



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF THE TOWN BOARD MEETING
TUESDAY, AUGUST 16, 2016 AT 7:00 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 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**– Pledge recited.
3. **ROLL CALL & VERIFY PUBLIC NOTICE** - Public notice verified. Board members present – McAndrews, Lawrence, Reinke (via telephone), Kavanaugh and Walsh. Town officials present – Administrator/Clerk Gregozeski, Treasurer/Deputy Clerk Sieracki, Fire & Rescue Chief Mohr, and Plan Commission Chairperson Jerry Wallenfang. Other members of the public were also in attendance.
4. **CONSENT AGENDA**
 - a). Approval of the Minutes of July 19, 2016 Town Board Meeting.
 - b). Approval of July 2016 Treasurer Report & Approve Bills.
 - c). Operator’s Licenses with No Applicable Violations per Town Policy.

McAndrews identified two Operator’s License applicants with applicable violations. McAndrews called to see if Melissa L. Gerard or anyone was present to speak on her behalf requesting approval of granting the alcohol license. Melissa L. Gerard was present and spoke on her own behalf, noting the license is needed to advance her career and life.

Motion by Walsh/Lawrence to include Melissa L. Gerard with the Operator’s Licenses Applications as part of the consent agenda. Motion carried 5 to 0 by voice vote.

McAndrews called to see if Trevor J. Hulbert or anyone was present to speak on his behalf requesting approval of granting the alcohol license. No individuals were present to speak on Mr. Hulbert’s behalf.

McAndrews called for a motion to approve the consent agenda as amended. Walsh stated he requests a correction to the Minutes of July 19, 2016 Town Board Meeting, indicated that ‘Trumpet Lane’ should be changed to ‘Kebe Court’.

Motion by Walsh/Reinke to approve the consent agenda as amended to include the Operator’s License applicant Melissa L. Gerard and changes to the July 19, 2016 minutes as identified. Motion carried 5 to 0 by voice vote.

5. **PUBLIC COMMENT FORUM: McAndrews called for comments from the public. The following individuals spoke during the public comment period.**
 - Tom Saelens (W2581 Buchanan Road): Stated the Town should pass an ordinance regulating radon mitigation and detection systems. He opined that some area plumbers are not following proper UDC or UPC code when installing the units.
 - William Xiong (55 Fox Tail Ln, Appleton): Stated he is speaking on his behalf for the alcohol license for Four Seasons Bar and Banquet Hall. He noted that he mistakenly failed to note a prior alcohol related conviction on his application. He stated that he has completed the requirements imposed as part of the conviction. He stated that he is an educator in Milwaukee. He stated he uses this experience to help teach others about the impacts of alcohol. He stated he hopes to serve the Hmong community at Four Seasons; noting the business brings people from all over the state and country. He is asking the Town to approve his license application and to continue to support the business at Four Seasons.
 - Greg Sprangers (W3045 Emons Road): Stated as a resident along Emons Road he was surprised the newsletter stated ‘Emons Road Speedway’. Stated he lives on Emons Road and does not see cars ‘smoking by’. Opined the newsletter was done in poor judgement. Mr. Sprangers opined the smear patching on Emons Road was a waste of money and a poor way to maintain roads. Mr. Sprangers stated Emons Road is one of the main arterials in Buchanan and has one of the highest traffic counts for a town road. He stated reconstructing Emons road should have taken priority over the other Town roads recently reconstructed. Mr. Sprangers questioned why the Town uses Town tax dollars to pay for County Trunk Highways. Mr. Sprangers opined the Town should not

spend Town tax dollars on County Trunk Highways and the money spent on the County projects should have been used on Town roads. Mr. Sprangers opined the Town is not being financially responsible and wishes the Town would be more financially responsible. Mr. Sprangers stated the Chairperson wants to also spend the Sanitary District's money for an emergency generator. Mr. Sprangers stated the Town should go to the County to see if the County would support paying for Town road repairs.

- Mark Andrews (W926 County Road ZZ): Commented on the Haas Road / County Trunk ZZ project. He questioned why the Town Board did not vote against this project. Mr. Andrews opined the Board should have held a public meeting to talk with the local residents. He stated this project had previously been discussed in the past fifteen (15) years only to be denied. Mr. Andrews opined this agreement and project is 'shady'. Mr. Andrews opined the County should pay for the whole project. Mr. Andrews would like the Town to reject this project as it stands. Mr. Andres requested the Town post the minutes prior to the next Town Board meeting from their previous meeting.

6. PRESENTATIONS:

- a). Fox Cities Chamber of Commerce – Regional Partnership Presentation and 2016 Update, Mr. Manny Vasquez: Mr. Vasquez provided a report on the activities for the Fox Valley Regional Partnership. His presentation included information on the successes of the Regional Partnership. Mr. Vasquez requested funding from the Town in support of the Partnership.

