

Approved at the May 16th, 2012 Regular Town Board Meeting.

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
MINUTES FOR
REGULAR MEETING OF THE TOWN BOARD**

Wednesday, April 18th, 2012 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 all in attendance.

B. Roll Call.

Chairperson Blake

Supervisor Haman

Supervisor Timm

Supervisor Drexler

Supervisor Kierszh

Atty. K. Marone

Treasurer Edson

Clerk Nelson

Deputy Clerk Andrews

C. Citizen's Award presentation to Jeanne Shiras for her many years of service on various Town of Algoma committees and commissions.

A citizen's award was presented to Jeanne Shiras for her many years of service on various town committees and commissions along with a gift certificate.

2. Public Forum.

Ken Neubauer, 2960 Clairville Road – Mr. Neubauer is the Town Road/Drainage Consultant. Mr. Neubauer informed the board that last year the town did some ditching in Cambria Court. Mesh was installed, which is still there. There is a constant discharge of sump water being pumped into the easement which is the source of the water in the ditch.

Kevin Mraz, 3275 Casey Trail, Oshkosh – Mr. Mraz is the Director of Algoma Sanitary District #1. Mr. Mraz spoke about the recommendation of appointments to the Sanitary District Commission now that the consolidation referendum has passed. Information was distributed to the board members in their packets.

Rick Gudex, 361 E. Division Street, Fond du Lac – Mr. Gudex is opposing Senator Jessica King in the upcoming election. Mr. Gudex introduced himself and gave some personal background. Mr. Gudex's focus is on jobs and the economy.

Mark Thompson, 3375 Sheppard Drive – Mr. Thompson spoke on the appointments to the Sanitary District Commission. Mr. Thompson realizes the commission has gone through some rough times this

year with the passing of both Mr. Irvine and Mr. Nadolske, and the affirmative passing of the consolidation referendum. Mr. Thompson encourages the board members to do their research before making appointments to the Sanitary District Commission pointing out that it was Mr. Mraz who had to tell the Omro Sanitary District Commission they weren't collecting enough money per household to cover their operating expenses. Mr. Thompson doesn't want an Omro Commissioner to be appointed to the Algoma Sanitary District Commission.

3. New Business.

A. The request from the Flyte Family Farms to use an E-Z up tent which would remain on the property for the duration of their transient merchant permit.

The board had some questions regarding the size and location of the E-Z up tent. There was not a representative from the Flyte Family Farms in attendance of the meeting. Since the Transient Permit doesn't go into effect until June, it was decided to table this item in order to get some clarification on the size and location of the tent. *Motion by Drexler/Hamann to table the Flyte Family Farms item 3A until next month. No further discussion. Motion carried in a voice vote 5-0.*

B. Task Order 12-01 from Strand Associates regarding Sheldon Drive, Prairie Wood Drive, and North Oakwood Road Drainage Improvements discussed at the March 27th, 2012 Stormwater Management Meeting.

Blake read agenda item 3B verbatim. Motion by Drexler/Kierszh to accept Task Order 12-01 from Strand Associates. No further discussion. Motion carried in a voice vote, 5-0.

C. Appoint commissioners to serve on the Algoma Sanitary District No. 1 Commission.

There were two recommendations from the Algoma Sanitary District for appointments to the commission; Chad Hayes and Peter Cernohaus. Both candidates gave brief introductions. Mr. Hayes is from the Omro Sanitary District Commission and Mr. Cernohaus is a retired school principal with the Oshkosh Area School District. There were some questions regarding the size of the commission. Atty. Edelstein, who represents the Algoma Sanitary District, was present to answer any questions the board had. The Sanitary District Commission is a commission of three because state statute limits it to three. There was discussion on why the Town Board never sees any financial reports or meeting minutes from the Sanitary District. Mr. Mraz indicated that the financial statements are included in the Town's Annual Report and minutes could be found in their website. It was agreed that Clerk Nelson will include the Sanitary District's financial statements and minutes in the monthly Town Board packets in the future. *Motion by Blake/Timm to appoint the two recommended individuals to the Algoma Sanitary District Commission. No further discussion. Roll call vote was requested. Roll call vote: Timm – yes, Drexler – yes, Blake – yes, Hamann – no, Kierszh – no. Motion carried in a roll call vote, 3-2 with Hamann and Kierszh voting no.* Deputy Clerk Andrews escorted the two appointees to the Clerk's Office where they were sworn in.

