Supervisor Dienger seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the May 16, 2012 meeting. Supervisor Dienger moved to approve the minutes. Supervisor Bagniewski seconded the motion. (Motion passed).

Appointment of Assessor: Supervisor Dienger moved to re-appoint Eric Kleven as the assessor. Supervisor Bagniewski seconded the motion. (Motion passed).

CapX 2020: No report.

Comprehensive Plan Committee Report: Chairperson Platteter reported that the Committee met on June 14th, 2012. Carl Duley from the County was present to aid in the planning process. The Town of Milton already has a Land Use Plan and Mr. Duley is working on some additional tables to incorporate into the Comprehensive Plan. The next meeting is scheduled for July 9, 2012 at 6:30 p.m. at the Town Hall.

Frac Sand Committee Report: Ben Adank reported that the Committee met on June 14th, 2012 and used the first meeting to set the framework of what to study. The framework includes legal/regulatory issues, health and safety issues; environmental impacts, town infrastructure, economy and financial impact for the Town of Milton. Insofar as the proposed dry plant and rail loading facility is concerned, it is expected that the 2nd Board of Adjustment hearing will be held at the end of July. The next meeting is scheduled for July 9, 2012 at 8:00 p.m. at the Town Hall.

Lottery Credit Listing Review: Upon a motion by Chairperson Platteter and second by Supervisor Dienger, the Board voted to table the Lottery Credit Listing Review until the July meeting. Clerk Engel will provide copies of the listing to board member so they can review it prior to the next meeting.

Operator's Licenses: William Borchert explained his failure to disclose his criminal history as a misreading of the application form—he was not aware that misdemeanors needed to be disclosed. Upon a motion by Supervisor Dienger and a second by Supervisor Bagniewski, the Board voted to approve Mr. Borchert's Operator's License request. The Board also considered and reviewed the Operator's License applications of Toni Mueller, Scott Rogers, Brenda Loesel, Ashley Becker, Debbie Meng, Terrance Murphy, Judy Nygren, Dottie Lorenz, Tina Lockner, Thomas Lockner, William Borchert¹, Mariah Michener, Mary Lee Katula, Heather Wiersgalla, Rachel Moen, Robert Timm, Debra Hund Morem, Nicholas Hauswirth and Danielle Nelson. Supervisor Bagniewski voted to grant Operator's Licenses to all applicants. Supervisor Dienger seconded the motion. (Motion passed).

Cigarette Licenses: The Board considered the cigarette license applications of Steven Altobell and Drift Inn, Inc. Supervisor Bagniewski moved to grant cigarette licenses to the two applicants; Supervisor Dienger seconded the motion. (Motion passed).

¹ The son of the William Borchert previously mentioned.

Liquor Licenses: The town received applications for a "Class B" Liquor and Class "B" Beer combination license from Steven Altobell, Drift Inn, Inc., Mississippi Thunder Speedway, Inc. ("Speedway") and Dennis Ziemann, LLC (Ziemann) as well as an application for a Class "B" Beer license from Speedway. All applications were sent onto the town attorney, Robert Loberg, for review. Mr. Loberg noted that the applications of Altobell and Drift Inn were renewals as was the beer license application of Speedway. Chairperson Platteter stated that renewals are given priority under law. Eugene Bagniewski moved to grant "Class B" Liquor and Class "B" Beer combination licenses to Steven Altobell and Drift Inn, Inc.; Supervisor Dienger seconded the motion (motion passed).

Chairperson Platteter noted that the Town only had three licenses to issue, such that there was one license left for the two remaining applicants. According to Mr. Loberg, the application for Speedway was complete but the application for Ziemann was incomplete because no agent was designated for purposes of the liquor license. Mr. Ziemann stated that he could get the paperwork completed by the next day. After discussion, Supervisor Dienger moved to table the applications to allow time for Ziemann to submit a completed application and then to consider the applications at a special meeting as soon as possible pursuant to law. Supervisor Bagniewski seconded the motion. (Motion passed).

