

Approved at the September 19<sup>th</sup>, 2012 Regular Town Board Meeting.

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

**Wednesday, August 15, 2012 at 5:45 PM**

Algoma Town Hall

15 N. Oakwood Road, Oshkosh, WI 54904

**PUBLIC HEARING AT 5:45 PM**

**Open public hearing on the proposed additions of real property commonly known as tax parcel numbers 002-1353-01, 002-1354, 002-0014-04, 002-0014-02, 002-0014-10, 002-0014-09, 002-0014-08, 002-0014-07, 016-0317-01, 016-0824, 016-1134, 016-0825, 016-0826, 016-0827, 002-0175, 016-0366-05, 016-0366-04, 016-0384-02 to the Algoma Sanitary District No. 1.**

The public hearing was opened by Chairperson Blake at 5:45 PM.

**Anyone wishing to speak on the above mentioned Sanitary District additions may do so.**

Kevin Mraz, Utility Director of the Algoma Sanitary District #1 was present to answer any questions of the board. There were no questions.

**Close public hearing.**

Motion by Kierszh/Hamman to close the public hearing. No further discussion. Motion carried in a voice vote, 5-0. The Public Hearing was closed at 6:00 PM.

**REGULAR TOWN BOARD MEETING AT 6:00 PM**

**AGENDA**

**The Board may Discuss and Act on the Following:**

**1. Call to Order.**

Meeting was called to order by Chairperson 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 Hamann
Supervisor Timm	Supervisor Drexler
Supervisor Kierszh	Atty. K. Marone
Town Treasurer Edson	Town Clerk Nelson
Deputy Town Clerk, Mary Kuehnl	Road/Drainage Coordinator Bill Tollard

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*Deputy Rolo from Winnebago County Sheriff's Department was recognized. There were no items for the deputy.*

**C. Introduction of newly hired Deputy Town Clerk Mary Kuehnl.**

Deputy Town Clerk Mary Kuehnl was introduced to the board by Chairperson Blake. The board welcomed Deputy Clerk Kuehnl.

**2. Public Forum.**

Scott Groth, 1283 Snowdon Drive. Mr. Groth requested the board consider re-striping or re-painting Omro Road since the current striping is virtually nonexistent. Re-striping Omro Road would make it safer for pedestrians. Mr. Groth is also concerned because he's a bicyclist and a lot of debris ends up on the walking trail making it hard to bike on the walking path. Perhaps during the summer, the county could sweep the sides of Omro Road. Mr. Tollard will get quotes from the county .

Terry Steele, 2848 Sheldon Drive. Mr. Steele spoke on last month's Town Board meeting and how it was brought up to paint an indicator on the pedestrian trail on Oakwood Road. Mr. Steele talked to a lot of people and most people don't know what can be done with this lane. Gave an example of an almost accident. It would be helpful if people really know what the extra lane is for. Clerk Nelson will include this information in the next newsletter.

Dewey Nelson, 2946 Oakwood Lane –Mr. Nelson is the Maintenance Personnel for the town. Mr. Nelson would like to have a roofer check out the condition of the roof on the town hall. Mr. Nelson will get three quotes.

Mark Thompson, 3375 Sheppard Drive – Mr. Thompson would like to see residents along Omro Road not put their garbage cans in the bike lane. People on Omro Road need to put their garbage cans in their driveway approach. .

Nancy Steffen, 1377 Oakwood Court – Ms. Steffen would like to build an addition to her garage, which the newly re-written Winnebago County Zoning Code will allow her to do. But because the town hasn't adopted the new Winnebago County Zoning Code yet, she's unable to do so. Clerk Nelson informed Ms. Steffen that the Planning Commission discussed this issue at their meeting last week. The Planning Commission decided to postpone their decision until October because they are working with a consultant to re-write town ordinance Chapter 18. The Planning Commission would like to have this consultant give his opinion on how the new Winnebago County Zoning Code and the new town ordinance Chapter 18 are going to work together. Drexler informed Ms. Steffen that the Planning Commission needs to review this. There is a 300 sq. ft. difference between the old county zoning code and the new county zoning code. There was discussion on Ms. Steffen getting a variance. Clerk Nelson advised the board that it is her understanding that the old Chapter 17 rules apply until the town adopts the new Chapter 23 unless the property is in shoreland zoning. Attorney Marone would determine if a variance would apply to Ms. Steffen's request. Clerk Nelson will keep in touch with Ms. Steffen.

