

# APPROVED 11-20-13

**MINUTES FOR THE  
REGULAR MEETING OF THE ALGOMA TOWN BOARD  
ALGOMA TOWN HALL  
15 N. OAKWOOD ROAD, OSHKOSH, WI 54904  
WEDNESDAY, AUGUST 21, 2013 at 6:00 PM**

**1. Call to Order.**

The meeting was called to order by Chairman Blake at 6:03 PM.

**A. Pledge of Allegiance.**

The Pledge of Allegiance was recited.

**B. Roll Call.**

Chairperson Blake

Supervisor Timm

Supervisor Kierszh

Supervisor Rasmussen

Supervisor Hamann

Road/Drainage Coordinator Tollard

Atty. K. Marone

Clerk Nelson

Deputy Clerk Kuehnl

Treasurer Drexler

**2. Public Forum.**

Donald Wokosin, 2240 North Haven Lane addressed the Board as to when North Haven Lane will be repaired.

A citizen addressed the Board regarding the weeds by the pond. He stated they need to be cut. When he first bought his lot, people fished by the edge. Now, the weeds are too thick to get by near the pond.

Terry Steele, 2848 Sheldon Drive appeared before the Board regarding the storm water management progress. He inquired whether the grant money was received for the culvert. Blake stated that the applications had to be in by June. The Highway Department decides and then submits this to the County Board at budget time. Blake also stated this discussion could be opened back up. Mr. Steele also had a concern about the Sheldon Nature Area gravel paths that Mr. Shubak stated needed work for the water management. This item is on the agenda for discussion and possible decision.

Mark Kainz, 1320 Snowdon Drive appeared before the Board regarding Safe Routes to School. First issue is that the inquiry has changed from Safe Routes to congestion. The problem is not congestion; it is having a safe way to walk down Oakwood or Omro Road. Solve this problem and the congestion will be solved. He stated there is no one single solution to the problem. As the Board has done, we need to look at a number of solutions. His concern is that since there is no one single solution, we may dismiss a small thing that could be instrumental. He encouraged the Board to think along these lines. Safe Routes to School will affect the congestion, not solving the congestion problem will make Safe Routes to School. Also, it is going to take a collection of solutions to fix the problem.

John Walsh, 2962 Omro Road addressed the Board in regards to Item #4e and the question presented by Mr. Steele about lowering the paths. One of the things that was done this weekend with the help of 45 members of the Oshkosh West Football Team was address the high spots on

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the trail. This is something that Sheldon Nature Area does with the help of the team every year. He encouraged the board to donate the property to the Sheldon Nature Area.

Bonnie Manske, 631 Grove Street, Oshkosh with Hot Dog Expressions regarding her hot dog stand. Currently the stand has been running on Fridays. They have been asked by the customers to see if the board would let us stay until the end of October. When we originally asked, permission was granted to run the stand until September 2. We are now asking the board to consider letting us be there on Tuesdays and Fridays.

Julia Solomon, 1320 Snowdon Drive appeared before the Board regarding Safe Routes to School. She wanted to remind the Board of the summary of the SRTS recommendations. Survey results from October 2012 show that the number one reason parents do not let the kids walk or bike to school is the amount of traffic, speed of traffic, lack of sidewalks and the safety of crossing the intersections. She also is in support of the donation of the town parcel to the Sheldon Nature Area.

Cathy Chapman, 2849 Sheldon appeared to address Item 4e. She objects to donating the parcel to the SNA. She does not see why the Town should give up control of this, despite the efforts of the SNA. There has to be a different approach to the water problem.

Mike Klich, 1754 N. Oakwood Road addressed the Board regarding line Item 4e. The Sheldon Nature Area District does not own the property. It should read Sheldon Nature Area Oshkosh Area School District.

Sarah Hopkins, 1324 Lake Breeze wanted to address Safe Routes to School. Banners will be placed on the fence again. There was concern about how close they were to the corner and they will be placed a little farther back. She also wanted to thank the Board for painting the lines on Omro Road. It was great to see them for the walkers and bikers.