The Board then considered the beer license application of Speedway. Supervisor Bagniewski moved to grant a Class "B" Beer license to Speedway. Supervisor Dienger seconded the motion (Motion passed).

Use of CapX2020 Fee: Sharon Kamrowski asked if the Board had considered using the impact fee to compensate affected landowners who have to live near the power poles. Clerk Engel explained that there was both a one time fee (approximately \$550,000) which had to be used for recreational type purposes and an annual impact fee (approximately \$50,000) which could be used as the Board deemed appropriate. Chairperson Platteter stated that the Board had not considered using the impact fee to compensate affected landowners but did offer to talk to the assessor to gauge impact on property values.

Other: Chairperson Dienger noted that Paul Duellman should cut weeds before July 4th. Sharon Kamrowski thanked Mr. Duellman for fixing the potholes on Kamrowski Bridge so promptly. Becky Holzer thanked the town clerk for her hard work.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 8:30 p.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
SPECIAL MEETING RE: LIQUOR LICENSES
JULY 9, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:32 p.m. with all board members present except Treasurer Baures. Also present were 20 community members and/or guests. One additional guest arrived after the meeting started.

Purpose of Meeting: Chairperson Platteter stated that the purpose of the meeting was to consider the license applications of Mississippi Thunder, Inc. and Dennis Ziemann, LLC and that the only people who would be asked to speak were the applicants. He confirmed with the clerk that all the paperwork was in order for both applications. He noted that a petition with approximately 60 resident's signatures had been received by the Board. The Petition states that those signing are opposed to having Mississippi Thunder possess a liquor license and that it should only have a beer license. There is no reason for the opposition stated on the Petition and Chairperson Platteter stated that he gives no merit to the petition, noting that the other board members needed to decide whether they would consider it.

Applicant's Intentions: Chairperson Platteter stated that each applicant would have a chance to state their intentions with respect to the use of the liquor license, if granted. He observed that the property on which the Roadhouse Bar was located contained junk cars, cars for sale, boats for sale, semis, excavation equipment and dumpsters and asked just what type of a business was really going on there. He also noted that there is, on record, recent allegations of harassment and aggressive behavior on the part of the applicant relative to the license request. He further noted that, while past practices at that location would not normally be taken into consideration since Ziemann was a new applicant, the fact that Bob Fort has been involved in the past and is likely to be involved in the future should be taken into consideration as well as allegations of questionable operations in the past. Mr. Ziemann explained that he wanted to get the bar opened up and keep the name Roadhouse Bar. He wants to work with Buffalo County on getting signs that comply with the law and would ultimately like to get some food in the bar. He would like to do more promoting and get a larger customer base. He stated that the place will be a "regular bar—nothing more and nothing less" and will not be a used car lot, recycling center or other business. Mr. Ziemann also apologized for his actions at the office of the clerk.

Chairperson Platteter noted that there were rumors circulating that Mississippi Thunder had intentions of opening a supper club in the area where the ground is currently being worked and asked Bob Timm to describe his intentions if granted a license. Mr. Timm said that there were no plans to build a supper club and that he wanted the license so that he could serve liquor in the VIP booth during regular race days. In the future, he would like to build an indoor/outdoor deck—a party deck—on which liquor could be served to enhance the experience for the adult spectator.

Determination of Available Licenses: Several years ago—up until right before the cutoff date for determining quotas on liquor licenses—the Town had issued four liquor licenses. With the help of our town attorney, we were able to convince the Department of Revenue that we should be able to have that license back and available. Therefore, as of this meeting, there are two

licenses available to grant with two applicants. The board can grant one or both or neither to the applicants.

Consideration of Licenses: Supervisor Dienger moved to grant a Class B” Intoxicating Liquor and Class “B” Beer Combination license to Dennis Ziemann, LLC. Supervisor Bagniewski seconded the motion. (Motion passed). Chairperson Platteter went on record as being opposed to the issuance.

