

**TOWN OF ALGOMA**  
**WINNEBAGO COUNTY, WISCONSIN**  
**MINUTES FOR**  
**REGULAR MEETING OF THE TOWN BOARD**  
**Wednesday, May 15<sup>th</sup>, 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 Rasmussen
Supervisor Timm	Supervisor Drexler
Supervisor Kierszh	Atty. K. Marone
Road/Drainage Coordinator Tollard	Clerk Nelson

**2. Public Forum.**

Keith Decker, 4614 Red Fox Road & Sheppard Investments-Mr. Decker is here for the Butte Des Morts Meadows II subdivision. Upon the board's request, the final plat for Butte Des Morts Meadows II subdivision had land designated for a park. Now that the Parks Committee purchased land to the north of the designated parkland, Mr. Decker would like the parkland designation removed so that there can be more lots developed. Sheppard Investments is requesting the town to waive fees on the eight new lots that will be developed out of the land. Mr. Decker argued that Sheppard Investments followed the request of the town the first time and does not feel he should have to pay again. He would like to be on the agenda next month for a solution.

Jeffrey Somers, 1556 Milton Circle-Mr. Somers wanted an update on the subdivision paving. He saw that road work was going to be discussed on the agenda. Mr. Blake commented that it is coming up later.

Mark Kainz, 1320 Snowdon Drive-Mr. Kainz is here for Safe Routes to School. Recommendations were made to have the kids walk safely to school. Concern is the focus on the four way stop. The intersection is not safe. School does not want to even put a crosswalk in to encourage kids walking at this time. Omro and Oakwood Roads need to be reengineered to make it safer.

Julia Salomon, 1320 Snowdon Drive-Ms. Salomon wanted to update everyone on what the school has been doing. Behavior change was the focus and the PTO had parents sign that they would follow the speed limit and other recommended travel behaviors. Second the Oakwood School put up banners that say "Slow Down". These were purchased with PTO funds. Third, Ms. Salomon inquired on what the town's plan was to encourage people to change their behaviors. Ms. Salomon asks that something be put in the newsletter to encourage residents to change their route maybe to Hwy 21, to slow down, and to

remember that Omro Road is not Highway 21 anymore. Other alternatives would be a stop sign during drop off time. Ms. Salomon encouraged everyone to please continue the conversation there and other areas. Ms. Salomon would like to see a proposal to bring permanent speed limit signs with a radar reader to tell you how fast you are going.

Gary Lerch, 2919 Waldwic Lane & Service Oil Company on Omro Road-Old Omro Road is important to the success of his business. There was a survey done and he was not contacted for his opinion. Then Supervisor Sue Drexler called and asked his opinion. He was disappointed that he did not get contacted about his feelings on the four way stop. Mr. Lerch believes this is a school problem. Existing design of the school is flawed and so is Omro Road. Town needs a long range goal for Omro Road. He applauds the PTO for their efforts. Town does not have the need to put up a four way stop sign. We need the school to change the entrance and exit of the school. At the March Meeting Mr. Lerch was uncomfortable how the attitude was before the election. Maybe there should not be a meeting before the election. Mr. Lerch's zoning request got put off until after the election instead of a decision being made. Mr. Lerch would like the board to check their egos at the door.

Cathy Chapman, 2849 Sheldon Drive -Ms. Chapman would like the "slow down" banners at the school to be more in the driver's face. It would be nice to have the banners farther away from the intersection so they can be seen, and not seen once you get to the school. Approximately 67% of students use the drop off and not the bus. Ms. Chapman wishes more efforts would focus on bullying occurring on the buses so the kids feel safe riding.

Robert Colburn, 1409 N Oakwood Road-Mr. Colburn was wondering if speed bumps placed by the school could be looked into. No one goes past his house at the speed limit. Remember when the roads are widened, no one is patrolling the roads.

Sally Colburn 1409 N Oakwood Road-Signage is important, but how expensive is it to paint the road to say school zone? Bill Tollard commented that is being looked at when the road is painted.

*At this time the Winnebago County Sheriff's Deputy was recognized. The Deputy didn't have anything to report to the board.*

### **3. Fire Department Report.**

First Responder President Pat Rocolle filled in for Chief Groth who could not attend tonight's meeting.

#### **A. Fire Department Picnic.**

Plans are well underway for the Fire Department Picnic June 1st. Anyone interested in volunteering to help with the parade can contact either Clerk Nelson or Chuck Carlson. Noon is the run hour time and the Fire Department would appreciate anyone willing to lend them a hand.

#### **B. Mutual Aid.**

On April 28, 2013 the Town of Algoma Fire Department was requested for Mutual Aid for the Omro-Rushford Fire Department for a fire at Advanced Disposal. Rocolle read a thank you letter the department received from Advanced Disposal. A copy of this letter is attached to the record copy of the meeting minutes.

