

APPROVED 11-20-13

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
MINUTES FOR
REGULAR MEETING OF THE TOWN BOARD
Wednesday, June 19th, 2013 at 6:00 PM
Algoma Town Hall
15 N. Oakwood Road, Oshkosh, WI 54904**

1. Call to Order.

The meeting was called to order by Chairman Blake at 6:00 PM.

A. Pledge of Allegiance.

The Pledge of Allegiance was recited by everyone in attendance.

B. Roll Call.

Chairperson Blake

Supervisor Timm

Supervisor Kierszh

Supervisor Rasmussen

Supervisor Drexler

Road/Drainage Coordinator Tollard

Atty. K. Marone

Clerk Nelson

Deputy Clerk Kuehnl

2. Public Forum.

Ed Alt, 1560 Brooks Lane – Mr. Alt explained his frustration regarding his house being pelted by bullets during duck hunting season. Mr. Alt was having roof hail damage repairs done at the time of the incident. The roofers confirmed there was damage from the hunter. Since the roof and siding were going to be repaired from the hail anyway, Mr. Alt decided not to press charges. Mr. Alt called the DNR and found the duck hunter was within the legal hunting range from the water. He then called the Sheriff's Department who would only help if Mr. Alt wanted to press charges. Mr. Alt e-mailed Supervisor Timm and explained to Clerk Nelson that he needs an explanation of what "No Hunting" means. Mr. Alt would also like the town's support in installing "No Hunting" signs in the water.

Keith Decker, Double Decker Developments representing Sheppard Investments - Mr. Decker is commenting on the upcoming agenda item about the parkland designation in Butte Des Morts Meadows II Subdivision, item 4D. Mr. Decker feels since the town purchased parkland to the north of this designated location, that the fees to re-plate the parkland designation should be waived by the town.

Mark Kainz, 1320 Snowden Drive - Oakwood Road and Omro Road are not safe for walkers going to school or otherwise. Mr. Kainz would like to see continued discussion and attention to this problem.

Gary Lerch, 2919 Waldwic Lane and Service Oil Company – Mr. Lerch is here to assure pertinent licenses for Serv-U-Beverage are approved without any problems. Mr. Lerch also commented that the school system needs to be held accountable for the infrastructure of the school design, which hasn't changed for decades. The school system needs to find money to step up with a solution. Mr. Lerch pointed out that the speed reduction and four-way stop have been shown not to be the solution. Should the town proceed with one of these options, he will file a lawsuit to protect his business.

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Julia Salomon, 1320 Snowdon Drive - Safe Routes to School's major goal is to promote physical activity before and after school by providing students a safe way to walk. Please go back to the drawing board and find some way to make Omro Road safer, not just for students, but for everyone who uses Omro Road. Ms. Salomon is very disappointed this is not on the agenda anymore and encourages the board to continue to look for other alternatives other than a four-way stop.

3. Fire Department Report.

A. Recap of 2013 Fire Department Picnic.

The 2013 Fire Department Picnic was held on June 1st and was a huge success due to the effort of all the volunteers. Feedback responses have been that this was the best parade yet. It is great to see community support for the Fire Department. Thank you for the support of the sponsors who helped keep costs to a minimum. Next year is the Fire Department's 75th Anniversary celebration, and the department is planning on doing something special in honor of this anniversary.

B. Mutual Aid.

There is an agreement with Winnebago County for the Mutual Aide Box Alarm System (MABAS). MABAS system allows area fire departments to cover for those fire departments who are overloaded with calls. The Fire Department was called twice to cover the City of Oshkosh last month. Neenah-Menasha Fire & Rescue is the other department that covers the City of Oshkosh. Chief Groth believes this speaks volumes for the trust in Fire Department.

C. Grass Rig Truck 21 Replacement.

The 1974 International dual rear wheel grass rig is used for off road vegetation fires. Chief Groth checked with Clerk Nelson who advised there was \$100,000 budgeted in the Fire Truck fund. The department is on a five year schedule to replace vehicles; however, some vehicles have been kept 20 to 25 years such as the '74 International. Getting parts for the '74 International is very difficult and not many department members can drive this truck because of its manual shifting. The Department is looking to write a grant for a skid pack, however, they aren't going to be awarded the grant unless the department has a pickup truck to slide the skid pack into. Therefore, the department would like to purchase a pickup truck in order to get the grant for the skid pack. This is not a custom truck; it would be a standard truck. The department would put utility boxes on a one ton extended cab truck. There are less than two weeks to write the grant which is a 50/50 grant. Can the department have authorization to go ahead and purchase a one ton extended cab truck? Remember the grant is only for the skid pack not the truck. The skid pack is about \$16,000 to \$18,000. Chief Groth felt confident there was a good chance the town would receive the grant.