Supervisor Bagniewski moved to grant a Class B” Intoxicating Liquor and Class “B” Beer Combination license to Mississippi Thunder Speedway, LLC. After being informed by the clerk that the motion needed to specify the premises covered (due to their being multiple buildings), Supervisor Bagniewski amended his motion to grant the license to Mississippi Thunder Speedway, LLC for the premises described in the application—namely, the Beer Garden Building, Tower Building and Concession Building. Chairperson Platteter seconded the motion. (Motion passed). Supervisor Dienger went on record as being opposed to the issuance.

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 7:58 p.m.

Submitted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
JULY 18, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:32 p.m. with all board members, except Clerk Engel. Also present were 9 community members and/or guests.

Informal Public Comment: None; however Rich Bagniewski requested and was granted approval to speak on the Mississippi Thunder agenda item.

Bills: Bills were presented. Supervisor Bagniewski made a motion to approve payment of all bills submitted. Supervisor Dienger seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the June 20, 2012 and July 9, 2012 meetings. Supervisor Dienger moved to approve the minutes from the June 20, 2012 meeting and Supervisor Bagniewski seconded the motion. (Motion passed). Supervisor Dienger moved to approve the minutes from the July 9, 2012 meeting and Supervisor Bagniewski seconded the motion. (Motion passed).

Mississippi Thunder Noise/Practices: Scott Bagniewski raised concerns about the noise at Mississippi Thunder (MT) and asked if it was possible to pass a noise ordinance for practice and race days. Chairperson Platteter stated that there would need to be a means to enforce that. Discussion about having a constable—such as was done in the past—was had and Scott Bagniewski volunteered for the job. Chairperson Platteter stated that he would check into the town appointing/electing a constable. Scott Bagniewski also raised questions about whether permits had been obtained by MT for all their expansions. Chairperson Platteter stated he would check into that with the County, since it has the zoning authority. Rich Bagniewski asked what buildings were included in the liquor license granted to MT because he heard that MT was going to construct a new building at corner three for that purpose. Chairperson Platteter told him that the license applied to existing buildings as specified on the license and would have to reapply for new buildings.

Comprehensive Plan Committee Report: Chairperson Platteter gave an update on the work of the committee.

Frac Sand Committee Report: Ben Adank gave an update on the work of the committee. Chairperson Platteter stated that he had attended a meeting at C-FC Schools with the school Superintendent, their Attorney, members of the County Board, and the DOT. The State is apparently going to recommend that an overpass be built over the highway to avoid having any trucks pass by the school. Glacier Sands does not want to invest in town roads and would rather use conveyers. One proposed map showed a conveyor across Bensen Pond with a drop site next to the football field at the school. Concerns were raised about the financial stability of Glacier. A mailing recently went out to area residents about frac sand and this was not funded by the Town.

Lottery Credit Listing Review: The Lottery Credit Listing Review was sent to the Board members to review prior to the meeting. Board members provided input on those persons who should, and should not qualify for the credit. The clerk will submit this information to the County Treasurer, Marilyn Sheahan.

Operator's Licenses: The operator's license applications of Amy Baertsch, Dennis Ziemann, Josh Malchaski, Alayne Loewenhagen and Michelle Wallentine were reviewed. Dennis Ziemann asked that Ms. Wallentine's application be withdrawn. Ms. Loewenhagen was questioned about her recent charges and convictions. Supervisor Dienger moved to grant licenses to Amy Baertsch, Dennis Ziemann and Josh Malchaski. Supervisor Bagniewski seconded the motion. (Motion passed). Additional discussion about Ms. Loewenhagen's application was had. Supervisor Dienger voted to grant an operator's license to Alayne Loewenhagen. Supervisor Bagniewski seconded the motion. (Motion passed).

Roadwork: The Board directed Paul Duellman to put up "Children at Play" and "Yield" signs on Henry Lane to slow traffic. Mr. Duellman also reported that rusted culverts on Canada Ridge needed to be replaced. Bids for crack sealing and chip sealing from Farner and Scott were opened by Chairperson Platteter. Farner had submitted a separate bid for crack sealing; Scott did not. Farner was cheaper on crack sealing; Scott was cheaper on chip sealing. Scott was contacted via phone and stated that it would accept the chip seal contract if awarded. Supervisor Bagniewski moved to accept the crack seal bid from Farner and chip seal bid from Scott. Supervisor Dienger seconded the motion. (Motion passed).

