

APPROVED 11-20-13

**MINUTES FOR
SPECIAL MEETING OF ALGOMA TOWN BOARD
ALGOMA TOWN HALL
15 N. OAKWOOD ROAD, OSHKOSH, WI 54904
WEDNESDAY, AUGUST 7TH, 2013 AT 5:30 PM**

1. Call to order.

The meeting was called to order by Chairman Blake at 5:30 PM.

2. Roll call.

Chairperson Blake	Supervisor Rasmussen
Supervisor Timm - Excused	Supervisor Kierszh
Atty. K. Marone	Clerk Nelson
Deputy Clerk Kuehnl	Road/Drainage Coordinator Tollard
Treasurer Drexler	

3. Public Forum.

Jeff Somers, 1556 Milton Circle – It is Mr. Somers’ understanding three inches of asphalt paving is assessable to the homeowner; the fourth inch is the Town’s decision and they would pay for the extra inch. Mr. Somer is looking for clarification. Treasurer Drexler stated that they are looking into this because of the expense to the Town. Town Ordinance 102 states the minimum is three inches, but the town should look at experts in the field for advice on the asphalt thickness. It was determined that these issues will be answered later on the agenda.

Julia Solomon, 1320 Snowdon Drive - Ms. Solomon did some research on the School Blinker Driver Feedback sign. The sign is shown to be effective in reducing the speed of the motorist, changing driver behavior, and getting the driver’s attention. The research also suggests the signs help rid other behaviors like texting and driving. In some states, there have been independent studies which have shown that six years later the speed was still reduced. Driver’s reduced speed by 10% or changed their speed when they saw the sign. The sign grabs the driver’s attention and redirects their thoughts to the current rate of speed. Drivers will change their speed 80% of the time when they see these signs. Winneconne is a good example of the signs working. If the Town agrees to purchase the signs, there could be a low budget campaign such as “Match It Up” where you match your speed to the sign. Oakwood PTO would look into help to paying for the signs as well.

4. Review and award the 2013 Road Asphalt Paving for Olde Apple Acres I, Butte Des Morts Meadows II subdivisions, and Lake Breeze Road.

There were two bids submitted for the project and an estimate from Winnebago County. Mark Shubak is available by email. The only bid that has shoulder restoration on it is MCC.

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Northeast Asphalt does not meet all the criteria and the MCC bid is high. There could be a bidder's meeting to compare the bids. The County is only an estimate. The County and Northeast Asphalt do not include shoulder restoration. If there is a bidder's meeting, they could resubmit the bids. The bid needs to meet the specs of the bid package. If the bid did not follow the specs, they are not bidding on the project we want. The Board could go with the County or rebid the project. The bidding process is for private entities only. The engineer feels the bidders did not recognize the specs. If they do work that is not in the bid, you are subject to a change order and then they can charge whatever they want to complete the project.

Road Draining Coordinator Tollar stated the price from the County is as of May 21, 2013. The following are rough estimates. The average for property owners with Northeast asphalt is \$22.74 for three inches and \$26.55 for four inches per linear foot. The County is \$18.56 for three inches and \$21.91 for four inches per linear foot. MCC credit for the inch is \$91,695, MCC is \$83,572.87 and the County is \$76,265. The County is at \$484,300 with the \$76,265 credit, MCC is at \$573,426.50 with the \$83,572.87 credit. The number of the county gave according to Mr. Groth is for shouldering, time and material just like last year. The estimates were pulled for last year and they were for Timberline \$65,867 and the actual was \$63,986. Stonegate was estimated at \$34,667 and the actual was \$34,140. Haven Drive was estimated at \$24,267 and the actual was \$24,237. That is because they had to do extra paving. The Oakwood Road estimate came in below estimate with the County last year, except where the stone was changed.

The price from Northeast does not include the slope work. If a contractor does a change order, they can charge anything. With the County, you pay for time and material. Property owners will be paying about \$5.00 less with the County over Northeast. MCC did include the restoration work and no one else did. The County does not go through the bidding process. Estimated cost with the County for four inches is \$73 a ton. Northeast Asphalt is concerned that the asphalt has to be tested. The County put dirt in the ditch last year. 1700 yards of black dirt approximately would be needed to do the ditches.

How fair would it be to bid now that everyone knows everyone else's bid? In the future we can do bids and start earlier. Kierzch/Blake motion to go with the County. Bid package was done three years ago and addressed in the spring. Two more weeks will not hold up the project. The County estimate was out before everyone else bid. We are not doing a negotiation process, we did a bid process. There may be legal issues with changing it to a negotiation process.

Jeff Smith, 1592 Milton Circle- Mr. Smith asked for clarification as to why bids are being received for both three and four inch. The board has decided to go with four inches for the road. There were bids for three and four inches so they know the price difference. There will be risers on the manholes so that the covers match the road. The manholes right now are at gravel height. Roll Call Vote Kierzch yes Blake yes Rasmussen no. Motion carries 2-1.

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5. Assessable road paving to be assessed to the residents at 4 inches instead of previously decided 3 inches for Olde Apple Acres I and Butte Des Morts Meadows II subdivisions.