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

#### **A. Fire Department Citizen Award.**

Fire Chief Groth introduced himself and reported the following: On Thursday July 18<sup>th</sup>, there was a person that perished in the water out in Lake Butte des Morts. The Town of Algoma Fire Department was dispatched first to respond for the parachutist in the water. The call came in at approximately 12:30 in the afternoon. It turned out eventually to be two parachutists that were blown off course and ended up in the Lake. One of our first responders is Pat Rocole. He responded from his home and was the first official to on the scene. Without hesitation he needed to get to the person out in the Lake that was approximately 100 to 150 feet off shore. He found a little two person paddle boat. He stole the paddle boat from some residents and paddled his way out to get the parachutist. The story we all heard is that the person swam to shore. He started to and as Pat reached him he was going down. Pat reached under the water, pulled him out and put him in the boat. Then Pat paddled his way to shore where other responders helped him get on shore. We do not look for fame or correction of stories. We do not do this to be recognized, but in this case as Chief I feel someone went above and beyond the call of duty and risked their own life to save the life of a complete stranger. Pat Rocole came forward and was presented with the Fire Department Citizen Award in appreciation of his service and dedication above and beyond duty from the Town of Algoma Fire Department on August 21, 2013.

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As the story progresses, I was not there so I had to piece this all together from the members and other agencies. We were told there was a second parachutist in the water. We had to go into the search and rescue mode along with the assistance of City of Oshkosh, Winnebago County Sherriff's Department and the City/Town of Omro/Rushford Fire Department. When the Fire Department arrived on the scene, they commandeered a boat that was tied up. There was a young lady that was home and about to call the police department for a stolen boat. Her name is Rachel Gardner and she is here tonight. She then noticed it was Pat and she knows who he is so she did not make the call. We needed assistance to drive the power boat. Rachel drove their boat in a grid pattern to help search for the other person in the water. This helped our department search for the person. A lot of people turn the other way when help is needed, it takes a special person to be able to want to get involved and make a difference. We all know the tragic ending to the other person. With Rachel there to drive the boat, we gave it our best shot. Rachel Gardner stepped forward and received a certificate of appreciation. And was thanked for going above and beyond community service to assist the Town of Algoma Fire Department on August 21, 2013.

#### 4. New Business.

##### A. Appoint a Town Board Supervisor to fill former Supervisor Drexler's open seat.

Blake asked respectfully that the Roberts Rules of Order be suspended so that we can have an open discussion of the candidates. We asked that the candidates give a ten minute presentation about themselves. There are two candidates, Colleen Merrill and Terry Hamann. Ms. Merrill was asked to come forward and give a presentation to the Board. She stated the following: My husband has been a lifelong resident of the Town of Algoma. I have been living here for over eighteen years and have four children. Three of the children are out of the house and the youngest is currently attending High School. The children have gone through Oakwood, Traeger and Oshkosh West. I received my undergrad in finance and my MBA both from the University of Wisconsin-Oshkosh. Currently I serve on the Oshkosh Chamber Board, Board member of the Boy's and Girl's Club, UW-Oshkosh Alumni Association and Women in Management where I also serve as the Vice President. I was also recently selected and graduated from the Leadership Oshkosh Class of 2013. In my prior position, I was a business consultant for the University on an outreach entity called the Business Success Center. I spent time with businesses and then would take the information back to the team and tap into their resources. I am a huge collaborator. I know how to put projects together and get results. From that we did a lot of market research. We created a research center at the University and grew that into a place that used a lot of student interns. I am the Director of the Small Business Development Center. This entails managing my team and the center and over sees seven counties. I work with companies that have less than 500 employees. This is business consulting and I have analytical tools that help them move forward. I collaborate with chambers, economic development agencies, legislatures, and stake holders form all around these counties. I am charged with economic development. I help focus on job creation, collaboration, capital infusion, and companies grow. I have created an entrepreneurship and innovation center that will be launched this fall. We have amazing students with amazing ideas, but they do not have the resources to start their own business. I am developing a business test lab where they can test their idea before they go out and launch the business. In the first six month of the job, I reached all my goals and matrixes that my predecessor did not reach for a year. I am highly affective and a huge goal setter. I set high goals for myself. Why would I want this position? The Board has had issues and disconnect. There is a sign that I see on my way home that says a progressive rural community. I get stuck on the word progressive. I have a method that I have developed called PAC. The P stands for plan. I am a huge proponent of planning. There was a study that was done by the