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 8:36 p.m.

Minutes taken by Jane Baures; formatted by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
August 16, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:32 p.m. with all board members present. Also present were 9 community members and/or guests.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the July 18, 2012 meeting. Supervisor Bagniewski moved to approve the minutes and Supervisor Dienger seconded the motion. (Motion passed).

Road Sign Replacement: Work will soon begin on resurfacing the stop and yield signs to conform to the reflectivity requirements.

Frac Sand Committee Update: The Town of Belvidere requested to meet with the Town of Milton "frac sand" committee and a meeting will take place on Tuesday, 8/21 at the Cochrane VFW. The regular committee meeting will be on 8/22. Some members of the committee also met with the Department of Transportation on July 22nd.

Comprehensive Plan Committee Report: None.

Mississippi Thunder Noise/Practices: Chairperson Platteter checked into appointing or electing a constable and stated that he does not feel it would be appropriate without an ordinance to enforce. As far as a noise ordinance is concerned, that raises serious issues of both enforcement (how to monitor and regulate) and equal applicability (would have to apply to all noise issues, not just racecars or the racetrack). Scott Bagniewski stated that he heard from another individual that Bob Timm was open to having an ordinance passed which limited practice times. Mr. Timm allegedly now feels obligated to allow individuals to practice, but if an ordinance was passed, he would have a reason to say no. Clerk Engel noted that the issue of a noise and nuisance ordinance had been discussed extensively in the past and rejected for the above reasons. Ken Haeuser, who was Chairman during those discussions, concurred. Because the conditional use permit for the racetrack was issued many years ago, without conditions, the County cannot impose conditions now. Nor can the Town create an ordinance to apply to only one landowner. It was not clear whether the complainants had ever talked to Mr. Timm or alerted him to the issues with noise from practices. Since Mr. Timm had been open in the past to discussing such problems, Chairperson Platteter stated that he would have a discussion with him about the concerns.

Roadwork: Two culverts on Canada Ridge Road need replacing. The crack sealing is done and the chip sealing will be done next weekend.

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 7:45 p.m.

Minutes by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
September 19, 2012

Supervisor Eugene Bagniewski, Jr. called the meeting to order at the Milton Town Hall at 7:32 p.m. with all board members present except Chairperson Platteter. Also present were 9 community members and/or guests.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the August 15, 2012. Supervisor Dienger moved to approve the minutes and Supervisor Bagniewski seconded the motion. (Motion passed).

Frac Sand Committee Update: Ben Adank reported that the committee met on September 10, 2012 and talked about three subjects: (1) a review of the findings and recommendations of the county committee examining frac sand; (2) a discussion of the legal/regulator options with the best option appearing to be a non-zoning ordinance such as what Belvidere Township has done and (3) possible extension of the Town of Milton moratorium. The next meeting is October 3, 2012.

Comprehensive Plan Update: The committee met on September 10, 2012 and continued going through the plan. Carl Duley will bring a map to the next meeting so the committee can talk about appropriate land uses in the township. The next meeting is October 3, 2012.

Roadwork: Weeds need to be mowed sometime before it snows. Two potholes need to be patched on Waumandee Creek Road near Genos Drive.

Operator's License of Krista Jaskola: Upon a motion by Supervisor Dienger and second by Supervisor Bagniewski, Krista Jaskola was granted an operator's license.

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 7:40 p.m.

Minutes by Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
October 17, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present except Supervisor Eugene Bagniewski, Jr. Also present were 9 community members and/or guests.

Informal Public Comment: None.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Chairperson Platteter seconded the motion. (Motion passed).


Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the September 19, 2012. Supervisor Dienger moved to approve the minutes and Chairperson Platteter seconded the motion. (Motion passed).

