



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF THE TOWN BOARD MEETING
TUESDAY, JULY 19, 2016 AT 6:30 P.M.
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

1. **CALL MEETING TO ORDER** Meeting called to order by Chairperson McAndrews at 6:30 p.m.
2. **PLEDGE OF ALLEGIANCE**– Pledge recited.
3. **ROLL CALL & VERIFY PUBLIC NOTICE** - Public notice verified. Board members present – McAndrews, Lawrence (6:55 p.m.), Reinke (via telephone), Kavanaugh (7:47 p.m.) and Walsh. Town officials present – Administrator/Clerk Gregozeski, Town Attorney Cornett, Treasurer/Deputy Clerk Sieracki, Fire Chief Mohr, and Plan Commission Chairperson Jerry Wallenfang. Other members of the public were also in attendance.
4. **CLOSED SESSION:** Pursuant to Wis. Stat. sec. 19.85(1)(g) for purposes 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, more specifically concerning the MasterLube, Inc V Town of Buchanan, Outagamie County Case No. 15 CV 67.

Motion by Walsh/McAndrews at 6:31 p.m. to enter into closed session pursuant to Wis. Stat. sec. 19.85(1)(g) for purposes 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, more specifically concerning the MasterLube, Inc V Town of Buchanan, Outagamie County Case No. 15 CV 67. Roll call vote: Reinke, aye; McAndrews, aye; Walsh, aye. Motion carried.

- i. Reconvene to Open Session: Town Board action following the closed session: *Motion by Walsh/Reinke to reconvene into open session at 6:47 p.m. Roll call vote: Reinke, aye; McAndrews, aye; Walsh, aye. Motion carried. No formal action taken following closed session.*

McAndrews calls for a recess until 7:00 p.m.

5. **CONSENT AGENDA**
 - a). Approval of the Minutes of June 21, 2016 Town Board Meeting.
 - b). Approval of June 2016 Treasurer Report & Approve Bills.
 - c). Operator's Licenses with No Applicable Violations per Town Policy.
 - d). Application for Temporary Class "B"/"Class B" Retailer's License, Holy Spirit Parish Picnic, August 21, 2016.

Motion by Walsh/Kavanaugh to approve all items as provided in the consent agenda. Motion carried 5 to 0 by voice vote.

6. **PUBLIC COMMENT FORUM: The following individual spoke during public comment:**
 - Eric Schultz, W2673 Ruby Court: Stated he has concerns about fireworks being displayed within the Town of Buchanan. Has concerns about the volume of fireworks being launched for two weeks before and two weeks after the Fourth of July. Stated fireworks were launched during the week as late as 11:00 p.m. Stated he has concerns about veterans who suffer from PTSD. Opined the number of fireworks and the duration can cause issues for PTSD. Stated the Town should invest in public education to inform the public of the rules and PTSD.

7. **PRESENTATIONS: NONE**

8. PUBLIC HEARING (7:00 P.M.):

- a). Application for Rezoning (Z-2016-02): N121 County Road N, Parcel number 030059500, .96 acre. Town of Buchanan, Outagamie County, Wisconsin. Michael R. Wagner, Applicant. Single-Family Residential (RSF) to Local Commercial (CL): Gregozeski read the public hearing notice. Chairperson McAndrews opened the public hearing at 7:33 p.m. McAndrews called for comments from the public. The following individuals spoke on this item:
- o Michael Wagner spoke in favor of the application. Wagner stated he is looking to develop a small professional office building in the location in the future. Wagner noted the land has a future zoning use of local commercial.

Recognizing no other individuals interested to speak on the issue, McAndrews closed the public hearing at 7:38 p.m.

9. PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:

- a). Application for Rezoning (Z-2016-02): N121 County Road N, Parcel number 030059500, .96 acre. Town of Buchanan, Outagamie County, Wisconsin. Michael R. Wagner, Applicant. Single-Family Residential (RSF) to Local Commercial (CL). – For Approval/Denial:

Motion by Walsh/Lawrence to approve rezoning Z-2016-02; N121 County Road N, Parcel number 030059500, .96 acre. Town of Buchanan, Outagamie County, Wisconsin. Michael R. Wagner, Applicant. Single-Family Residential (RSF) to Local Commercial (CL). Motion carried 5 to 0 by voice vote.