Timm had concerns about committing funds to this new truck since they've just committed \$15,000 to the RW Management Group for the Organizational Analysis and is also concerned with taking the money away from future purchases of larger trucks. Rasmussen would like to see truck estimates prior to making any financial commitments. The Board was wondering if you could apply for the grant and turn the money down if the truck is not purchased. Motion by Kierszh/Blake that if the Fire Departments puts in for the grant and the grant is accepted, the board will commit the money to purchase the truck. Amended motion by Kierzh/Blake that the original motion read up to \$75,000.00. Roll call vote Kierszh - yes, Timm - no, Blake - yes, Drexler - No, Rasmussen - no because he can't approve something he doesn't have estimates for. Motion dies in a roll call vote, 2-3. Motion by Timm/Drexler to authorize the Fire Department to get estimates for the truck. Further discussion ensued regarding the timing of the grant. By the time the Fire Department gets estimates for the truck, the opportunity to apply for the grant will be expired. Roll call vote Rasmussen - yes, Drexler - yes, Blake - no because of the missed grant opportunity, Timm - yes, Kierszh - no. Motion carries in a roll call vote, 3-2.

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D. Department Policies.

Chief Groth has asked Attorney Marone to look into a social media policy. Perhaps this policy should cover all town employees. There are other outdated policies that Chief Groth would like to also work with Atty. Marone on to bring them up to date.

4. New Business.

A. Fire Department Organizational Analysis Project with RW Management Group, Inc.

Jeff Roemer is the representative from RW Management Group Inc. There were many questions regarding the make-up of the Project Team and Mr. Roemer was in attendance to answer those questions. Mr. Roemer recommends representation from both the administration and line-level of the Fire Department, representation from the Town Board, and possibly citizen involvement. The Project Team for the town is made up by whomever the Town Board would like on the team. The project is set up so that Mr. Roemer works with the Project Team on a regular basis, and together they determine what the steps are and what the tasks are. The Project Team meets to help set up interviews and gathers documentation. Mr. Roemer reviews the gathered information with the project team to assure its accuracy. Once recommendations are developed, Mr. Roemer will come back to the Project Team for their review and input. The same process will be followed for the draft report; the Project Team will review the draft report prior to submittal to the board. The role of the Project Team is to assist and keep up to date on where the analysis is headed.

Discussion ensued regarding whether or not the meetings of the Project Team should be held in open session. Atty. Marone advised that the name of the group doesn't necessarily matter, the fact remains this group will be a subcommittee created by the Town Board, hence open meetings laws apply. The information discussed by the Project Team will ultimately go into the decision made by the Town Board and the residents have the right to hear the ingredients of what goes into Town Board decisions. Clarification, RW Management will conduct all the interviews and the results of these interviews should be discussed in an open meeting. Rasmussen, Drexler, and Timm had concerns as to why the Project Team meetings to be held in open session, explaining that this process is a process that Mr. Roemer has done for many years with many different municipalities. Mr. Roemer advised that Project Team Meetings in other municipalities are open to the public; however he never had to post the meetings. Atty. Marone advised that the Project Team Meetings should be posted, and the people have the right to hear the information going into what is ultimately going to be a Town Board decision. This does not necessarily mean the public has the right to participate in the meeting, but the right to hear what goes into the decision. The members of the Project Team should be members that can bring status updates back to the board and the Fire Department.

There was a discussion regarding Fire Department members of the Project Team. The Fire Department Board of Directors recommended Chief Groth and Pat Rocolo as members of the Project Team. There was discussion on how to advertise and appointment of the Project Team members. Kierszh reminded the board that the Fire Department Board of Directors wanted to make a recommendation as to who was going to represent them on the Project Team. Kierszh felt that now that the Fire Department made their recommendation, the board shouldn't override them. Instead, the focus should be to get the advertisement done and get people appointed.