The development agreement for both Olde Apple Acres I and Butte Des Morts Meadows II refers to Ordinance 102 which was enforced at the time. The Ordinance states that a minimum should be established unless the town engineer recommends otherwise and the Town Board concurs these specifications apply. The State of Wisconsin Transportation Department specifications is at four inches at this time. Mr. Groth and the Town Engineer agree with four inches. Three inches is good for tennis courts, but not for roads. The board should revisit this because in the long run the three inch could be more costly than the four inch. The weight of the garbage and recycling trucks has increased. The standard in 2000 does not apply. The Board and the town engineer need to look at current specifications when the road is being paved.

The thickness is based on the type of asphalt that you use. With a three inch the town was using a binder course which is a ¾ inch aggregate The town was using 3/8 mix with a surface course. We have finally got caught up to where the thickness should be. We have looked at the time of the agreement. The waiving of the public assessment process was not signed.

Three inches can be assessed to the residents. When Olde Apple Acres was developed the developer could pick at the time the paving was done. Contractually, we are looking at three inches or they could pick whatever they wanted. Now in 2013, if the three inch was done. Does the Town want to assess the three inches or the whole four inches to the residents? Legally we can start the special assessment process. Did the residents think they were going to be assessed for three inches? In 2013, the Town board can assess one, two, three or four inches. This comes down to a fairness issue. Remember there will be a precedence set with your decision. Legally you can start the special assessment process for any inches. This seems to be a special situation. There should be a compromise. The price is already higher due to the cost of the asphalt. Nine years ago this road was supposed to be paved and the cost would have been less than today. Every developer agreement is different. They are specifically written for that subdivision. The only standard language typically in the developer's agreement is that it is written to comply with Ordinance 102. Even if you change the Ordinance today, it would not apply here because the agreement was signed before it was in force. Treasurer Drexler stated using the lowest bids from the County, the average difference to the homeowner is \$400. This would be an improvement to the home. The package is catching everything up for the last nine years so this is a large amount and should not be that large in the future. Road /Drainage Tollard stated that the difference between three inch and four inch road is \$2.35 per linear foot is the approximate cost. Blake/Rasmussen motion that the three inches be borne by the property owners for Butte Des Morts Meadows II subdivision and Olde Apple Acres I and the remaining inch be borne by the Town of Algoma. This may change the ability to do Lake Breeze. No further discussion. Roll Call Vote Blake-yes, Rasmussen-yes, Kierszh-yes. Carries 3-0.

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Tollard commented that there would be enough money to do the original request of Lake Breeze from Omro Road to Sheppard. The following year you could do the rest of Lake Breeze to Spring Valley.

Kierzsh/Blake motion to pave Lake Breeze from Omro Road to Sheppard. Northeast Asphalt's estimate we could do the full road. Kierzsh/Blake amends the motion to go with Northeast Asphalt. County would be \$938 and Northeast would be \$82,242 Kierzsh/ Blake amended motion to pave Lake Breeze from Omro Road to Spring Valley by Northeast Asphalt not to exceed the \$938. Voice vote. Carried 3-0.

6. Discuss financing options for the assessable road paving to be assessed to residents of Olde Apple Acres I and Butte Des Morts Meadows II subdivisions.

Floating rate option that you can tie to prime. You should do a maximum of three years. We have put it on the tax bill before. When the city does the street, they do a much larger amount. If someone does a three year term, you would split the principal by three and put simple interest on every year. When someone pays their taxes the special assessments get paid in the first installment. If someone is delinquent, right now the County pays us. In the future this may change and that is why it is recommended only a three year term at the most. Residents could go out and get their own rate. If we do the floating rate, we would not have as big of risk. If we had to get a loan right now for last years assessment, we would have to borrow at more than 3%. People could get a loan for this amount. This is nice for people who cannot afford to get a loan from the bank. The Town would be going into debt which we have not done for decades, we should go ahead and continue to do what we have done in the past. Discussion took place on if we have enough in the reserves to offer this option. First we need to figure out what will be financed through us. In October we will probably get the billing and then know what people will owe. .In the past, a first letter will go out and show what the approximate amount will be for your assessed amount. Then later a letter will go out with the exact amount and the financing options. At this time there will be no action taken because there is not enough information. An example letter will be shown at the August 21, 2013 Board Meeting.

7. 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.

Kierzsh motion to purchase two electrical school blinker feedback signs. Rasmussen seconded to open it up for discussion. The two signs that we have now will be taken down because they do not work. The new signs will be picked up Monday and installed by Winnebago County. The old signs are outdated and cannot be programmed. The new signs are \$5315.51. Two new poles are needed. We should purchase the signs and get the process going and then decide what to do with the old ones. The main problem is congestion and these signs will not help with that problem. The high speeds are more when the school is not

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in session. Oakwood is an environmental school and therefore you may want to consider the solar signs. Kierszh will amend his motion to wait until the PTO gets back to us. This is not a magic answer, but the banners have been effective. There is not one thing that is the answer, but it is steps. This is not just a school issue, but one for everyone who walks that area. The County does not recommend the solar signs. Kierszh will amend his motion to hold purchasing the signs until the PTO meets. Rasmussen will also amend his motion. Voice Vote 3-0. The PTO will look into a good faith donation. They will not come up with the full amount.

8. Adjourn.

Motion by Rasmussen/Kierszh to adjourn. No further discussion. Motion carried in a voice vote 3-0.

Meeting adjourned at 7:06 PM.

Respectfully submitted,

Mary Kuehnl
Acting Clerk
Town of Algoma, Winnebago County