D. Appoint commissioners to serve on the Planning Commission.

Mr. Nadolske passed away creating an open seat. Ms. Shiras is stepping down creating an open seat. Therefore there are two vacancies on the Planning Commission. The Planning Commission recommends the Town Board appoint Henry Sampson and Colleen Merrill to fill the two open seats. Ms. Drexler is the Town Board representative on the Planning Commission. Her term expires May

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1st. Ms. Drexler has expressed interest in continuing to serve as the Town Board representative on the Planning Commission. At their April meeting, Ms. Drexler was voted Vice-Chairperson of the Planning Commission. Mr. Savinski's term also expires May 1st. Mr. Savinski has expressed interest in continuing to serve on the Planning Commission and at their April meeting, Mr. Savinski was voted chairperson the Planning Commission. ***Motion by Timm/Hamann to appoint Sue Drexler as the Town Board representative to the Planning Commission, to reappoint Jim Savinski for a 3 year term, Henry Sampson to the remainder of Robert Nadolske's term expiring May 1st, 2013, and Colleen Merrill to a three year term. No further discussion. Motion carried in a voice vote, 5-0.***

E. Appoint committee members to serve on the Extra-Territorial Zoning Committee.

The ETZ is made up of three members and two alternates, all of which must be a member of either the Town Board or the Planning Commission. Tim Blake and Ron Aubrey's term expires April 30th, 2012. Mr. Blake has expressed interest in continuing to serve on the ETZ while Mr. Aubrey would rather not. Since Mr. Aubrey is a representative from the Planning Commission, the Planning Commission recommends the Town Board appoint Mark Thompson as the alternate. ***Motion by Drexler/Kierszh to re-appoint Time Blake to the Extra-Territorial Zoning Committee for a three year term and appoint Mark Thompson as an alternate to the Extra-Territorial Zoning Committee for a three year term. No further discussion. Motion carried in a voice vote 5-0.***

F. Appoint committee members to serve on the Site Plan Committee.

The Site Plan Committee reviews commercial/industrial site plans to assure compliance with the town's Site Plan Ordinance. This review applies to any new buildings, additions, remodels, signs, or lighting. This committee meets on an as needed basis. Membership of the committee is Town Chair, member of the Planning Commission, member of the Parks Committee, Town Clerk, Town Attorney, Town Engineer, and Town Planner. There is an open seat due to the passing of Mr. Nadolske who was the Planning Commission representative. The Planning Commission at their April meeting recommends appointing Ron Aubrey to the Site Plan Committee. It should be noted that Mr. Aubrey is a retired architect. ***Motion by Hamann/Kierszh to appoint Ron Aubrey to the Site Plan Committee. No further discussion. Motion carried in a voice vote, 5-0.***

G. Appoint committee members to serve on the Parks Committee.

Jeanne Shiras is stepping down from the Parks Committee. This creates an open seat for a Planning Commission representative. The Planning Commission recommends the Town Board appoint Dewey Nelson to serve as their representative to the Parks Committee for the remainder of Ms. Shiras' term which expires May 1, 2013. Kristine Timm is the Town Board representative to the Parks Committee. Her term expires May 1st. Timm has expressed interest in continuing to serve on Parks Committee and the Parks Committee recommends Ms. Timm for re-appointment. John Doby's term expires May 1st. Mr. Doby is stepping down from serving on the Parks Committee as well. This creates an open seat on the Parks Committee. The Parks Committee recommends the appointment of Peter Cernohaus for a three year term. Sue Rehder's term expires May 1st as well. Ms. Rehder has expressed interest in continuing to serve on the Parks Committee and the Parks Committee recommends the re-appointment of Ms. Rehder for a three year term. ***Motion by Drexler/Kiersch to re-appoint Kristine Timm as the Town Board representative to the Parks***

Committee for a three year term, to appoint Dewey Nelson as the Planning Commission representative to the Parks Committee for the remainder of Ms. Shiras' term expiring May 1st, 2013, to re-appoint Sue Rehder to a three year term, and to appoint Peter Cernohaus to a three year term. No further discussion. Motion carried in a voice vote, 4-0-1 with Timm abstaining.