Discussion ensued regarding communication lines between the Town Board, Chief Groth, the Project Team, and town staff. Motion by Blake/Kierszh to allow Mr. Roemer to have contact with anyone of the Project Team and the Town Board. There was further clarification on the motion that it was to allow Mr. Roemer to conduct the organizational analysis, but the Project Team meetings would be subject to the open meetings laws. Atty. Marone advised that if Mr. Roemer wants to gather the opinions of the Town Board Supervisors

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that he sit where he is today and hold dialogue in the same fashion so that people hear the ingredients of what ultimately goes into the Town Board's decision. This way the opinions of the supervisors are open to the public, otherwise there is a violation of open meetings law. The decision making body's opinions needs to be heard in public. Again, didn't agree with Atty. Marone's opinion that the Project Team meetings should be held in open session, and for a second legal opinion. Atty. Marone stated that her opinion of Mr. Roemer interviewing each Town Board Supervisor individually and submitting an overview as a portion of analysis is a violation of open meetings laws. Clerk Nelson asked what the harm would be to conduct the interviews in open, after all they are elected by the people, and the people should know what their elected official's opinions are.

Blake called the question. Motion restated: Motion by Blake/Kierszh to allow Mr. Roemer to have contact with anyone of the Project Team and the Town Board. No further discussion. Roll call vote: Blake – yes, Kierszh – yes, Rasmussen – yes, Drexler – yes, Timm – yes. Motion carried in a roll call vote, 5-0.

B. Approve expenditures for Jones Park permitting as recommended by the Parks Committee and Martenson & Eisele.

Jeff Schultz from Martenson & Eisele was present to answer any questions. There is a check for \$4500 made to Winnebago County Treasurer, \$175 to the Winnebago County Treasurer and a check for \$235 for the DNR. Motion by Timm/Drexler motion to pay these permits. Jeff Schulz from Martenson & Eisele joined the conversation. Drexler had questions regarding phase 1 figures. Rasmussen's concern is that the project would be delayed if the only way to approve expenditures is to wait for a Town Board Meeting. When the project is under construction, there needs to be some authority given to someone from the two who can approve expenditures to keep the project moving forward. Schulz will need someone from the town to contact for these types of decisions once construction begins. Schulz wants to go through the bid package with the Town Board in July and will have the ad to the Clerk prior to that meeting. There will probably need a special meeting after our next park meeting. Concerns were brought forward about keeping the project moving, however, there still needs to be some oversight. The dirt that is coming is free and we do not want to lose this opportunity. Kierszh had concerns about starting construction before 80% of the money is collected per the recommendation of the Oshkosh Area Community Foundation. No further discussion. Roll call vote: Drexler – yes, Timm – yes, Kierszh – no, Rasmussen – yes, Blake – yes. Motion carried in a roll call vote, 4-1 with Kierszh voting no.

C. Approve letter for Tom Rusch regarding removing the utility assessment from on tax parcel number 002-3126 on Bison Point.

A temporary cul-de-sac was installed making the tax parcel number 002-3126 unbuildable. Should, sometime in the future, Aurora want to develop their property to the north, the cul-de-sac can be removed and the lot can then become buildable again. However, by the town declaring the lot unbuildable, the Algoma Sanitary District will remove the utility easements from the lot. Motion by Rasmussen/Kierszh to honor Mr. Rusch's request. Discussion ensued regarding getting a dedication to the cul-de-sac. Drexler would like to get the dedication of the cul-de-sac instead of having the utility easement removed. This is simply a temporary cul-de-sac and in the future if the cul-de-sac is removed, the land can be developed. No further discussion. Roll call vote: Timm – no, Kierszh – yes, Rasmussen – yes, Blake – yes, Drexler – no. Motion carried in a roll call vote, 3-2.

D. Approve request from Keith Decker to waive re-platting fees on the designated park area in Butte Des Morts Meadows II.

Blake invited Keith Decker to address the board. Decker explained that back when the plat was developed, the town held Sheppard Investments to have a parkland dedication within Butte Des Morts Meadows II which

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started in 2001. The parkland has remained in Butte Des Morts Meadows II. Recently, the Parks Committee purchased parkland on the Jones property. Luckily, Mr. Decker didn't sell the two lots where the extension Nelson Road is located. Decker would also like the temporary cul-de-sac removed from Addie Parkway. This was dedicated parkland to the town at the request of the town. Now that the town has purchased parkland to the north of the dedication, Decker is requesting that the town waive the town fees for re-plating the dedicated parkland. Motion by Kierszh/Rasmussen to waive the town's fees. No further discussion. Drexler – yes, Blake – yes, Kierszh – yes, Timm – yes, Rasmussen – yes. Motion carried in a roll call vote, 5-0.