**C. Burning Ordinance.**

Chief Groth is in the process of updating the current town burning ordinance and will have a draft copy of the updated ordinance soon. Reminder to the residents, anytime there is a brush pile larger than four feet, the Fire Department must be contacted and inspected to see if it complies with the town ordinances to burn. Any planned burns or grass fires, the Fire Department must be contacted. Any burning of any construction materials is prohibited by the DNR. If there is going to be a large fire, please contact the Sheriff's Department Dispatch Center and advise them that they are going to have a controlled burn. If there's a nuisance fire with too much smoke, the fire will be extinguished.

**D. Training.**

Now that summer is upon us, and there are longer days, the Fire Department will be spending more time on drill nights doing training. There is discussions about doing county wide scenario training during the day once a month. Therefore, if you see a lot of fire trucks in town, it's more than likely for training purposes.

**4. New Business.**

**A. Review and approve Certified Survey Map for Randy and Meghan Zeimet, 2650 Shorehaven Lane, tax parcel numbers 002-0042 and 002-0043, in order to combine the two parcels into one.**

The CSM was approved by the Planning Commission last week. Motion by Kierszh/Rasmussen to approve. No further discussion. Motion carried in a voice vote, 5-0.

**B. Discussion with Dave Tellock of Advanced Disposal Systems regarding the increase in yard waste tipping fees.**

The tipping fees for yard waste increased \$13.00/ton. Mr. Tellock is here to discuss some options for the Town Board to consider. Also, Advanced Disposal approached the town about switching the recycling dates on particular roads from the north side (circle) to the south side (square) because the trucks are over capacity on north days. There will be notices and adjustment accommodations made for this request

Mr. Tellock thanked the Fire Department for their response to the Advanced Disposal Systems on April 23, 2013. With the help of all the departments involved, the damage was kept at a minimal.

All of the town's yard waste is designated to go to the Winnebago County Landfill. An increase was given to the Winnebago County Landfill. The yard waste fee increased the tipping fees from \$12.00/ton to \$25.00/ton around October, 2012. Tellock recommends that when the town does the budget, to designate where the yard waste goes. Tellock researched UW-Oshkosh's Bio-Digester as an option, however, the first load was rejected because there can't be any twigs or wood in the load. To save money using the Bio-Digester, the town would have to change the way yard waste is collected. If the town doesn't mind the extra cost in disposing yard waste, then the town could continue to collect yard waste the current way. The Bio-Digester is the only option at this time. The yard waste charge is currently on the property taxes as annual charge for Garbage/Refuse. Discussion ensued regarding different options. Tellock advised that although there is a tri-county agreement, the county has to come up with costs prior to the budget process starting to allow communities to budget property for their refuse pick-up. Now every invoice the town receives for yard waste, the tipping fee per ton is going to be \$25.00/ton instead of the \$12.00/ton. Tellock

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thinks that all the townships in the county should get together and begin talks with the landfill. Winnebago County Landfill is their own entity, separate from Winnebago County.

The route change is due to the annexation to the city. Advanced is attempting to run their routes a little more efficiently, therefore they are changing the town routes slightly. Postcards and notices will be sent to those who are affected by the change.

**C. Approve County Funding Aid Petition for the replacement of the Honey Creek Culvert on Oakwood Road.**

The County Bridge or Culvert Aid Program for 2014 Projects memo has been received from the Winnebago County Highway Commissioner. The board needs to approve the final draft of the application without the option to start work in 2013. The final version is attached. Should the Town Board have any questions, Mr. Shubak is available for questions via telephone communication. Motion by Rasmussen/Timm to submit this to the county by June 1, 2013. No further discussion. Motion carried in a voice vote, 5-0.

**D. Input on a four way stop to be installed at the intersection of Omro Road/Oakwood Road fall of 2013.**

**1. Discussion on grants for Omro Road and Oakwood Road.**

These items were requested by Supervisor Rasmussen. It should be noted that Pat Rank from Strand is available by phone if the board has any questions.

Rasmussen again mentioned that the engineering doesn't qualify for a four way stop. The only way to qualify for a four-way stop is to have a traffic engineer do a study to which indicates some criteria to justify the four-way stop. The only way to continue with this process is to re-build Omro Road. Rasmussen was contacted by Ernie Winters, Winnebago County Highway Commissioner, regarding an Urban Grant. Rasmussen looked into the possibility of the town getting these grants. There are several reasons why the town doesn't qualify for the grants; 1-all land acquisitions must have been made, on-road bike/pedestrian trails which the town doesn't want, and there is no design for the roads. The intersection of Omro Road/Oakwood Road is the largest concern, so Rasmussen recommends that design on Omro Road, Oakwood Road, and Leonard Point Road so that they are ready for grants the next time they become available. Motion by Rasmussen/Kierszh to start the design process for Omro Road, Oakwood Road, and Leonard Point Road, and for Rasmussen to work with Pat Rank of Strand, Town Engineer, and Bill Tollard, Town Road/Drainage Coordinator, and as things need to come to board for decisions, they would bring it forward. Timm would like Strand to bring forth an estimate on the costs of doing this design. No further discussion. Motion carried in a voice vote, 5-0.