H. Approve Parks Committee expenditures to replace Oakwood Road Dock.

The Parks Committee has been working on replacing the Oakwood Road dock for about a year now. They narrowed their decision to a floating dock and asked the Town Board to approve the expenditure for the floating dock. The committee sent Mr. Doby's to Schmidt Brothers to have them update their quote to us. In doing so, Schmidt Brother told Mr. Doby's they no longer recommend a floating dock. Schmidt Brother recommend to other docks to Mr. Doby's. These recommendations haven't gone back to the Parks Committee as they have not met since the new recommendations. Therefore, it is recommended that the Town Board approve a not to exceed amount so that when the Parks Committee is ready to purchase the new dock they already have the Town Board's approval. *Motion by Blake/Hamann to approve the Parks Committee expenditures not to exceed \$10,000 for the replacement of the Oakwood Road dock. No further discussion. Motion carried in a voice vote, 5-0.*

I. Approve Parks Committee expenditures for Phase II Jones Park Development from Martenson & Eisele.

This proposal for phase II Jones Park Development is for planning and design of the park. This work was not included in the grant or the grant work. The drawings for the grant were a concept plan is to narrow down the plan to what is practical. Once the narrow down is complete, costs estimates will need to be obtained so funding options can be explored. The project will be broken down into phases once funding is known in an attempt to get the "biggest bang for the buck." The sale of the property has not closed yet. There are contingencies on both sides to work out yet. Timm indicated that obviously the Parks Committee will not take the next step into phase 2 until the actual sale goes through. This sets the stage so that when the sale does go through, the committee is ready to move forward. *Motion by Drexler/Timm to approve the Parks Committee expenditure for the Martenson & Eisele Phase II Jones Park Development contract once the purchase of the park has been finalized and that the amount is not to exceed \$10,000. No further discussion. Motion carried in a voice vote, 5-0.*

J. Adopt an ordinance to Extend Town Officers Terms In Response to Election Law Changes.

This ordinance is in response to the new election laws that took effect in February. This ordinance extends the terms of Chairperson Blake, and Supervisors Hamann and Timm one week in order for election certification to take place the Monday following the election. The terms cover the week gap that was explained at the Annual Meeting. Meaning the terms, like the Annual meeting, are pushed back to the third week of April instead of the original second week of April. *Motion by Drexler/Kierszh to approve the ordinance to Extend Town Officers Terms In Response to Election Law Changes. No further discussion. Motion carried in a voice vote, 5-0.*

K. Adopt an ordinance that repeals and recreates town ordinance 123, entitled Site Plan Ordinance.

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This ordinance is repeals and recreates town ordinance 123 entitled Site Plan Ordinance. This is what I was talking about in regards to codification. All these changes were approved by the Planning Commission and Town Board back in 2008 and the ordinance was never updated. Drexler would like the ordinance checked for compliance against the new zoning code prior to the approving and that it go back in front of the Planning Commission once the compliance check has been done.

Motion by Drexler/Kierszh to table the ordinance repeal and recreation of town ordinance 123, entitled Site Plan Ordinance until next month. No further discussion. Motion carried in a voice vote, 5-0.

L. Create options in which to recognize town residents who have dedicated time serving on committees for the benefit of the town. (Drexler)

Drexler handed out an explanation as to why she was pursuing this issue. There was discussion regarding what would be the criteria. Blake informed board that the board sponsored an Annual Appreciation Dinner for those volunteer committees to thank them for their time and efforts. Blake would like to reinstate this dinner for the board, committee members, and commission members as they do it because they enjoy serving their community. ***Motion by Blake/Timm to reinstate the Annual Appreciation Dinner during volunteer week which is April 15th – 21st. This will be for all volunteers of the town. No further discussion. Motion carried in a voice vote, 5-0.***

M. Request to delay the Annual Road Tour until after a Road/Drainage Coordinator is hired. (Drexler)

Clerk Nelson explained there was one resume that was received and one person who inquired about the job description. Clerk Nelson would like the board to consider running the posting in the upcoming newsletter which is scheduled to be mailed next week. The due date for resumes should be May 10th, 2012. It was determined that application should be by resume and there would be informal interviews. In theory, the Road/Drainage Coordinator would be hired either on or after the May 16th Town Board meeting. There was discussion on the fact that the Town Board went on Road Tour last year without the road supervisor and that the town has a temporary road supervisor.