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

- a). Public Hearing to discuss a proposed action to commence discontinuance of the following described Town road initiated by introduction of resolution of the Town Board of the Town of Buchanan under s. 66.1003(4), Wisc. Stats. Specifically that a portion of Heartland Court in Creekview Acres Plat and legally described on Exhibit "A" to the public hearing notice: McAndrews read the public hearing notice and opened the public hearing at 7:35 p.m. McAndrews called for comments three times in favor and three times against. No individuals spoke. McAndrews closed the public hearing at 7:37 p.m.

- i. Town Board Action Following the Public Hearing:

Motion by Walsh/Kavanaugh to approve the resolution of the Town Board of the Town of Buchanan under s. 66.1003(4), Wisc. Stats. Specifically that a portion of Heartland Court in Creekview Acres Plan and legally described on the "Exhibit A". Motion carried 5 to 0 by voice vote.

8. PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION:

- a). Application for CSM (CSM #2016-03): Applicants: Dave Schmalz, McMahon Associates on behalf of Eric Welhouse; Parcel ID 030053001 & 030070501; Certified Survey Map creating 3 lots. – For Approval/Denial: Plan Commission Chair Wallenfang provided an overview of the proposed CSM. The Town Board reviewed and discussed the application.

Motion by Reinke/Lawrence to approve the application for CSM (#2016-03) Applicants: Dave Schmalz, McMahon Associates on behalf of Eric Welhouse; Parcel ID 030053001 & 030070501; Certified Survey Map creating 3 lots as presented. Motion carried 5 to 0 by voice vote.

- b). Application for Conditional Use Permit: Applicants: Devon Englebretson, Cypress Homes on behalf of Abby & Aaron Swaagman; Single Family Home, Fill and Grading within Shoreland Zoning District. Parcel ID: 030248000 Lot 8, God's Goodness Estates. (Jacob Ct) – For Approval/Denial: Plan Commission Chair Wallenfang provided an overview of the proposed conditional use. The Town Board reviewed and discussed the application.

Motion by Lawrence/Kavanaugh to approve the application for Conditional Use for Applicants: Devon Englebretson, Cypress Homes on behalf of Abby & Aaron Swaagman; Single Family Home, Fill and Grading within Shoreland Zoning District. Parcel ID: 030248000 Lot 8, God's Goodness Estates. Motion carried 5 to 0 by voice vote.

- c). Custom Municipal Banners Project Authorization (Van Roy Road) – For Approval/Denial: Plan Commission chair Wallenfang provided an overview of the proposed project and discussion from the Plan Commission. The Town Board reviewed and discussed the proposal.

Motion by Lawrence/Walsh to approve the Custom Municipal Banners Proposal with Appleton Sign for \$4,380.67. Motion carried 5 to 0 by voice vote.

- d). Revision to Town Logo – For Approval/Denial: Plan Commission chair Wallenfang provided an overview of the project to revise the Town’s logo. The Plan Commission reviewed 6-7 different logo concepts and agreed on concept #4. The Town Board reviewed and discussed the logo concepts.

Motion by Lawrence/Reinke to approve the revision to the Town Logo using Concept #4 including the continuation of vertical silo lines. Motion carried 5 to 0 by voice vote.

9. ROUTINE REPORTS:

- a). Law Enforcement – Update/Monthly Report on Town Law Enforcement Activities: Lt. Proietti provided an oral report on law enforcement activities. He noted the deputies have moved to a 5-3 schedule beginning in July. Proietti indicated the current list of Town Deputies will likely stay for 2017. He noted if changes occur due to other department postings he would alert the Town. He noted Deputy Janda has been added to the County’s SWAT team.
- b). Fire, EMS & Emergency Management – Update/Monthly Report on Fire, EMS & Emergency Management Activities: Chief Mohr provided a brief overview of the Department’s activities for the month of July. The Town Board requested a summary table to be included in the written report to make reviewing the amount of data more efficient.
- c). Town Administrator – Update/Monthly Report on Administrative Activities:
 - i. Update on 2016 Key Projects: Gregozeski provided an overview of the progress on 2016 key projects.
 - 1. A16 Pay Request #1 & Change Order #1: Gregozeski reviewed Pay Request #1 and Change Order #1 for Town Board consideration.

Motion by Kavanaugh/Lawrence to approve A16 Pay Request #1 in the amount of \$101,348.18 and Change Order #1 in the amount of \$3,820.30. Motion carried 4 to 0 by voice vote. Walsh abstaining.