**3. Fire Department Report.**

**A. Winnebago County Fair.**

Annually, the fire department is asked to staff one of the beer stands at the Winnebago County Fair. In return, the department receives a percentage of the sales for that day and any tips. Groth gave an estimate of \$800 - \$1,000 was made including tips will be received from Winnebago County. This opportunity is offered to all fire departments county wide and the schedule rotates as to what day the department gets. This year happened to be Saturday.

**B. Pancake Breakfast.**

Sunday, October 7<sup>th</sup> will be the Pancake Breakfast. Groth would like to reserve the Town Hall for both October 6<sup>th</sup> & 7<sup>th</sup> for the Pancake Breakfast. This kicks off fire prevention week. The week is ended with Oakwood School students visiting the Fire Station.

**C. Fire Truck update.**

Chief Groth brought the new fire truck to the Town Hall for the board members to see. The truck's status is soft service mode, not all of the equipment has been transferred from the old truck to the new truck. It will respond is needed. Currently, there have been two training sessions with Red Power. Red Power did the training at the fire station. Groth instructed the firefighters to get in touch with the respective officer to do further training if need be. There has been no interest in the old truck. The department has talked to some towns and put the fire truck on Criag's list, but there hasn't been any interest. The most to get out of scrapping it would be about \$3,000.

**D. Fire Department Grants.**

Touched on the June meeting about fire department grants. Assistant Chiefs Heiman and Kolb, along with Chief Groth met with the consultant to see what types of grants are available. Both Heiman and Groth wrote a grant for a grass rig to replace the oldest truck in the fleet. They asked for a \$120,000 grant which will more than cover the cost of the vehicle. This grant is a 95/5 grant; the grant will pay 95%, the department will pay the remaining 5% of the cost of the grass rig. Grant is through FEMA.

**4. New Business.**

**A. Review and approve new sign for BMO Harris Bank, 2100 Omro Road, Oshkosh, WI 54904.**

Both the Site Plan Committee and the Planning Commission have approved the BMO Harris Bank sign contingent on getting all the required building permits and following all state and local codes. *Motion by Hamann/Kierszh to accept. No further discussion. Motion carried in a voice vote, 5-0.*

**B. Review and approve new sign for Strong Chiropractic, 2100 Omro Road, Oshkosh, WI 54904.**

Both the Site Plan Committee and the Planning Commission have approved the Strong Chiropractic sign contingent on getting all the required building permits and following all state and local codes. *Motion by Hamann/Kierszh to accept. No further discussion. Motion carried in a voice vote, 5-0.*

**C. Operator's License for Trista Tyson.**

The record check came back with no criminal record. *Motion by Kierszh/Hamann to approve. No further discussion. No further discussion. Motion carried in a voice vote, 5-0.*

**D. Request to close off Welsh Haven Drive on Saturday, August 18<sup>th</sup>, 2012 from 3:00 PM to 7:00 PM for a neighborhood block party.**

Mr. Arft was unable to attend tonight's meeting. Mr. Arft would like to close off part of Welsh Haven Drive on Saturday, August 18<sup>th</sup>, 2012 from 3:00 PM to 7:00 PM for a neighborhood block party for safety concerns. Motion by Hamann/Kierszh to accept because there are only two houses in the middle of the street and there's a way for traffic to get around them. It should be noted that Winnebago County Sheriff's Department, Winnebago County Highway Department, the Fire Department, and the constables should all be notified. Drexler contacted Mr. White, the neighbor, who had no problem with the street closure and supports the block party. *No further discussion. Motion carried in a voice vote, 5-0.*

**E. Approve Transient Merchandise Permit for Thomas Manske in order to sell hot dogs out of town owned parking lot at the corner of N. Oakwood Road and Witzel Avenue.**