Frac Sand Committee Update: Ben Adank reported that the committee met on October 3, 2012 and discussed the current status of developments in Buffalo County and legal/regulatory issues. When the Seven Sands permit was denied, the Montana Land Use Plan was cited as a factor in that decision. This puts townships on notice that those types of things will be considered. The Buffalo County Health and Human Services committee recommended a 6 month extension of the moratorium. That extension was passed last night. There are unresolved issues regarding the legality of moratorium extensions in townships. As a result, the committee is recommending that the Town Board table discussion/consideration of the moratorium extension until next month. The next meeting is October 24, 2012. On a motion by Chairperson Platteter and second by Supervisor Dienger, extension and possible action on an extension of the Town of Milton moratorium was tabled until the November meeting.

Comprehensive Plan Update: The committee met briefly on October 3, 2012 and reviewed maps provided by Carl Duley to identify land uses. Discussion centered around the land use section of the comprehensive plan. The next meeting is October 24, 2012.

Roadwork: Some additional patching still needs to be done. Chairperson Platteter has been working on a plan for road sign replacement.

October Fire in Town of Milton: Chairperson Platteter has been questioned about the fire and whether the Town will seek reimbursement for costs incurred as a result of the fire. He stated that the Sheriff's Department is still investigating the fire and urges anyone who may have seen something to contact them. He noted that if the Sheriff issued charges, then the Town would probably seek reimbursement from the charged individual for the costs to the Township. If there were no charges issued, then the Town would probably not seek reimbursement. Todd Rasmussen identified himself as the landowner on whose land the fire appears to have originated. He stated that he has not been asked to give any statements by anyone other than the initial officers on the scene. He noted that he did not call the initial fire in, but did contact the fire department later. He asked whether anyone had any questions of him. Chairperson Platteter



stated that the Town Board was going to let the law enforcement conduct its own investigation and had no questions. No one else present had any questions either.

Operator's License of Amber Mulyck and Austin Eschweiler: The applications and background checks on Ms. Mulyck and Mr. Eschweiler were reviewed. Upon a motion by Supervisor Dienger and second by Chairperson Platteter, Austin Eschweiler was granted an operator's license. Ms. Mulyck was not issued a provisional license due to background check issues and was invited to attend the meeting to explain those issues. She was not present at the time her license application was originally considered. On a motion by Chairperson Platteter and second by Kevin Dienger, her license application was tabled until she could be present to provide explanation. Ms. Mulyck showed up just before adjournment, so the Board re-considered her application. She provided some explanation for the background check issues. On a motion by Chairperson Platteter and second by Supervisor Dienger, Amber Mulyck was granted an operator's license.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Chairperson Platteter. (Motion passed).

Meeting adjourned 7:53 p.m.



Minutes by Kalene Engel, Town Clerk



TOWN OF MILTON

BUDGET MEETING AND SPECIAL TOWN MEETING REGARDING TAX LEVY

November 21, 2012

Budget Hearing: A budget hearing was held pursuant to notice at the Milton Town Hall starting at 7:16 p.m. The budget was published in the C-FC Recorder. The amount of the proposed levy is the same as last year. Chairperson Platteter noted that the budget included a \$5,000 payment to the County for bridge work.

Special Town Meeting: Robert Platteter called the meeting to order at the Milton Town Hall at 7:17 p.m. with 10 electors present.

Tax Levy: Kalene Engel made a motion to pass a resolution to adopt a town tax levy of \$55,351 for 2012, payable in 2013, which represents a 0% percent increase from the 2012 levy and which does not exceed the state levy limit. Kevin Dienger seconded the motion. Of the ten electors authorized to vote, ten voted in favor of the resolution, zero voted against the motion and there were no abstentions. The resolution passed and will be properly posted by the Clerk within 30 days of its adoption.

Budget: Kevin Dienger made a motion to recommend that the Town Board adopt the proposed budget. Bob Platteter seconded the motion. Of the ten electors authorized to vote, ten voted in favor of the resolution, zero voted against the motion and there were no abstentions.

Adjournment: Upon a motion by Kalene Engel and a second by Eugene Bagniewski and supported by all present, the meeting was adjourned.

Meeting adjourned 7:20 p.m.