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University of Whitewater for businesses. There was one thing that stuck out the most; the successful businesses had a plan. We are not using our resources. We need to protect them and use them. We need more community involvement. We need to listen to the voice of the community. Accountable is the A. If we do not have benchmarks, we do not know if we are making success. Action is also important. We need to get the community involved. C is for collaborate. I go into companies that I do not know how to work, but I know how to talk to the people of the company and figure out what works. We should work with Omro because we are right next to them. I think this is a great opportunity to work together.

Terry Hamann appeared before the Board and stated the following: I have been a resident of the town for 19 years. I retired from Oshkosh Truck after 37 years, retired from the Oshkosh Truck Credit Union Board of Directors after one year, retired steward for UAW578 for 10 years and trustee for eight years, and currently a Trustee for eight years at Glenwood Memorial Gardens. I have been on the planning commission, the Town Board, Extra Territorial and acting Treasurer for three months. My biggest accomplishment is the current storm water management and approving the Honey Creek project. Things I supported while on the board was Jones Park, Safe Routes to School, Fire Department Service Award, New Equipment, good communication with the people, natural trails for walking and biking, new landscaping and flagpole, Sexual Predator's Ordinance, the Town Road Maintenance Program and all new businesses that came to the Town. Things I supported while I was on the Board, I attended all of the Firemen's picnics and helped, cleaned the Town Hall registers, took out the old shrubs and picked up debris in Kewaunee Park. We beautified the entry to the Town of Algoma. I would like to add businesses to the Highway 21 corridor. I want to thank the Town's staff and boards past and present for running in the black. They have also kept this a safe and great place to live. Things I want to accomplish while on the board is continue with the Storm Water Management Plan, bring more commercial businesses in, when HWY 21 is built put in a walking and bike trail to Omro, and continue great communication with the people. Thank you for your consideration.

Discussion of the candidates will include Clerk Nelson. It was stated we are at a great time in the Town of Algoma. Both are great candidates and both have been involved in the Town

The Clerk is appointed and not a resident of the Town, therefore she should not get to vote when the people of the Town can't vote. Atty. Marone stated that each situation is different and the statute states that the Clerk shall be part of the panel. She is not just a tie breaker. There is a recent case that supports this decision. This is not something that the Board has discretion on to allow her or not, the statute states she shall be part of the panel. Kierszh/Nelson to appoint Terry Hamann to the Town Board. Rasmussen feels that Merrill would be a great asset to this Board with her business background and education. No further discussion. Roll Call Vote by Atty. Marone-Clerk Nelson-Yes, Kierszh-yes, Timm-No, Blake-yes, Rasmussen-no. Motion carried 3-2 for Mr. Hamann.

## **B. Swearing in of the newly appointed Town Board Supervisor.**

Clerk Nelson then swore in Mr. Hamann. He then took his seat at the Board Table.

## **C. Review and approve the City of Oshkosh Ambulance Service Agreement.**

Chief Tim Franz appeared before the Board and stated the following: The current agreement expires on December 31, 2013. We are looking at another five year agreement. The amount we are looking at is \$1.35 cost per capita. It takes actually about \$2,400,000 roughly to operate per year. We look at it by a net per capita standpoint. We have a projected system

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revenue income in 2014 of \$2.3 million dollars so we are just looking at the gap. That revenue is generated by the whole system. That is the advantage of being regional with all the communities around us. This gives us the benefit of that low cost. Everyone in the communities, including the City of Oshkosh residents pay that amount. There are seven units for about 90,000 people. We are able to do this by having our firefighters cross trained as paramedics. We have had this agreement for 10 years. We provided service before that, but had the agreement for 10 years. The cost is going down because the revenues have increased. The payment does fluctuate with the population. This price could go up with the consumer price index. Timm/Kierszh to approve the City of Oshkosh Service Ambulance Agreement. Atty. Marone stated that Clerk Nelson and she attended the meeting at the Town of Rushford Fire House. They were surprised at the reduction in the rate. She is required to submit this document to the quorum and I do recommend passing the document. Clerk Nelson stated that Chief Groth, Pat Rocolle and Tim Heiman were also at the meeting. Chief Groth said he is in full support. Chief Franz stated that the success of the system is the relationship with the First Responders. It is very seamless how well we work together. No further discussion. Voice vote 5-0. Carried.