This is a similar request made to by the Flyte Family Farms. Mr. and Mrs. Manske were present to answer any questions. The Manske's hours will be 10am to 3 or 4 pm. Mondays, Thursdays, Fridays, and Sundays. There was discussion regarding the buses, and how the hot dog stand would work with the buses. The board felt that because of the buses and the fact that the Flyte Family Farms' permit ends on Labor Day, then the hot dog stand should end on Labor Day as well. The Manskes only do lunch hour, and could be out of the parking lot before the buses arrive. The Manske's don't travel around; they select their destinations and stay there. They saw the town owned parking lot, thought it would be nice to have a location on this side of town, and applied for the permit. The Manske's purchased the hot dog stand this year; they don't move around, they want people to know who they are. *Motion by Hamann/Kierszh to approve with the ending date of September 3<sup>rd</sup>, 2012.* Drexler's concern is there going to be a policy. Now we have Flyte Family Farm and the Hot Dog Stand, what's going to happen next year if there are more people interested in vending there. There is time between now and next year to work on a policy. Drexler is also concerned about the increase in traffic flow that may occur by adding the hot dog stand. *No further discussion. Motion carried in a voice vote, 5-0.*

**F. Algoma Sanitary District Number 1 Financial Statements with Director Kevin Mraz.**

Kierszh and Hamann would like to sit down with Mr. Mraz. Kierszh would like to keep this issue on the agenda for another month and get it straightened out. Discussion ensued regarding how this item became an issue. Kierszh asked for the financial statements from the Sanitary District back in April which Mr. Mraz agreed to forward. For some reason, Kierszh isn't getting what he requested. Kierszh went to the Sanitary District's meeting and spoke to Mr. Mraz and the Sanitary District Commission about what information is being sought. *Motion by Kierszh/Hamann that we as a town board sit down with Mr. Mraz to try to get the information we would like. No further discussion. Motion carried in a voice vote, 3-2 with Drexler and Timm voting no.* There was discussion with Mr. Mraz on what information the board would like. There should be a meeting set up with Mr. Mraz so that they can discuss what information is being sought. Kierszh wanted a monthly financial

report from the Sanitary District. Kierszh understands that they're a separate entity, but every time they want something done and need to get approval, they come to the Town Board. It's not that we're going to micromanage them, we just want to see their financial statements. If the board can't get them by working with the Sanitary District, then an open records request should be filed. Kierszh just wants to look at it.

**G. Additions of real property commonly known as tax parcel numbers 002-1353-01, 002-1354, 002-0014-04, 002-0014-02, 002-0014-10, 002-0014-09, 002-0014-08, 002-0014-07, 016-0317-01, 016-0824, 016-1134, 016-0825, 016-0826, 016-0827, 002-0175, 016-0366-05, 016-0366-04, 016-0384-02 to the Algoma Sanitary District No. 1.**

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

**H. Award contract for the Honey Creek Streambank Improvements Project with Strand Associates.**

This item is in correlation with the work the board has been doing regarding storm water management since 2009, specifically to the Honey Creek/Sheldon Drive/Oakwood Road area. This project is known as phase one of the overall stormwater management project. There was advertisements for bids in the Oshkosh Northwestern and the bids were open in public view by Mark Shubak here at the Town Hall on August 9<sup>th</sup>. Bids came in lower than Mr. Shubak expected. Mr. Shubak gave the board a summary of the bidding contractors. The lowest bidder was H&H Civil Construction out of Manitowac in the amount of \$177,293.00. The budget estimate was \$245,000. The summary of the bids is attached to the record copy of the meeting minutes. Strand sent a letter to H&H Civil Construction requesting information about their company, which has been received by the Town Clerk. References have been checked and were very positive in general, they've met schedules, been very responsive, change orders only upon owner's request, etc. The information checked out to be very positive. Drexler had some questions about the bid process. What does Ten percent bid bond guarantee? It's an assurance that they will complete the project. Drexler asked about insurance coverage should there be an act of nature occurring during the project. Drexler also questioned H&H's reference list. In Mr. Shubak's opinion, the types of projects listed on H&H Civil Contractor's reference list are projects done on the same trade projects. It's not an issue. Drexler also has a problem that the Maintenance Agreements aren't done yet. Drexler believes it should be tied together or at least made sure that the Maintenance Agreements are gotten before the work is started. There was further discussion on the maintenance agreements. There was discussion on the haul route. Leonard Point Road could be documented for any potential damage caused by the hauling of the dirt. Strand did not dictate the haul route in the specs. That's an issue that can be addressed at the preconstruction meeting. Strand has personnel that looks at contractor bonds and who does risk assessment. It takes about a month to get the paperwork in line. Mr. Shubak expects a Notice to Proceed at the next Town Board meeting. This is typical of most public works projects. *Motion by Blake/Kierszh to approve H&H Civil Construction for the Honey Creek Streambank Improvement Project. No further discussion. Motion carried in a voice vote, 5-0.*