Submitted by Kalene Engel, Town Clerk

**TOWN TAX LEVY RESOLUTION
AT THE NOVEMBER 21, 2012 TOWN MEETING OF ELECTORS**

Town of Milton, Buffalo County, Wisconsin

Whereas, Wisconsin Statute section 60.10(a)(a) authorizes the town electors of a town to adopt the town tax levy at a town meeting of the electors;

Whereas, a special town meeting of the electors has been called for this 21st day of November, 2012;

Now, therefore, the special town meeting of the Town of Milton, Buffalo County, Wisconsin, by a majority vote of the eligible electors voting on this 21st day of November, 2012, duly assembled and voting, resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Milton, Buffalo County, Wisconsin, hereby adopt the town tax levy for 2012 to be collected in 2013 at \$55,351.00

The town clerk shall properly post or publish this resolution as required by law under Sec. 60.80 of Wis. Statutes within 30 days of the below noted adoption date.

Adopted this 21st day of November, 2012 at a Special Town Meeting.

Number of town electors voting aye: 10

Number of town electors voting nay: 0

Number abstaining or not voting (if determined): —

Signature of Town Meeting Chairperson

Ralph J. Plattner

Signature of Town Clerk

Kathleen M. Enye

TOWN OF MILTON
TOWN BOARD MEETING
November 21, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:22 p.m. with all board members present. Also present were 5 community members and/or guests.

Informal Public Comment: Ken Haeuser clarified that the Comprehensive Plan was not set to be approved at this meeting.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the October 17, 2012 meeting. Supervisor Bagniewski asked that his name be removed from the final motion as he was not at the meeting. With that change, he moved to approve the minutes. Supervisor Dienger seconded the motion. (Motion passed).

Approval of 2013 Budget: Supervisor Eugene Bagniewski moved to approved the 2013 budget and Supervisor Dienger seconded the motion. (motion passed). The budget included a \$250 maintenance fee for Command Central for the voting machine.

Comprehensive Plan (CP) Update: The Comprehensive Plan Committee met on November 13, 2012 and pretty much completed the plan. Carl Duly will update the maps and make some other changes and then three people from the CP Committee will review it. One issue to be addressed is a three mile radius restriction involving the school. After the three person review, it will be sent to Madison for review. Thereafter, a public hearing will be held and the town board will be asked to adopt it. Kenneth Haeuser asked that the public hearing be noticed in the newspaper, if that is not already a requirement.

Frac Sand (FS) Committee: The FS Committee met on October 24, 2012 and discussed the recent Buffalo County Moratorium Extension (which extended the moratorium through April 2013). The FS Committee recommends that the Town Board extend its moratorium from January of 2013 to July of 2013. The rationale for this recommendation is that the Town originally enacted a moratorium to allow the Town to monitor the research/investigation being done by the County. Since the County determined that it needed more time to complete its work, it made sense to recommend that the Town follow suit. Ben Adank noted that, during the proposed extension, the FS Committee would continue to study the progress at the County level and explore options for regulating at the town level, plus other tasks as determined by the Board. The next meeting is scheduled for December 5, 2012.

Discussion and Consideration of Extension of Frac Sand Moratorium: Chairperson Platteter stated that, for the reasons noted above, he supported a six month extension of the moratorium. Such an extension would give the Town two months beyond the expiration of the County's moratorium in April to determine how to proceed. Supervisor Bagniewski noted that the Town of Belvidere recently rejected a request to extend the moratorium. Ben Adank stated that

Belvidere did so because it had already made the decision to adopt a non-zoning ordinance in order to have more control over regulation of such mines. He further noted that the purpose of the moratorium was to allow for time and study to determine if the town wants to regulate mining on a local level—not to actually impose regulations. However, with a non-zoning ordinance, the town could regulate mining much like a liquor license with applications and hearings. Another option would be for the Town to simply engage in zoning. Supervisor Dienger asked why no one from the FS Committee went on a bus trip to a frac mine sponsored by Belvidere. Ben Adank stated that notice of the trip was received late and the time scheduled was during a weekday which was inconvenient for many people. Supervisor Bagniewski noted that he did not see why any moratorium had to extend beyond the County's moratorium end date. Chairperson Platteter made a motion to extend the existing non-metallic (frac sand) mining moratorium for six months from its current expiration date. The motion failed for lack of a second.