- b). Application for CSM (CSM #2016-02): Applicants: Steve Paalman on behalf of Robert & Audra Schuessler; Parcel ID 030016001; Certified Survey Map creating 1 lot. – For Approval/Denial: Wallenfang introduced the item and stated the Plan Commission recommended approval of CSM #2016-02 at their July 11, 2016 meeting. The Board reviewed and discussed the proposed CSM.

Motion by Lawrence/Kavanaugh to approve CSM 2016-02 as presented. Motion carried 5 to 0 by voice vote.

10. ROUTINE REPORTS:

- a). Law Enforcement – Update/Quarterly Report on Town Law Enforcement Activities: Gregozeski presented the quarterly report for law enforcement activities. He noted increased speed/traffic patrol and crime prevention activities by Deputy Van Handel.
- b). Fire, EMS & Emergency Management – Update/Monthly Report on Fire, EMS & Emergency Management Activities: Chief Mohr provided a brief report of Department activities.
- c). Town Engineer – Update/Quarterly Report on Town Engineer Activities.
- i. Update on Contract A15/B15 – Springfield Drive: Majkowski noted warranty repairs for B15 were complete. He noted warranty repairs for A15 are still progressing. He noted a landscape company will be subcontracted by McKeefry to finalize the flowline and ditch repairs. He stated a temporary drain pipe will be installed to help dry the area to allow for the installation of sod and seed and mulch.
 - ii. Update on Contract A16 – Paving & Drainage Improvements: Majkowski stated the A16 contract will begin on July 11th along Mapleridge Drive. Work will continue within the project areas through August.
 - iii. Drainage Concern #2016-07 – Kebe Court: Majkowski provided an overview of drainage concern 2016-07. Gregozeski stated this item was previously presented to the Town in 2008 and 2010; according to the survey work performed in 2016, little has changed or improved. Majkowski presented a report drafted for Town Board consideration in 2010. He stated several alternatives were presented and are still relevant today. He noted the cost estimates would need to be revised and reflect today's costs. Gregozeski requested Board direction on whether the Town become involved in the project or do the adjacent property owners take responsibility for the repairs.

Motion by Walsh/Kavanaugh to suspend the rules of order and allow the public to speak on Drainage Concern #2016-07. Motion carried 5 to 0 by voice vote.

- Scott Boreson, W2828 Kebe Court: Stated the area has never drained from the time of construction.
- Chuck Ruys, W2835 Kebe Court: Stated his property does not have drainage issues, however has noticed how other neighbors have made alterations which have caused problems. Opined

the drainage easement needs to be regraded and a more direct path to the adjacent detention pond.

- Sandy Rutherford Steffens, Stated nothing was wrong with the drainage until development in the area occurred. Stated her ditch is always wet and got stuck mowing the lawn. Also stated her culvert is a speed bump in the driveway apron.
- Sherry Boreson, W2828 Kebe Court: The area within the drainage easement has been built up and does not allow proper drainage. Stated she does not support special assessments.
- George Mongin, W2805 Kebe Court: Stated he has water in his basement and would like something done to improve the drainage.

Reinke stated he supported cleaning the ditches and drainage easement. Lawrence supported cleaning the ditches. Walsh stated he supports putting a culvert in the drainage easement. Walsh stated he would like to see a culvert within the easement along Kebe Court. He stated he also supported a trail connecting to the pond trail. Walsh stated he would support the Town covering the cost of the improvement if a trail can be installed.

The Board reviewed a scope of repairs needed; through unanimous consent directed the Engineer to develop a scope of services and letter of authorization to further review and estimate the repairs needed along Kebe Court.

- iv. Town Administrator – Gregozeski provided an overview of the 2017 Fiscal Year Budget & 5-Year CIP Process, Legal Services Contract & RFP, Open Burning Permit Process and a change of Town Hall Office Hours to M-Th 7:00 a.m. to 4:00 p.m. and Fridays from 7:00 a.m. to 12:00 p.m. Gregozeski noted staff will develop a transition plan to the new office hours. The Board agreed through unanimous consent to the office hours proposed.