**I. Approve Task Order Amendment 12-01 to Honey Creek Streambank Improvement Project from Strand Associates.**

Blake explained that this was discussed at July's stormwater management meeting. The Task Order Change is in regard to construction over site, answering any questions, approve of shop drawings, and review of pay requests relating to the Honey Creek Streambank Improvement Project. *Motion to approve by Hamann/Timm. No further discussion. Motion carried in a voice vote, 5-0.*

**J. Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2013.**

Blake explained that this is an annual agreement. *Motion by Hamann Kierszh / to accept. No further discussion. Motion carried in a voice vote, 5-0.*

**K. Winnebago County Maintenance Agreement for calendar year 2013.**

Blake explained that Winnebago County has been and will continue to be the town's provider of road maintenance. Mr. Tollard is responsible to be the coordinator between the town and Winnebago County Highway Department. *Motion by Hamann/Kierszh to accept Winnebago County Maintenance Agreement for Calendar Year 2013.* Attorney Marone explained that the reference to liability between town and county is fine. The miles within the town is about the same. *No further discussion. Motion carried in a voice vote, 5-0.*

**L. Status of Road/Drainage Coordinator Consultant Ken Neubauer.**

This item was discussed last month as to whether or not to keep Mr. Neubauer on as a Road/Drainage Coordinator. We should make a decision based on the best interest of the town and with consideration of the opinion of our current Road Drainage Coordinator Mr. Tollard. Tollard would like Mr. Neubauer to stay in until he gets a little more acclimated and Neubauer could fill in for Tollard when he's not around. No one seemed to have an issue with keeping Mr. Neubauer on as Road Drainage Consultant. *No action taken.*

**M. Approve Town Board Supervisors and town staff to attend the Wisconsin Towns Association 2012 Fall Town & Village Workshop in Ripon on September 25th, 2012.**

This is another time that is fairly routine, workshops occur several times throughout the year. Typically board members let Clerk Nelson know if they would like to attend. *Motion by Kierszh/Hamann approve the attendance. No further discussion. Motion carried in a voice vote, 5-0.*

**5. Old Business.**

**A. Approve carpeting quote for Town Hall Office. (Dewey Nelson)**

Blake explained this request was on the June agenda and was tabled to the July meeting because the bids were not received in time to have adequate review. Blake then turned over the discussion to Dewey Nelson. Mr. Nelson contacted three different carpet stores; Carpet Warehouse, Carpet Quest, and Carpet Gallery. Carpet Warehouse would not give an estimate until the town decided whether they wanted carpet tile or regular carpet. There are two quotes from Carpet Gallery, one for carpet tile, one for regular carpet. Drexler questioned the difference between carpet tile from Carpet Quest and Carpet Gallery. Drexler's other concern is that office staff will be moving the furniture. The

room can be done half at a time, then move all the furniture over to other side, and finish that side. The discussion turned to asbestos. Clerk Nelson advised there was testing of the tiles done in 2006, and the result was the tiles are not asbestos, the glue is. If the carpet is laid over the tiles, asbestos isn't a problem. Clerk Nelson explained carpet tile isn't glued down, it's like a floating floor. Haman further explained that the corners are joined together, that is all that is stuck down. However, with carpet tile, extra should be purchased in case something happens to one there's extra to replace it. Drexler would like more information from Floor Quest unless there's a motion to designate a person to look into this with a "not to exceed" price for replacement and do what's best for the town. *Motion by Drexler/Timm for Clerk Nelson to look into the difference between Floor Quest and Carpet Gallery and decide whether or not to bring it back to the board, if not she does have approval to go with Carpet Gallery quote up to \$3576.72 and office staff should not move the office furniture. No further discussion. Motion carried in a voice vote, 5-0.*