Election Update: Clerk Engel reported that the recent election went very well. We had a large number of voters but extra election officials were able to handle the large numbers without incident. Clerk Engel thanked all election works for a job well done.

License Applications: Operator's license applications from five applicants were presented. Clerk Engel noted that Tammy Oreskovich still needed to submit a certificate showing that she had completed a responsible beverage server's course. Supervisor Bagniewski moved to grant operator's licenses to Linda Niccum, Donald Beck, Heather Drazkowski and Tabetha Fischer. Supervisor Dienger seconded the motion. Supervisor Bagniewski also moved to grant an operator's license to Tammy Oreskovich, conditioned upon her providing proof of her completion of a responsible beverage server's course to the Town Clerk. Supervisor Bagniewski seconded the motion.

Roadwork Update: The Board will go out in Spring to determine what roadwork needs to be done.

Adjournment: Motion to adjourn by Supervisor Dienger and seconded by Supervisor Bagniewski. (Motion passed).

Meeting adjourned 7:50 p.m.

Minutes by Kalene Engel, Town Clerk

NOTICE OF PUBLIC BUDGET HEARING FOR TOWN OF MILTON, BUFFALO COUNTY

Notice is hereby given that on Wednesday, November 21, 2012, at 7:15 P.M. at the Town Hall of Milton, W984 Lower Eagle Valley Road, Fountain City, WI a PUBLIC HEARING on the PROPOSED 2013 BUDGET of the Town of Milton in Buffalo County will be held. The proposed budget in detail is available for inspection upon request from the Town Clerk by calling 608-687-4800. The following is a summary of the proposed 2013 Budget:

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>%</u> |
|----------------------------------|----------------|------------------|-----------------|---------------|
| <u>Category</u> | <u>Actual</u> | <u>Estimated</u> | <u>Proposed</u> | <u>change</u> |
| REVENUES: | | | | |
| General Property Taxes | 54,200 | 55,351 | 55,351 | 0.00% |
| Special Assessments | 0 | 0 | 0 | |
| Intergovernmental Revenues | 124,993 | 108,529 | 105,000 | -3.25% |
| Licenses and permits | 2,239 | 2,873 | 2,600 | -9.50% |
| Fines, forfeitures and penalties | 0 | 0 | 0 | |
| Public charges for services | 0 | 0 | 0 | |
| Intergovernmental charges | 0 | 0 | 0 | |
| Miscellaneous revenue | 1,379 | 1,195 | 1,100 | -7.95% |
| TOTAL REVENUES: | 182,811 | 167,948 | 164,051 | -2.32% |
| EXPENDITURES: | | | | |
| General Government | 34,821 | 36,468 | 38,000 | 4.20% |
| Public Safety | 12,247 | 16,415 | 18,000 | 9.66% |
| Public Works | 89,865 | 88,427 | 100,351 | 13.48% |
| Health & Human Services | 0 | 0 | 0 | |
| Culture, Recreation, Education | 35 | 0 | 35 | 100.00% |
| Conservation & Development | 0 | 0 | 0 | |
| Capital Outlay-Town Hall Repairs | 0 | 0 | 7,665 | 100.00% |
| Reserve Funds | 45,843 | 26,638 | 0 | |
| TOTAL EXPENDITURES: | 182,811 | 167,948 | 164,051 | -2.32% |

SPECIAL TOWN MEETING OF ELECTORS

Notice is hereby given that a Special Town Meeting of the Town of Milton, Buffalo County, Wisconsin, will be held in the town at W984 Lower Eagle Valley Road, Fountain City, WI on the 21st day of November, 2012, immediately following the completion of the Public Hearing on the proposed 2013 town budget. The purposes of the Special Meeting are (1) to approve the total highway expenditures for 2013 pursuant to Wis. Stat. Sec. 82.03 (3); and (2) to approve the 2012 town tax levy to be paid in 2013 pursuant to Wis. Stat. Sec. 60.10(1)(a).