**D. Extend the Transient Merchant Permit selling season from September 2<sup>nd</sup>, 2013 to October 31<sup>st</sup>, 2013 for the hours of 10:00 AM – 2:00 PM for Hot Dog Expressions, Thomas Manske owner.**

Rasmussen/Kierszh motion to approve the extension of the permit. Voice vote 5-0. Carried.

**E. Discussion the process of donating town owned parcel 002-012433, the north access lot to Sheldon Nature Area, to Sheldon Nature Area.**

This property as pointed out would be part of the Oshkosh Area School District. Atty. Marone stated that the Town would be ridding itself of property. Therefore, this needs to go to the electors and you need to vote to place it in front of the electors. This meeting needs to be published and discussed. Then the Board could vote to donate the property based on that meeting. The Sheldon Nature Area did do the survey yesterday on the property with the parcel included. There was clarification that the land is not going to be transferred from the Oshkosh Area School District to the Sheldon Nature Area. Discussion that it would be better to transfer the property after it is in the land trust so that it would stay as the Sheldon Nature Area. Blake/Kierszh motion to table until the land trust is in place. The progress of the land trust is the survey had to be done. There are nine separate lots and they were never surveyed at one. They have been notified of the potential gift of the property from the Town. The Land Trust is going through. It needs to be done by May of next year. We are looking at completing this by February. It is good for the Safe Routes to School and helps with the lack of sidewalks. We are going ahead with or without the donation of the Town Property. It has to be one owner so the Town would have to donate the land to be part of ours. The Town could do a land trust on their own. This would be a separate contract and fees. Essentially, the Oshkosh Area School District is doing the current land trust. SNA was pleasantly surprised that the Town is discussing donating the land. This is not a quick process. SNA said that no tax money will be used to put this land in the land trust. SNA will raise all the money for the trust and the process including paying for the survey. The hesitation is that we want to make sure it stays as the Sheldon Nature Area and does not go back to the Oshkosh Area School

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District. The original gift was given for an outdoor educational center. This is one of the most prestigious charter schools in the nation. Blake asked Atty. Marone to research to make sure the land does not convert to the School District. Then this will come back next month with the answer from Attorney Marone. Drexler asked if you want to include something about maintenance or has the School District set money aside for this purpose. Atty. Marone will look into this also. No further discussion. Voice Vote 5-0. Carried.

**F. Approve the use of the Town Hall for Life Line Screening on a week days in November, 2013.**

Life Line Screening is the life alert and they want to use the Town Hall for the screening. One day either, November 19, 21 or the 22. There is nothing else on the calendar, but it is against the Town Ordinance of renting during the week. In the past we have allowed the exercise class to come and use the building. Rasmussen/Hamann motion to allow them to use the building. No further discussion. Voice vote 5-0. Carried.

**G. Review and approve Honey Creek Streambank Maintenance Agreement for Casey Sattler, 1490 N. Oakwood Road.**

Atty. Marone spoke to counsel for Mr. Sattler. They just wanted some clarification. The only clause that we added is that the Town would repair the property shown in the exhibit. The exhibit is a map of the property that might be damaged during the stream bank project. It does not change any of the rest of the document. Timm/Rasmussen motion to approve the Honey Creek Streambank Maintenance Agreement. No further discussion. Voice Vote 5-0. Carried.

**H. Appoint members to the newly created Fire Department Analysis Project Team.**

Each Board member will recommend two names from the applications. Timm would like to recommend Gregory Garl and Timothy Lundquist. Kierszh would like to support the same as Timm. Hamann chose Gregory Garl and Mr Savinski. Rasmussen will go with Gregory Garl and Timothy Lundquist. Blake goes with Mr. Savinski and Mr. Jennings. Mr. Garl and Mr. Lundquist have the votes. Timm/Kierszh motion to appoint them to the team. No further discussion. Voice vote 5-0. Carried.