- ii. Update on 2017 Fiscal Year Budget & 5-Year CIP Process: Gregozeski reminded the Town Board of the scheduled special Town Board meeting for October 3, 2016 at 6:30 p.m. to review and discuss the draft 2017 budget.
- iii. Update Emons Road Speed & Safety Study: Gregozeski noted the County has completed speed data gathering along Emons Road. Information will be presented to the Town Board at either September or October’s meeting.
- iv. Update Kebe Court Drainage Review: Gregozeski noted Cedar Corporation is conducting the drainage study as authorized by the Town Board. Information will be presented to the Town Board at the September meeting.
- v. Master Town Contracts List: Gregozeski reviewed the Town’s master contract list.

10. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION: NONE

11. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

- a). Class B Beer and Reserve “Class B” Liquor Combination License, August 17, 2016-June 30, 2017, William Xiong, Four Seasons Bar & Banquet Hall, N192 Stoney Brook Road (Gregozeski) – For Approval/Denial: Gregozeski reviewed the application for a Class B Beer and Reserve “Class B” Liquor Combination for Four Seasons. Gregozeski noted the applicants did not fully disclose prior alcohol convictions and were sent notice to appear before the Town Board. Gregozeski noted the establishment does not have any delinquent alcohol accounts to the Town’s knowledge. Gregozeski noted taxes, assessment and any delinquencies have been paid. Lt. Proietti detailed Mr. Xiong’s conviction record. He noted a full multi-state background check was conducted, however limitations can be assumed based on the applicant’s name.

Motion by Lawrence/Walsh to suspend the rules and allow the Applicant William Xiong to address the Town Board. Motion carried 5 to 0 by voice vote.

Mr. Xiong addressed concerns with security. Mr. Xiong will continue the relationship with private security. Mr. Xiong also noted his staff will undergo training to review over serving and under-age serving. Mr. Xiong stated he was not involved in any prior incident at the establishment.

McAndrews questioned Mr. Xiong about his residency. Mr. Xiong stated he has a place to reside in Milwaukee but he identifies his Little Chute address as his permanent residence.

Kavanaugh questioned Mr. Xiong on issues that happen in the parking lot. Mr. Xiong indicated he would work with security to ensure problems are limited outside the establishment.

McAndrews questioned Mr. Xiong about any pending arrests or charges. Mr. Xiong indicated he does not have any related pending charges.

McAndrews questioned his availability to manage the facility if he resides in Milwaukee. Mr. Xiong noted he would be available to work on location between Thursday-Saturday evenings.

Kavanaugh asked if the continued problems are a drain on resources. Lt. Proietti noted that incidents occur at all alcohol establishments from time to time. Proietti noted he is concerned that Four Seasons management does not notify law enforcement when the incident begins; rather waits and the incident then becomes escalated. He is asking that security staff remove the individuals from the premise, notify law enforcement and cooperate when law enforcement arrives. Lt. Proietti indicated officers are directed to enter the premise in pairs.

Walsh asked what experience Mr. Xiong has in managing an alcohol establishment. Xiong indicated he worked as a bar tender at Four Seasons in the past. He indicated he is fluent in Hmong and can communicate with patrons due to the language barriers.

Walsh asked if training with staff will be in concert with law enforcement. Xiong indicated he would like to continue building a better working relationship with the Town and Law Enforcement.

McAndrews asked if any other questions are necessary for Mr. Xiong. Seeing none, McAndrews moved back to the regular order of business.

Motion by Lawrence to approve the Class B and Reserve "Class B" Liquor Combination License to William Xiong, Four Seasons Bar and Banquet Hall at N192 Stoney Brook Road for the period of August 17, 2016 to June 30, 2017. Motion failed for lack of a second.

The Town Board reviewed and discussed the process for issuing the license and the process for revocation of a license if necessary.

Walsh commented he would like to table action on this item. He would like additional details on the incident being investigated before making a decision.

Kavanaugh asked if the background check was conducted for out-of-state arrest and conviction records. Lt. Proietti indicated his check included out of state review.

Motion by McAndrews/Reinke to deny the Class B and Reserve "Class B" Liquor Combination License to William Xiong, Four Seasons Bar and Banquet Hall at N192 Stoney Brook Road for the period of August 17, 2016 to June 30, 2017 due to the prior alcohol related conviction record of William Xiong not disclosed on the application. Motion carried 3 to 2 by voice vote. Lawrence and Walsh dissenting.