There was discussion on removing Item D from the next agenda. Motion by Drexler/Kierszh to rescind her original motion and asks that an agenda item go on next month's agenda to not proceed with the four-way stop because it's too confusing. Road/Drainage Coordinator advised that the four-way stop is going to affect the striping of Omro Road. Therefore he is going to hold off on the striping until there's a decision on the four-way stop. It was determined that action could be taken tonight rather than waiting until next month. Drexler/Kierszh withdrew their motion and second. It was determined by the board that there doesn't need any motion to remove

this agenda item, there was no action taken. Blake clarified, and the board agreed, to eliminate this item on all future agendas.

**E. Design of town collector roads.**

See item 4.D.1 above.

**F. Proposal from RW Management Group, Inc for a Fire Department Organizational Analysis in reference to the Volunteer Fire Department's request to hire three full-time fire department personnel.**

Rasmussen met with Jeff Roemer of RW Management and advised them of the situation that was occurring in the town. Rasmussen gave some of Mr. Roemer's credentials. The reason Roemer used a scale in his quote is in case the town decides to do bids. Once the town decides to go with RW Management, the scale can be narrowed to a more specific price, or the town can pick a not to exceed number and RW Management can provide services up to that point. Rasmussen thinks it is a good idea to go with RW Management because there are too many unanswered questions and they could provide assistance in answering those questions. Motion by Rasmussen/Drexler to hire RW Management to provide a Fire Department Organizational Analysis for the town at a cost not to exceed \$16,000. No further discussion. Motion carried in a voice vote, 4-1 with Kierszh voting no.

**G. Development of Town Treasurer and Town Clerk job descriptions.**

Drexler advised that she and Stephanie Beck, former Deputy Treasurer, met at the Town Hall on May 10th, 2013 and crafted the draft of the Town Treasurer's position. The draft encompasses state statutes, Department of Revenue presentations, area Town Treasurer job descriptions, and the beginning and end language is from the Road/Drainage Coordinator job description. Drexler advised the board is just receiving it tonight. No action taken.

**H. Development of forms and procedure for performance evaluations for Town Clerk and Town Treasurer.**

Blake advised that the board is going to continue to work on developing the performance evaluations. Rasmussen believes a couple of people can work together to craft a job performance evaluations. Drexler would like to have the clerk's job description drafted first prior to job performance evaluation. There was discussion on the fact that Clerk Nelson did provide a job description on 2011 which was never approved by the board. Motion by Blake/Timm to appoint Rasmussen and Drexler to work with Clerk Nelson on the creation of a Town Clerk job description. No further discussion. Motion carried in a voice vote, 5-0.

**I. Approve transfer of parks funds to Oshkosh Area Community Foundation.**

Timm explained that because the town isn't accepted by the Oshkosh Area Community Foundation at this time, this agenda item may be premature. The letter from the town asking for acceptance is written, however, the contract has not been received. There was discussion on a motion contingent upon the acceptance by the Oshkosh Area Community Foundation. Motion by Timm/Rasmussen that contingent upon the acceptance by the Oshkosh Area Community Foundation and contingent upon approval of the contact that \$250,000 be transferred from the Parks Fund to the fundraising account. There was discussion on the amount of money and kind of investments the money will be put into.

**J. Approve expenditures to fix and upgrade the town's website.**

Clerk Nelson explained this quote if to move the current hosting site to E-Biz which is located in the Town of Algoma, to remove the virus that has been plaguing the website for months, to make the website compatible with tablets and smart-phones, and to do some design upgrades to the website as well. Motion by Timm/Kierszh to transfer the website services to E-Biz. No further discussion. Motion carried in a voice vote, 5-0.