E. Approve Class “A” Beer and “Class A” Liquor License Renewal for Serv-U-Beverage Mart.

Motion by Blake/Kierszh to approve the liquor license for Serv-U-Beverage contingent upon the background check. No further discussion. Motion carried in a voice vote, 5-0.

F. Approve Operators License Applications.

1. **Angela Nelson**
2. **Erin Lerch**
3. **Jeanne Miracle**
4. **Alexandrea Mathys**
5. **Chelesa Kierszh**
6. **Brittany Schmoll**
7. **Nancy Rheingans**
8. **Diane Bohnert**
9. **Pamela Berger**
10. **Lorie Knaus**
11. **Allie Knaus**
12. **Melissa Nowicki**
13. **Madeline Haedt**
14. **Trista Tyson**
15. **Thomas O'Connor**

Motion by Blake/Rasmussen to approve all listed Operators License Applications contingent upon the background checks. No further discussion. Motion carried in a voice vote, 5-0.

G. Approve Cigarette License Application

1. **Serv-U-Beverage Mart**

Motion by Blake/Kierszh to approve. No further discussion. Motion carried in a voice vote, 5-0.

H. Approve Soda Water License Applications.

1. **Serv-U-Beverage Mart**
2. **Kobussen Busses**
3. **Skipper Marine of Fox Valley**
4. **Fox Valley Iron and Metal Inc.**
5. **Kolb's Garage and Wrecker Service, Inc.**
6. **Jeff Foust Excavating, Inc.**
7. **Wally's U-Pull It, Inc.**

Motion by KierszhTimm to approve. No further discussion. Motion carried in a voice vote, 5-0.

I. Approve Intergovernmental Agreement to Satisfy Eligibility of Recycling Consolidation Grant for Calendar Year 2014.

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Motion by Rasmussen/Kierszh to approve. No further discussion. Motion carried in a voice vote, 5-0.

J. Approve expenditures for the Deputy Clerk to attend the Clerks & Treasurers Institute July 14-19, 2013 in Green Bay.

Discussion ensued regarding whether or not to send the Deputy Clerk to the Clerks & Treasurers Institute. Drexler felt that past deputies weren't given to opportunity to go to the Clerks Institute. Clerk Nelson explained that the offer was extended but previous clerks preferred not to attend. Clerk Nelson also advised that she attended the Clerks Institute when she was the deputy and that there was money budgeted for this expense. There was discussion on how much money to allow for hotels and classes. Motion by Kierszh/Blake to approve up to \$1,000 for the Deputy Clerk to attend the Clerks Institute. No further discussion. Roll call vote: Blake – yes, Timm – no, Drexler – yes, Kierszh – yes, Rasmussen – no. Motion carried in a roll call vote, 3-2.

K. Approve expenditures for the Clerk to attend the Masters Academy July 29-August 1st, 2013 in Green Bay.

Discussion ensued regarding members of the board attending the Masters Academy along with Clerk Nelson. Work schedules would have to be checked. Motion Blake/Kierszh to approve the expenditure for Clerk Nelson to attend the Masters Academy July 29 - August 1st, 2013 in Green Bay in the amount of \$389.00 plus mileage. No further discussion. Timm - yes, Blake - yes, Kierszh - yes, Drexler - yes, Rasmussen - yes. Motion carried in a roll call vote, 5-0.

5. Supervisors Statements

A. Announcement of joint meeting between Algoma Town Board and Sheldon Nature Area on Thursday, July 11th, 2013 at 6:30 PM at the Algoma Town Hall. (Blake)

Blake announced/confirmed the joint meeting between the Algoma Town Board and Sheldon Nature Area Committee on Thursday, July 11th, 2013 at 6:30 PM.