Motion by Drexler/Timm to set the date for the Road Tour on May 16th, 2012. Hamann and Kierszh think the board should not wait that long. Roll call vote was requested. Roll call vote: Kierszh – no, Hamann – no, Blake – no, Drexler – yes, Timm – yes. Motion failed in a roll call vote, 2-3 with Kierszh, Hamann, and Blake voting no. Clerk Nelson did send out doodles and four members responded with May 4th. ***Motion by Kierszh to set May 4th at 8:00 AM.*** Atty. Marone determined setting the date was not on the agenda therefore the date couldn't be set at this meeting. Discussion ensued, and it was agreed that setting the date for Road Tour will be on the upcoming Special Town Board Meeting.

N. Request to hire a temporary lawn care service to cut the grass at the Town Hall, Kewaunee Street Park, and Fire Department until the lawn care service contract can be awarded. (Kierszh)

Kierszh indicated that the lawns need to be cut otherwise it will have to be bailed. Drexler indicated she was in favor of extending the current contract with Complete Lawn Care. Kierszh thinks it should be given to someone who isn't going to be bidding on the upcoming contract because it will only be a onetime cutting. Drexler and Timm debated in favor of extend the current contract,

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Kierszh debated on having someone who isn't going to be bidding for the current contract. Hamann didn't care what was going to be done as long as it got done. ***Motion by Drexler/Timm to extend the current contract with Complete Lawn Care until the current contract is awarded. No further discussion. Motion carried in a voice vote, 5-0.***

O. Approve Town Board Supervisors, and Town Clerk to attend the Annual Town Lawyers Conference on Friday, April 27th, 2012 in Madison.

Motion by Drexler/Timm to approve any town supervisors who wish to attend, town clerk, and town attorney to attend the Annual Town Lawyers Conference on Friday, April 27th, 2012 in Madison. Registration is due in the next couple of days.

4. Old Business.

A. Part-Time Road/Drainage Coordinator. (Clerk Nelson)

Clerk Nelson already covered this item with the advertising in the newsletter discussion in item 3M.

B. Ordinance Codification. (Clerk Nelson)

Clerk Nelson explained that she was supposed to create a timeline, which she did. However, she felt it maybe too aggressive and would like the opportunity to revisit it. This will be on the next agenda.

C. Street vacation for Norm Mueller. (Atty. Marone)

Atty. Marone explained that Mr. Mueller is having issues with some remaining property owners. Atty. Marone prepared and read the letter she prepared to Mr. Mueller regarding the discontinuation of the vacation process. Atty. Marone asked the board to receive and approve the discontinuation of Mr. Mueller's street vacation request should Mr. Mueller sign and return the letter to Atty. Marone in the next couple of days. ***Motion by Drexler/Kierszh to receive and approve the discontinuation of Mr. Mueller's street vacation request should the letter be signed and returned by Mr. Mueller.*** No further discussion. Motion carried in a voice vote, 5-0.

D. Collection of overdue fees from Bell Ridge Subdivision. (Treasurer Edson)

Treasurer Edson asked the board to change the interest rate charged to the subdivision from 6% to 3% which was what the last street assessment was. Discussion ensued. Atty. Marone advised the board that this item should be discussed in closed session on a future agenda as there is a possibility of litigation regarding this item. ***Motion by Drexler/Kierszh to put this on the next agenda and noticed as a closed session. No further discussion. Motion carried in a voice vote, 5-0.***

E. Internal Control Audit Report. (Drexler)

Drexler told the board that she wanted annual performance reviews for town management, Town Clerk and Town Treasurer. This would be a positive forum for both the clerk and the treasurer to talk and express their concerns. The board would have to go through the process of setting up criteria, to which Drexler and Timm agreed would be position descriptions. The board asked to think about this until next month.

5. Receive Road/Drainage Consultant Report April, 2012.

Road/Drainage Consultant Report for April 2012 was received.

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6. Approve minutes of previous meetings.

A. Regular Town Board Meeting March 21st, 2012.

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

B. Special Town Board Meeting Stormwater Management March 27th, 2012.

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

7. Approve monthly disbursements for April, 2012.

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

8. Receive Treasurer's Report for April, 2012.

Treasurer's Report for April 2012 was received.

10. Adjourn.

*Motion by Hamann/Kierszh to adjourn. No further discussion. Motion carried in a voice vote, 5-0.
Meeting adjourned at 7:30 PM.*

Respectfully submitted,

Charlotte K. Nelson, Town Clerk
Town of Algoma, Winnebago County