**B. Receive memo regarding Financing Storm Water Management Phase 2 – Honey Creek Improvements from Treasurer Edson.**

This item will be discussed at next week's Stormwater Management Meeting on September 22<sup>nd</sup>, 2012. It is on the agenda to receive this memo. Should anyone have any questions, they should contact Treasurer Edson.

**C. Receive Chapter 1 ordinance codification. (Clerk Nelson)**

No discussion is needed as we continue to move forward on the items on the board's priority list. Board members should go through the codifications make any changes and forward to Clerk Nelson for September meeting.

**6. Receive Road/Drainage Consultant Report August, 2012.**

The Road Drainage Coordinator Report was received. Mr. Tollard came up with some pricing on the streets the town wants to be paved. If the town wants him to pave this year, the sooner they know the better or they won't be done this year otherwise. There is a delay of about two weeks on the Sheldon/Prairiewood Project because utilities have to be relocated. Mr. Groth will be doing other road tour work during this delay time. Both Mr. Tollard and Mr. Groth agreed that Oakwood Road should settle for about a year with a temporary patch and wait until the Oakwood Road Project is complete before any paving on Oakwood Road. Mr. Tollard stated that Oakwood Manor cut everything except for the detention pond. Drexler would like the board to be involved with the final walk-through of the roads in the second phase of Olde Apple Acres. Clerk Nelson informed the board that this walk-through was just a preliminary walk-through, and Mr. Rank will be coming back sometime in September or October to do the final walk-through. Mr. Tollard would also like to attend the Preconstruction Meeting for the Honey Creek Improvements Project.

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

**A. July 18th, 2012 Regular Town Board Meeting.**

Drexler requested language indicating that the Department of Transportation won't allow any other striping on Oakwood Road be added to Item G. Clerk Nelson would like to look into this further because she doesn't believe the town received this information in writing from DOT. The previous Road Supervisor only made a verbal statement to that effect. Drexler questioned how the board

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members are assured amendments are made to the minutes once they are approved. Clerk Nelson informed the board that the “draft” minutes remain the “draft” and the “approved” minutes are labeled as such with the changes. Drexler requests copy of the “approved” minutes. *Motion by Hamann/Timm to approve the minutes. No further discussion. Motion carried in a voice vote, 5-0.*

**B. July 30<sup>th</sup>, 2012 Special Town Board Meeting – Stormwater Management.**

There was one amendment that Hamann was excused from the meeting. *Motion by Kierszh/Timm to approve with the amendment. No further discussion. Motion carried in a voice vote, 4-0-1 with Hamann abstaining.*

**8. Approve monthly disbursements for August, 2012.**

*Motion to accept. Hamann/Kierszh. Motion carried in a voice vote, 5-0.*

**9. Receive Treasurer’s Report.**

The Treasurer’s Report was received. No action taken.

**10. Closed session.**

**A. The town board may convene into closed session pursuant to WIS STATS Sec. 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.**

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

*Motion by Blake/Kierszh for The town board may convene into closed session pursuant to WIS STATS Sec. 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The town board may then reconvene into open session to discuss and act upon matters discussed in closed session. Roll call vote, Hamann - yes, Kierszh - yes, Blake – yes, Drexler - yes Timm - yes. Motion carried in a roll call vote, 5-0.*

*Five minute recess at 7:45 PM.*

*At 7:50 PM into closed session.*

*At 8:00 PM the Town Board reconvened into open session. No action was taken.*

**11. Adjourn.**

Motion by Kierszh/Hamann to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 8:02 PM.

Respectfully submitted,

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