Dated November 5, 2012

By Kalene Engel, Town Clerk

TOWN OF MILTON
TOWN BOARD MEETING
December 19, 2012

Chairperson Platteter called the meeting to order at the Milton Town Hall at 7:30 p.m. with all board members present. Also present were 18 community members and/or guests.

Informal Public Comment: The following people requested that the Board reconsider its decision not to extend the moratorium: Nicki Adank, Ben Adank, Sharon Kamrowski, Shelli Brone (by letter) and Erika Duellman. The Board also received e-mails from others on the issue. Chairperson Platteter stated that the Board could not consider the moratorium extension at this meeting because it was not on the agenda, but that the Board could place it back on the Agenda for January. Supervisor Dienger wanted clarification on what "personal gain" he would have by not extending the moratorium. Supervisor Bagniewski stated that he felt threatened by some of the correspondence. He also stated that he had talked to several residents and the sentiment was 2 to 1 against extending the moratorium. He was also concerned about getting the Town involved in a lawsuit over the issue. Chairperson Platteter and Ben Adank clarified that the moratorium was not regulation—the moratorium was to give the Town time, following the expiration of the County moratorium, to decide whether the Town wanted to regulate. Jeanne Franz noted that both nearby loading facilities (Wabasha and Winona) are at capacity and that the frac sand companies are looking for another facility in Buffalo County. Chairperson Dienger asked whether the people on the frac committee were working with Buffalo County; they stated that they have attended all the meetings. An open discussion on the frac issue will be held on January 9, 2013 at the Buffalo County Courthouse starting at 6:30 p.m. Chairperson Platteter stated that the issue will be placed on the January agenda for reconsideration.

Bills: Bills were presented. Supervisor Dienger made a motion to approve payment of all bills submitted. Supervisor Bagniewski seconded the motion. (Motion passed).

Approval of Minutes: Clerk Engel had posted on the website in advance the minutes from the November 21, 2012 meeting. Supervisor Bagniewski he moved to approve the minutes. Supervisor Dienger seconded the motion. (Motion passed).

Comprehensive Plan (CP) Update: Carl Duley is still working on updating the maps for the Comprehensive Plan.

Frac Sand (FS) Committee: At its last meeting on December 5, 2012, the FS Committee discussed its disappointment in the Board's refusal to extend the moratorium.

Preliminary discussion on expenditure of CapX 2020 funds: The Town of Milton will receive approximately \$550,000 as a one-time impact fee for the CapX 2020 project. This money must be used on "park, conservancy, wetland or other similar environmental programs, unless the Public Service Commission approves a different use." Chairperson Platteter asked persons present for suggestions on the use of those funds. Suggestions included the following:

- Build a new town hall;

- Indoor swimming pool at C-FC Schools, contacting other municipalities that will be receiving CapX 2020 impact fees to see if they would be interested in combining funds;
- Fix the lower boat landing in Merrick State Park;
- Re-open Lover's Lane for a bike path; and
- Buy the Starkey property and conserve it as a wetland.

Residents should continue to consider this issue and advise the Board of any other suggestions. Chairperson Platteter will contact the towns of Cross and Buffalo regarding the swimming pool idea.

Caucus Date: Supervisor Bagniewski moved that the caucus date be set for January 8, 2013 at 7:00 p.m. and that the regular monthly board meeting be held the same day, immediately after the caucus. Supervisor Dienger seconded the motion (motion passed).

Roadwork Update: The shoulder near Erika Duellman's mailbox has a dropoff and needs fill, but this will have to wait until after winter. Sharon Kamrowski requested that more sand be put at the stop sign by Bechly Road.

Operator's License: The Board considered the operator's license requested of Molli Platteter, with Chairperson Platteter recusing himself. Supervisor Bagniewski moved to grant the license; Supervisor Dienger seconded the motion (motion passed).

Adjournment: Motion to adjourn by Supervisor Bagniewski and seconded by Supervisor Dienger. (Motion passed).

Meeting adjourned 8:10 p.m.

Minutes by Kalene Engel, Town Clerk