6. Receive Road/Drainage Coordinator Report June, 2013.

RDC Tollard went through his report and answered any questions of the board. Snowplowing was over this year by approximately \$56,109.93. Tollard recommends holding about \$25,000 back this year for snowplowing in November and December. Three estimates were received to remove some trees on Town of Algoma property leaning over a house. The lowest estimate was AAA at \$3,000. The last item was 2013 road paving that was approved last month at 3" with the town paying for an extra 1". Paving Lake Breeze was discussed. There was discussion regarding the 2013 Road Paving Bid Package. It was Atty. Marone's understanding that the town is under contract with Winnebago County to do the paving. Rasmussen disagreed indicating that we are only held to the contract to the amount of state aids the county receives for the town. Atty. Marone's interpretation of the contract and advised the board that they were indeed in contract with the county to do paving. Discussion ensued regarding whether or not the town was under contract with the county for road paving. The county contract was handed out to the members of the board for their review. Road Drainage Coordinator Tollard had discussion ith Mr. Rank of Strand Associates. Tollard informed Rank of Atty. Marone's opinion and talks had ended at that point. Rasmussen reminded the board that at a previous special meeting there was a motion to go with the bid process. Tollard asked the board how they wanted to proceed with paving Lake Breeze. Rasmussen wanted to see the bid numbers before making any financial commitments to doing Lake Breeze. Tollard recommended including Lake Breeze in the bid package and taking it out if there isn't enough money in the budget. Motion by Rasmussen/Timm to add Lake Breeze onto the 2013 road paving bid package. There was discussion on the motion from last month's meeting. There was more discussion on the county contract. Atty. Marone's opinion is that the town is under contract with the county for road paving and the contract is not limited to just the state aid money received by the county from the town. There is no cap on the amount of money the town can spend with

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the county. Timm stated it has been past practice that the town only contracts with the county for the state aid money. Again, Atty. Marone reiterated that according to the contract, the town is not bound by the limit of state aids. Atty. Marone asked if it was appropriate for Tollard to contact Winnebago County Highway Department to get clarification on the contract. No further discussion. Motion carried in a voice vote, 5-0.

There was discussion on the installation of the school zone signs on Oakwood Road. It's checked every day and the town is promised installation which never occurs. Highway Landscapers is the private contractor. Tollard will continue to work on getting these installed.

7. Approve minutes of previous meetings.

A. April 17, 2013

Motion by Timm/Kierszh to approve with one correction. No further discussion. Motion carried in a voice vote, 5-0.

B. May 6, 2013

Motion Rasmussen/Kierszh to approve draft 2. No further discussion. Motion carried in a voice vote, 5-0.

C. May 15, 2013

Motion Rasmussen/Kierszh to approve. No further discussion. Motion carried in a voice vote, 5-0.

D. May 23, 2013

Motion Kierszh /Rasmussen to approve. No further discussion. Motion carried in a voice vote, 5-0.

E. May 28, 2013

Motion Kierszh/Rasmussen to approve. No further discussion. Motion carried in a voice vote, 5-0.

F. June 3, 2013

Motion Timm/Rasmussen to approve. No further discussion. Motion carried in a voice vote, 5-0.

G. June 12, 2013

Motion Timm/Kierszh to approve draft 2. No further discussion. Motion carried in a voice vote, 5-0.

8. Approve monthly disbursements for June, 2013.

Motion by Kierszh/Timm to approve. No further discussion. Motion carried in a voice vote, 5-0.

9. Approve Treasurer's Report.

Since there isn't a treasurer, there is no report.

10. Closed Session.

A. The town board may convene into closed session pursuant to WIS STATS Sec. 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. This specifically relates to the part-time Town Treasurer position.

B. The town board may reconvene into open session to discuss and act upon matters discussed in closed session.

Motion by Blake/Rasmussen for the town board to convene into closed session pursuant to WIS STATS Sec. 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

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This specifically relates to the part-time Town Treasurer position. The town board may reconvene into open session to discuss and act upon matters discussed in closed session. No further discussion. Roll call vote: Kierszh – yes, Timm – yes, Blake – yes, Drexler – yes, Rasmussen – yes. Motion carried in a roll call vote, 5-0.

At 8:45 PM, the Town Board took a three minute recess.

At 8:48 PM, the Town Board convened into closed session. Drexler was excused from the closed session.

At 8:55 PM, motion by Timm/Rasmussen to extend the meeting. No further discussion. Motion carried in a voice vote, 4-0.

At 9:14 PM, the Town Board reconvened into open session.

Chairman Blake announced that Ms. Drexler has accepted the offer as the part-time Town Treasurer for the Town of Algoma and will be attending the Clerks and Treasurers Institute effective Monday, June 24th, 2013.

11. Adjourn.

Motion by Kierszh/Timm to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 9:16 PM.

Respectfully submitted,

Mary Kuehnl
Acting Clerk
Town of Algoma, Winnebago County, WI