**I. Appoint a member to the Planning Commission to fill former Committee Member Henry Sampson's open seat expiring May 1, 2016.**

Blake/Hamann to appoint Patricia Clark to the planning commission. No further discussion. Voice vote 5-0. Carried.

**J. Appoint a member to the Parks Committee to fill former Committee Member Peter Cerenhaus' open seat expiring May 1, 2015.**

Timm stated that there are two empty seats. Nelson stated the other has to be filled by a member of the planning commission. Timm/Rasmussen to appoint Curt Clark to the parks committee. No further discussion. Voice vote 5-0. Carried.

**K. Appoint a member to the Board of Review to fill former Member Tony Ceelen's open seat expiring April 30, 2016.**

Blake/Kierszh motion to appoint Patricia Clark to the Board of Review. No further discussion. Voice vote 5-0. Carried.

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**L. Mowing of town owned properties throughout the town. (Kierszh)**

There are quite a few properties that we are not mowing at this time. We have individuals that are cutting the property, but we have more that are not being cut. Kierszh feels it is not right to ask people to cut our properties. Blake stated that maybe we should put it out for bids. Timm stated that the Jones Park property will need maintenance also. Clerk Nelson will get a list of the properties for the board.

**M. Review and approve proposed text amendments to the Winnebago County Floodplain Zoning Code (Chapter 26) of the Winnebago County General Code.**

Basically you are approving the amendments that the DNR submitted for approval. It was approved by the Planning Commission last week. The DNR felt that it was too liberal in allowing rebuilding. Rasmussen/Kierszh to approve the amendments. No further discussion. Voice vote 5-0. Carried.

**N. Approve obtaining a town credit card. (Clerk Nelson)**

Bank First recommends that we have a Charge card. This came about when we made reservations for the Clerk's Institute. The bank does not recommend doing this type of transaction on the debit card for security reasons. The bank wants us to get a charge card because it would not be tied to the checking account. Rasmussen motions to allow the Town to get a credit card. Discussion whether it should be \$2000.00 or \$2500.00. The Fire Department has a credit card. Rasmussen amended his motion to state the Town is allowed to get a charge card with a limit of \$2,000.00. Seconded by Kierszh. No further discussion. Voice vote 5-0. Carried.

**5. Old Business.**

**A. Replace the broken blinking School Zone signs on Omro Road with two School Blinker Driver Feedback Signs in reference to the Safe Routes to School recommendations. (Blake)**

Highway Landscapers will not sell us just the controllers. We need to purchase the signs. The existing signs are broken. They need new controllers. Highway Landscapers has not yet installed the special signs that we ordered. The County is willing to install the new signs. The two new signs are to replace the broken ones. The two on Omro Road are broken and need new controllers. Take the two signs we have on Oakwood and put new controllers in them. Highway Landscapers did not put the signs in, so we cancel that order of new signs. If they did not install them, we need to cancel the order. Even though they are a special order and HL says they will not take them back, we need to cancel the order because of poor service. Rasmussen/Timm motion to repair the current signs, move them to Oakwood Road and cancel the order with Highway Landscapers. Then order the new electric signs to go on Omro Road Tollard state that there are problems with the solar batteries lasting in the signs. We should look into a different company than Highway Landscapers to purchase the signs. No further discussion. Voice vote 5-0. Carried.

**6. Supervisors Statements**

No statements were submitted.

**7. Receive Road Drainage Coordinator Report August, 2013.**

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Tollard passed out his report. Tollard recapped the bidding prices for people who were not at the previous meeting. Have we not heard or decided about Lake Breeze. Discussion on rebidding or giving the project to Northeast Asphalt. Northeast Asphalt will be contacted and asked if they will do the project for that price. Trees were removed on Sunkist. Tollard will look into fixing the potholes in the Town Hall parking lot.

## **8. Approve minutes of previous meetings.**

Mr. Hamann will abstain from approving the minutes.

