

Approved at the April 18<sup>th</sup>, 2012 Regular Town Board Meeting.

**TOWN OF ALGOMA**  
**WINNEBAGO COUNTY, WISCONSIN**  
**MINUTES FOR**  
**REGULAR MEETING OF THE TOWN BOARD**  
**Wednesday, March 21<sup>st</sup>, 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 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 Haman

Supervisor Timm

Supervisor Drexler

Supervisor Kierszh

Atty. K. Marone

Treasurer Edson

Clerk Nelson

Deputy Clerk Andrews

**C. Stand for a moment of silence in respect for the passing of Planning Commission Chairperson Robert Nadolske.**

A moment of silence was observed in respect for the passing of Planning Commission Chairperson Robert Nadolske.

**2. Public Forum.**

Michelle Taedy, 1278 Olde Apple Lane – Ms. Taedy wanted to know what were the intention of the town regarding paving the roads in the Olde Apple Acres subdivision. Clerk Nelson explained that it has been determined that the road paving is assessable back to the homeowners, it will be done sometime this summer, quotes need to be obtained from Winnebago County as to costs, and the cost is assessed back to the homeowners on a linear footage basis. There is typically an estimation letter that goes out to the property owners which tells the owner how much linear footage they are responsible for. Once the work is complete and final billing is received, the bill is split per linear footage. The homeowner will then receive a bill in the mail indicating how much is owed and the repayment options. Curb and cutter is not done, the payment is for pavement of the road only.

Carrie Flyte, Flyte Family Farms – Flyte Family Farms has a transient permit on the agenda for selling produce in the town owned parking lot across from the town hall. Ms. Flyte would like permission to either set up a tent or park their trailer in the parking lot on a more permanent basis this year. Ms. Flyte understands that the board can't act on this tonight, but would like to come back next month. The Flyte family does have insurance that would cover any damage done to the tent

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should something happen. Ms. Flyte will bring pictures of what the tent looks like to the next meeting.

Mark Thompson, 3375 Sheppard Drive – Mr. Thompson personally feels that the assessment of the road paving in the Olde Apple Acres should be done on a per lot basis instead of linear footage. Mr. Thompson doesn't think it right that people with the large frontages will be charged extra for that frontage. Mr. Thompson believes it was charged back per lot in the past and feels that how it should be done now.

### **3. New Business.**

#### **A. Review the 2011 Audit with Auditor Heather Acker of Baker Tilly.**

Auditor Heather Acker presented the high level summary of the draft Auditor Report and Internal Controls audit report. Ms. Acker stated that the town is very fortunate in that it does not have long term debt. In Ms. Acker's professional opinion, the town is in a very healthy financial position compared to our peers in a lot of the governments in Wisconsin. Having no debt is very unique and improves the town's financial position. Ms. Acker continued by explaining the remainder of the financial report. In the end, in Ms. Acker's opinion, it was a good year and the statements reflect a very good positive position for the town. Ms. Acker then went over the report on internal controls. Drexler asked Ms. Acker to explain concerns of budgets and carryovers from Page 17 of the Financial Statements. Ms. Acker explained a budget was adopted for the general fund, but not for the other funds, i.e. Parkland Dedication, Fire Department and First Responders. The state statutes do require that budgets are adopted for all funds of a government, so the board may want to consider this in future budget cycles. Ms. Acker understands that these funds are not necessarily managed and controlled in the same way that the general fund is, but they do fall under the reporting umbrella of the town and are required to be included in the town's audit report. The internal control report is a by-product of the audit. As part of determining the audit procedures, they look at the internal controls in the town. Often times these recommendations may want to be considered. This document is informational in nature, not necessarily recommendations, but it's a tool that is used to report back on required items. Ms. Acker explained when there is an office the size of the Town of Algoma's, complete segregation of all the accounting duties isn't practical. This isn't unusual or unique for a community our size, especially towns our size. However, it's important to consider what type of mitigating controls are in place, meaning what types of reports are in place and what does the board ask about them. The board's oversight is an important part of the control process when complete segregation of accounting duties isn't there. The town would have to add more office personnel to really get a complete segregation which has cost impacts for board to consider which the board should keep this in mind when reviewing the internal controls report. Ms. Acker indicated that last year, the office staff really took a look at this report and did some shuffling of duties. This allowed elimination of three or four items off this page. Ms. Acker is also aware of some procedures that are in the process of being implemented or were implemented midway in 2011, but because they weren't in effect the entire year, they stayed on the list. There is work to reduce the number of comments on the internal controls, and Ms.

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Acker thinks the staff is really trying to resolve these issues when practical with the number of staff in the office. Ms. Acker then went through the Internal Controls report. Ms. Acker is pleased to report that there is nothing out of the ordinary that they encountered. Ms. Acker then went through Drexler's questions which are attached to the record copy of the meeting minutes. Ms. Acker's final comment was that the staff has all been extremely helpful and forthcoming about the audit and she appreciates all their cooperation. The reports will be finalized this week.