11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a). Auto-Aid Agreement with Village of Combined Locks – For Discussion & Possible Action: Gregozeski provided an overview of the draft agreement. The Town Board reviewed and discussed the draft agreement.

Motion by Walsh/Reinke to approve the Auto-Aid Agreement with Village of Combined Locks as presented. Motion carried 5 to 0 by voice vote.

- b). Emons Road Safety & Speed Control – For Discussion & Possible Action: Gregozeski reviewed a few options for traffic calming on main roads through rural communities. The information was provided through a Tech Brief produced by the U.S. Department of Transportation. Gregozeski also noted Outagamie County Highway can perform a formal speed study. The Town would be responsible for the time and materials used to conduct the speed study. Walsh stated he'd like more information on speeding. Kavanaugh agreed a speed study should be conducted. McAndrews agreed. Reinke asked about the speed signs. Gregozeski stated the speed signs can be powered by solar. Reinke indicated he was not in favor of speed humps or bumps. McAndrews stated the board is in agreement to conduct a speed study with Outagamie County Highway.

12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a). 2016 Crack Sealing Contract B-16, Bid Award (Majkowski) – For Approval/Denial: Majkowski reviewed the bid analysis with the Town Board.

Motion to approve the 2016 Crack Sealing Contract B-16 to American Pavement Solutions, Inc. for the amount of \$10,290.24. Motion carried 5 to 0 by voice vote.

- b). Class B Beer License, July 20, 2016-June 30, 2017, Jennifer Steinacker, Simple Sparrow N474 Eisenhower Drive Suite E (Sieracki) – For Approval/Denial: Sieracki reviewed the application. The applicant is looking to serve beer only.

Motion to approve by Lawrence/Reinke the Class B Beer License for Jennifer Steinacker, Simple Sparrow N474 Eisenhower Drive Suite E for the period July 20, 2016 to June 30, 2017. Motion carried 5 to 0 by voice vote.

- c). Noise Ordinance Variance Permit: Applicant: Holy Spirit Parish, W2796 County Road KK; For August 21, 2016 (Gregozeski) – For Approval/Denial: The Board reviewed the application. Gregozeski noted this will be for only one day in 2016.

Motion by Walsh/Lawrence to approve the Noise Ordinance Variance Permit for Holy Spirit Parish at W2796 County Road KK for August 21, 2016. Motion carried 5 to 0 by voice vote.

- d). Noise Ordinance Variance Permit: Applicant: Outagamie County Highway Department, County Road CE/HH & Debruin Road; for period July 11, 2016 thru September 9, 2016 (Gregozeski) – For Approval/Denial: Gregozeski reviewed the application with the Board.

Motion by Reinke/Kavanaugh to approve the noise ordinance variance permit for Outagamie County Highway Department for County Road CE/HH & Debruin Road for the period of July 11, 2016 thru September 9, 2016. Motion carried 5 to 0 by voice vote.

13. CLOSED SESSION:

- a). Performance, Compensation, Benefit and Employment for Specific Town Employees - Pursuant to section 19.85(1)(c) of the Wisconsin State Statutes: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- b). Motion by Lawrence/Walsh to go into closed session at 8:48 p.m. pursuant to section 19.85(1)(c) of the Wisconsin State Statutes: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Roll Call Vote: Lawrence, aye; Reinke, aye; McAndrews, aye; Kavanaugh, aye; Walsh, aye. Motion carried.

- i. Reconvene to Open Session: Town Board action following the closed session: Motion by Walsh/Reinke to reconvene into open session at 9:08 p.m. Roll call vote: Roll call vote: Reinke, aye; McAndrews, aye; Walsh, aye. Motion carried. No formal action taken following closed session.*

14. FUTURE AGENDA ITEMS: Speed Study Proposal for Emons Road, Kebe Court and review of service contracts with the Town.

15. ADJOURNMENT: *Motion by Kavanaugh/Reinke to adjourn at 9:21 p.m. Motion carried 5 to 0 by voice vote.*

Joel Gregozeski, Administrator/Clerk
Dated: August 18, 2016

Motion to approve by: Walsh/Reinke

Date: 8/16/2016 Carried: 5 to 0.