### **A. Regular Town Board Meeting dated June 19, 2013.**

Rasmussen stated that on page 3 it should state occasional not regular. On page 4, it is standard not a recommendation. Page 6, the part about the County contract, it was never talked about a County cap amount. Atty. Marone stated that Tollard should contact, we did direct Tollard to contact them. (Tollard did contact them.) Timm/Kierszh to approve the minutes with Joel's changes. No further discussion. Voice Vote 4-0-1. Motion Carried

### **B. Special Town Board Meeting dated July 1, 2013.**

Conversation about having the road tour in the fall. Winter is when a lot of damage happens. Have Tollard put together the list and then later we can do the road tour.

Rasmussen/Kierszh motion to approve. No further discussion. Voice vote 4-0-1. Carried.

### **C. Special Town Board Meeting dated July 11, 2013.**

Clerk Nelson asked that this be stricken.

### **D. Regular Town Board Meeting dated July 17, 2013.**

Page 3, strike the wording about why Jeff Schultz was not able to attend. Blake/Timm motion to approve the minutes with the medical wording taken out. No further discussion.

### **E. Special Town Board Meeting dated August 7, 2013.**

Clerk Nelson asked that this be stricken.

## **9. Approve monthly disbursements for August, 2013.**

Kierszh/Timm motion to approve the August disbursements. No further discussion. Voice vote 5-0. Carried.

## **10. Receive Treasurer's Report.**

### **A. Proposal from Economic Growth Advisors, LLC to review and update the Town's Economic Development Plan.**

Mr. Matthews would like to know if you are interested in his proposal. There is a handout in the packet. He has reviewed our Economic Plan and felt it was weak. This process would help us determine who we want to be as a Town. \$1,000.00 is the cost of the first Phase. Blake/Rasmussen to go ahead with the first Phase at \$1,000.00. Clerk Nelson raised the question of where the funds should come out of the budget. This will be researched. This will happen at a special meeting. The meeting will be set up when everyone is available. No further discussion. Voice vote 4-1. Motion carried. Planning commission will be invited also to the meeting.

### **B. Alternative Claims Procedures for paying bills and refunding of excess tax bill amounts.**

Drexler went to the Clerk's and Treasurer's Institute. This item came out of that training. I am asking the Board to look at making an ordinance and if you have a question, you could see the invoices. You could have the ordinance that you would always get a copy of the



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certain invoices. Timm/Hamann motion to have Drexler draft an ordinance. This also has to go through the Clerk and Attorney. No further discussion. Voice vote 5-0. Carried.

The second item is an ordinance for alternative claims procedure for refunds of tax payments in excess of tax bills. The same could happen to both. Rasmussen/Kierszh motion to do this. No further discussion. Voice vote 5-0. Carried.

## **C. Proposed assessable road paving letter.**

Drexler presented an example letter. Blake, Atty. Marone and Drexler met and changed the letter to add the parcel number. The next line states that there will be a public hearing. The estimated cost is \$20. This number should be high. Where the example states the 100 foot, it should be changed to their number of feet. Timm would like to see a copy of the ordinance with the letter. Discussion to not put the ordinance in the letter, anyone wishing to see the ordinance can ask for a copy. Another amendment is the letter would state the current interest rate. Discussion if we should go out six years. This may tie up our money for other projects. Discussion if we should take a loan for the money. The six years was on the letters last year, discussion if that means we need this again this year. Tollard stated that the County started today on Nelson. Blake/Kierszh motion to strike form of payment, the additions that Sue stated and strike the six year payment term. The public stopped the pavement of Nelson last year and delayed it until this year. No further discussion. Voice vote 5-0. Carried. Atty. Marone stated that you can do the work prior to assessing, but you can not charge them and then do the work.

## **D. State of Wisconsin letter to the League of Wisconsin Municipalities regarding Act 20.**

This is just an advisement. It has been passed.

## **10. Adjourn.**

Rasmussen/Kierszh motion to adjourn the meeting. No further discussion. Voice vote 5-0. Carried. Meeting adjourned.

Respectfully submitted,

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Mary Kuehnl  
Acting Clerk  
Town of Algoma, Winnebago County