**B. Approve Transient Merchandise Permit for Flyte Family Farms to use the town owned parking lot at the corner of N. Oakwood Road and Witzel Avenue.**

Blake explained that this would be the third year that the board has approved the Flyte Family Farms to sell produce from the town owned parking lot across the street from the Town Hall. Each year the business has grown. *Motion by Kierszh/Hamann to approve.* There was clarification for Drexler that we are only approving the Transient Merchandise Permit tonight, and they will come back next month with the approval of the tent. Chief Groth informed the board that the Flyte Family Farms have made a generous donation to the fire department annually since they've been selling from the parking lot. Chief Groth publically thanked Ms. Flyte for the family's donation. No further discussion. *Motion carried in a voice vote, 5-0.*

**C. Approve RFP 2012-1 Lawn Care Services for Town of Algoma Properties.**

Blake informed the board that this was the same language used last year with the dates changed for a one year term. Hamann would like to see a two year term verses a one. *Motion by Hamann/Kierszh to change the RFP from a one year to a two year term.* Attorney Marone is happy with the requirement of proof of liability insurance. There was discussion on the phrase, "Contracts will be awarded for each item individually." There was also discussion on the one year term verses a two year term. Drexler would like it to remain a one year term. Timm would like a termination clause written in case there is a problem with the contractor we can terminate the contract. Timm would approve a two year contract if it has a termination clause, otherwise she would approve a one year term. *Hamann/Kierszh amended their motion to change the RFP from a one year to a two year term and add a termination clause.* No further discussion. *Motion carried in a voice vote, 4-1 with Drexler voting no.* The clause, "Contracts will be awarded for each item individually" will be stricken. Therefore there will be one person, one contract, for all three tasks at all three locations. *Motion by Hamann/Kierszh to approve with changes discussed for publication.* No further discussion. *Motion carried in a voice vote, 5-0.*

**D. Resolution 1-2012, Sale of Fermented Malt Beverages for the Fire Department Picnic, Saturday June 2<sup>nd</sup>, 2012.**

There was discussion by Chief Groth who questioned again, as he did last year, that the resolution only reads, "all elected town officials, the town clerk, deputy clerk, the town treasurer, the building inspectors, fire chief, and all active firefighters and first responders" may sell beer. What happens if there is a large fire and everyone tending bar has to go. Who runs the picnic then? Discussion ensued. The fire department would appreciate it if their families could run the picnic. Attorney Marone explained that there are two factors to consider; 1 – the statutes only

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allow town officials and firefighters to touch the beer, 2 – insurance, Attorney Marone hasn't heard of any insurance that insures over the state requirements for handling fermented malt beverages. The town would have a tough time finding insurance to provide coverage for anyone other than town officials to handle the beer. The food and games is a different situation, family members would be able to handle the food and games. The people that handle the beer would be town employees or town officials. Kierszh suggested that we adopt the resolution the way it is and check on the insurance. The resolution can be amended at a later date. *Motion by Kierszh/Drexler to adopt the resolution as written.* No further discussion. *Motion carried in a voice vote, 5-0.*

**E. Creating one ordinance by merging ordinances 101 and 114 into Chapter 18.**

Clerk Nelson explained this came out of the Planning Commission. Last month the Town Board gave the Planning Commission permission to seek outside help to re-write Chapter 18. There were two ordinances that made up Chapter 18, ordinance 101 (written in 2000) and ordinance 114 (amends ordinance 101 in 2004). It was confusing to try and put the ordinances together. This ordinance is simply combining ordinances 101 and 114 so that it can be sent out for proposals. The ordinance had to be re-typed and is in the process of being proofread, so Clerk Nelson would like the motion to state that there may be spelling and grammar changes due to proofreading. Drexler wanted to know if the board wanted to add the recommendation from Strand to this ordinance for .02 cfs/acre of runoff water to this ordinance. Attorney Marone responded that this ordinance is simply creating one ordinance out of two existing ordinances. Adding something new or making adjustments is not on the agenda and would have to be addressed later. *Motion by Drexler/Timm to accept this combination of ordinance 101 and 114 into a complete Chapter 18 and allowing staff to make any typographical changes that need to be done.* No further discussion. *Motion carried in a voice vote, 5-0.*

*Recognition of Deputy Olig who was in attendance. There has been nothing specific to report to the citizens this evening. Blake informed the deputy that he received a complaint of several street signs that were taken. There wasn't any criminal activity within the town, but there have been burglaries to the north. Deputy Olig advised everyone to continue to lock all their doors and windows when they leave their homes. Clerk Nelson asked if there could be something done with the traffic at Witzel and Oakwood. Clerk Nelson suggested having someone direct traffic at this intersection during peak times of heavy traffic. Deputy Olig asked if the parking lot across the street is still open to public use. Clerk Nelson answered yes, the item on the agenda is for a transient permit, but it's still open for public use. Ms. Chapman still has concerns with Oakwood School traffic, especially with the warm weather. Deputy Olig indicated that he would fill out a request for added patrol sheet for patrol to watch the Oakwood School area during school traffic times.*

**4. Old Business.**

**A. Part-Time Road/Drainage Coordinator. (Drexler)**

Drexler had some minor corrections. *Motion by Timm/Drexler to approve the Part-Time Road/Drainage Coordinator Position Description and posting for hire.* No further discussion.