**K. Training by Town Attorney, Karen Marone, regarding Open Meeting Laws and Open Records Laws.**

Atty. Marone thought with the changing of the board, it was a good time to remind all the members of open meetings laws and open records laws. The presumption is always that there is clarity in government, clarity in its decisions, and clarity in the basis for its decisions. Atty. Marone cited some case law that talks about any formal or informal action regarding discussions, decisions, or information gathering done for a governmental purpose belongs in the open. The Attorney General's Office strongly discourages using electronic media (e-mail, instant messaging, or text messaging) to communicate matters that's in the body's authority. It's imperative that when a governmental body meets, it shows that their vote or decisions have not been made ahead of time. It should be described in open session what was researched, what treatise was review, explain the treatise, and what information was gathered so that there is a full dialogue and listening session that occurs in open session. Avoiding a walking quorum is of the utmost importance, even when it's not intentional. A walking quorum is when members of a governmental body talk with one another, either in person, by phone, or electronically, about subjects that may be of interest to the governmental body. There isn't a quorum at the time the communication takes place, but then each of those members talks to another member of the governmental body, and there's a walking quorum. The idea is to avoid a walking quorum and if someone has an idea they would like on the agenda, simply contact the town clerk to be up on the agenda. Once in a public meeting, the discussion should take place, so that the board as a whole decides what action is going to take place and authorizes specific people to take such action. Atty. Marone doesn't want any open meetings violations for any municipalities for information gathering. People, residents, have the right to know content, the ingredients, which went into the decision that the governing body made. These rules and regulations are enforced by the Attorney General and District Attorney. The regulations are such that if the District Attorney does not take any action, any person aggrieved can bring action forward. Therefore the presumption is that unless there is a statutory reason for going into closed session, everything is to be open.

With regard to open records, any and all documents given by or received by a public official, whether elected or appointed, are subject to open records. This includes electronic media, personal computers, etc. It is Atty. Marone's recommendation that any town matters be done through town issued e-mail services, which the town has. Atty. Marone also recommends that all town officials, whether elected or appointed, retain a personal umbrella policy insurance. In open meetings, open records violation cases, the municipality is named, the board is named, along with the individual. Insurance companies sometime deny claims when a violation is intentionally done. There was discussion as to how these rules apply to this board. Atty. Marone is recommending that because it is so easy for two people on this board to talk to one another and to communicate with a third, a preemptive policy would be just to not talk to each other outside the meeting room. Have the item

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put on the agenda and discuss it as a board. The same open meetings and open records laws apply for any sub-committee of the Town Board. No action taken.

**5. Supervisor Statements**

**A. Update from the Economic Development Marketing Committee. (Drexler)**

Drexler reported that there was a meeting this morning. The Economic Development study is just about completed. Now that we have all this information about economic growth, Mike Matthews, who did the work on the study, he could review the comprehensive plan and give us suggestions on the town's economic growth. Mr. Matthews would be available to do an overview and would cost about a \$1,000. Motion by Blake/Rasmussen to authorize Drexler to reach out to Mike Matthews from Economic Growth Advisory. This contact would be for Mr. Matthews to give the board an outline as to what he could offer the board and to get him a copy of the comprehensive plan. No further discussion. Motion carried in a voice vote, 5-0.

**6. Receive Road/Drainage Coordinator Report May, 2013.**

Tollard went through the drainage report. There were no questions from the board.

**A. Approve road work to be done in 2013 as a result of Road Tour.**

Tollard distributed a breakdown for the road work for 2013. However, the breakdown was hard to read. There was discussion on roads that were assessable, the bid package that was done in 2011, and the change of the ordinance back to 3 inch asphalt thickness. It was determined that these topics would be discussed in a separate meeting that Clerk Nelson will doodle the Town Board to schedule.

**7. Approve minutes of previous meetings.**

**A. Regular Town Board Meeting dated April 17<sup>th</sup>, 2013.**

These minutes were not available.

**B. Special Town Board Meeting dated May 1<sup>st</sup>, 2013.**

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

**8. Approve monthly disbursements for May, 2013.**

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

**9. Receive Treasurer's Report for May, 2013.**

The Treasurer's Report for May, 2013 was received.

**10. Closed Session.**

- A. The town board may convene into closed session pursuant to WIS STATS Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.**
- B. The Town Board may then convene into closed session pursuant to WIS STATS §19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.**
- C. The town board may then reconvene into open session to discuss and act upon matters discussed in closed session.**

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Motion by Blake/Timm for the Town Board to convene into closed session pursuant to WIS STATS Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Town Board will remain in closed session pursuant to WIS STATS §19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Town Board may then 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 8:03 PM the Town Board took a five minute recess.*

*At 8:08 PM the Town Board reconvened into closed session.*

*At 8:20 PM Supervisor Drexler excused herself from the closed session and left the Town Hall.*

*Motion by Blake/Kierszh for the Town Board to convene into open session. At 8:32 PM, the Town Board convened into open session.*

Motion by Timm/Kierszh to accept the Town Treasurer's position description. No further discussion. Motion carried in a voice vote, 4-0.

#### **11. Adjourn.**

Motion by Blake/Timm to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 8:35 PM.

Respectfully submitted,

*Charlotte Nelson*

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