- b). Amendment to CTH ZZ/Haas Road Reconstruction & Jurisdictional Transfer Agreement with Outagamie County (Gregozeski) – For Discussion & Possible Action: Gregozeski provided an overview of an amended agreement between CTH ZZ/Haas Road Reconstruction & Jurisdictional Transfer Agreement with Outagamie County. Gregozeski stated this project has been discussed for well over ten years. He noted the conceptual arrangements for the agreement occurred before 2013, of which the Town Board has reviewed and approved in November 2015 a final cost estimate for the project. Gregozeski provided a brief history as to why the Town and County began discussing the realignment of CTH ZZ and the jurisdictional transfer of Haas Road. Gregozeski noted the revised cost estimate includes the removal of Town expense for the design and construction of the new cul-de-sac and the obliteration of the old section of CTH ZZ. This is a savings of \$47,000 to the Town. Gregozeski noted the revised cost estimate includes an option the Town may consider to provide wide paved shoulders for the entire ZZ corridor. Gregozeski stated the wide shoulders were identified in the Town's Comprehensive Plan. Gregozeski noted the County has some additional Local Road Improvement grant funds available and will provide 50% of the costs to expand the paved shoulders. Gregozeski stated the additional costs for the wide shoulders is estimated \$62,500 to the Town. Gregozeski emphasized the additional costs for the wide shoulders is optional and is up to the Town Board to decide.

The Town Board reviewed and discussed the amended agreement.

Walsh stated the prior typical section showed a 4 foot shoulder.

Kavanaugh questioned why the Town should pay for the County's shoulder. McAndrews stated this was requested by the Town.

Reinke questioned where the bicycle lane would terminate. Walsh indicated the bike lane would continue through Brown County on their portion.

Motion by Walsh/Reinke to postpone action on this item until the September 20, 2016 meeting. Motion carried 5 to 0 by voice vote.

- c). Appointment of Bruce Corning to Darboy Joint Sanitary District No. 1 Commission replacing Maurice Brockman for remainder of term expiring May 2021. – For Approval/Denial: The Town Board reviewed and discussed the request to appoint Bruce Corning to the Darboy Joint Sanitary District No. 1. Mr. Corning spoke on his behalf.

Motion by Lawrence/Reinke to approve the appointment of Bruce Corning to Darboy Joint Sanitary District No. 1 Commission replacing Maurice Brockman for remainder of term expiring May 2021. Motion carried 5 to 0 by voice vote.

- d). Website Upgrade Project & Funding Allocation (Gregozeski) – For Approval/Denial: Gregozeski introduced a proposal from Infinity Technology to upgrade the Town's website to the new CMS platform. Gregozeski stated funds would be utilized from savings incurred through the network server replacement project.

Motion by Walsh/Lawrence to approve the website upgrade with Infinity Technology for \$3,036. Motion carried 5 to 0 by voice vote.

- e). Legal Services Request for Proposals (Gregozeski) – For Approval/Denial: Gregozeski introduced a draft RFP for soliciting legal services and prosecution services for the Town of Buchanan. The Town Board reviewed and discussed the RFP document.

Motion by Walsh/Reinke to approve the Legal Services Request for Proposals as presented. Motion carried 5 to 0 by voice vote.

McAndrews called for a 10 minute recess.

12. CLOSED SESSION: *Motion by Walsh/Lawrence to go into closed session at 9:18 p.m. pursuant to the following:*

- a). Pursuant to section 19.85(1)(e) of the Wisconsin State Statutes: Deliberating or negotiating the purchase of public property, investment of public funds, or conducting other specified public business when competitive or bargaining reasons require a closed session. Law Enforcement Services Contract.
AND
- b). 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.
AND
- c). 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. Annual Review of Performance, Compensation, Benefit and Employment for Specific Town Employees.

Motion carried 5 to 0 by individual roll call vote.

Reconvene to Open Session: Motion by Lawrence/Reinke to reconvene into open session at 10:14 p.m. Motion carried 5 to 0 by roll call vote.

Action(s) following Closed Session:

Motion by Walsh/Reinke to contract with John Rolling for services rendered with respect to litigation in which the Town of Buchanan is or is likely to become involved, more specifically concerning the MasterLube, Inc V Town of Buchanan. Services are not to exceed \$14,000. Motion carried 5 to 0 by voice vote.

- 13. FUTURE AGENDA ITEMS:** The following items were discussed for a future agenda: Kebe Court Drainage, Emons Road, CTH ZZ / Haas Road, Harrison Yard Waste Site, Garbage & Recycling Services, Smear patching in the Town of Buchanan and Traffic Impacts from City of Appleton development.

- 14. ADJOURNMENT** – *Motion by Walsh/Lawrence to adjourn at 10:26 p.m. Motion carried 5 to 0 by voice vote.*

Joel Gregozeski, Administrator/Clerk
Dated: September 22, 2016

Motion to approve: Walsh/Reinke

Dated: September 20, 2016

Vote: 5 to 0.