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Roll call vote, Hamann – yes, Kierszh – yes, Blake – yes, Timm – yes, Drexler – yes. *Motion carried in a roll call vote, 5-0.*

**B. Ordinance codification. (Drexler)**

Per last month's Town Board meeting, Drexler contacted Civi Tek to see what assistance they could provide for the town. There was discussion on the county zoning ordinance. Blake didn't believe the board is even ready to codify the ordinances. Clerk Nelson explained that codification of the ordinances isn't going to happen overnight. It takes time to sit down and go through ordinances to determine what applies and what doesn't apply anymore. This board took on stormwater management as their number one priority, not ordinance codification. Timm recommended a long range plan for codifying ordinances. Blake recognized that there were times when ordinances were changed at Town Board Meetings and the changes were noted in the minutes, not necessarily in the ordinances. *Motion Hamann/Timm to table this item until we receive the timeline.* No further discussion. *Motion carried in a voice vote, 5-0.*

**5. Fire Department Report.**

**A. First Responder Pizza Sales.**

The pizza sale is Saturday, March 24<sup>th</sup>, 7AM to 2PM at Service Oil. The Town Hall has order forms, all First Responders have them, or they can call the fire station. Pizza making is Saturday, April 14<sup>th</sup>, at the Town Hall starting at 7:00 AM. Any help is appreciated, it's pretty simple work. Any time that is given is appreciated. Typically the pizza making is done by noon.

**B. New Fire Truck Report.**

Few members of the committee went to Red Power Monday for the truck. The truck is ahead of schedule. A picture of the truck was shown. Red Power asked if the truck could be displayed at this year's Fire Chief's Convention at Wisconsin Dells on June 21<sup>st</sup>. Chief Groth was going to attend that convention, but now he is not sure. If the truck is not fully in-service with the department, would it be able to be displayed for Red Power? The other option is if Chief Groth couldn't take it, could Red Power personnel take the truck for display. There was discussion. Attorney Marone didn't want the town's insurance to be liable for any damage to the truck if it was in the possession of Red Power personnel. The reason Chief Groth is asking is because the vendor has to pay for vendor space at the convention and they didn't want to pay for space if they don't have a truck to display. There would also need to be an agreement between the town and Red Power. There should be a special meeting for the Town Board to approve the agreement in order for Chairperson Blake to sign the agreement.

**C. Ice water rescue training.**

Chief Groth did some ice water rescue training with a crew on February 25<sup>th</sup>. Chief Groth was very happy with the crew and they ran through some thin ice situations, and ice to water situations. The fire department does have the ice water rescue equipment, but it's not limited to just ice water. The equipment can be used in open water too. It is an inflatable boat that looks

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like a giant banana. It has an oxygen/air cylinder that inflates the boat. The department will be having training with this boat during the summer as well.

**6. Receive Road/Drainage Consultant Report for March, 2012.**

Clerk Nelson explained that Mr. Neubauer wasn't able attend tonight's meeting. The ditch cleaning on page two has been addressed.

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

**A. Regular Town Board Meeting, February 15<sup>th</sup>, 2012.**

There were a couple of typos in the Civi Tek name. *Motion Drexler/Kierszh by to approve the minutes of the regular meeting of the Town Board of February 15<sup>th</sup>, 2012.* Hamann abstain as he was not in attendance at this meeting. No further discussion. *Motion carried in a voice vote, 4-0-1.* Hamann abstained.

**B. Special Town Board Meeting, February 27, 2012.**

There were a couple of minor corrections noted. *Motion by Drexler/Timm to approve Stormwater Management minutes from February 27<sup>th</sup>, 2012.* No further discussion. *Motion carried in a voice vote, 4-0-1.* Hamann abstained as he was not in attendance at the meeting.

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

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

**9. Receive Treasurer's Report for March, 2012.**

The Treasurer's Report was received.

**10. Closed session**

**A. The town board may convene into closed session pursuant to WIS STATS §19.85(1)(g) to confer 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 Timm/Hamann for the town board to convene into closed session pursuant to WIS STATS §19.85(1)(g) to confer 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. No further discussion. Roll call vote, Drexler - yes, Timm - yes, Blake - yes, Kierszh – yes, Hamann – yes. Motion carried in a roll call vote, 5-0.*

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*The Town Board took a ten minute recess at 7:45 PM. The Town Board resumed their meeting in closed session at 7:55 PM.*

*Motion by Hamann/Timm for the Town Board to go back into open session. No further discussion. Motion carried in a voice vote, 8:25 PM.*

No action taken.

**11. Adjourn.**

*Motion by Hamann/Kiersch to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting was adjourned at 8:26 PM.*

Respectfully submitted,

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